

Reentry Council

City & County of San Francisco

AGENDA

Thursday, April 25, 2019
10am- 12pm
St. Anthony's Foundation
150 Golden Gate Avenue
San Francisco, CA 94102

Note: *Each member of the public will be allotted no more than 2 minutes to speak on each item.*

1. Call to Order and Introductions.
2. Public Comment on Any Item Listed Below as for "Discussion Only." (**NOTE:** public comment on items listed as "possible action" will occur during that agenda's time).
3. Review and Adoption of Meeting Minutes of January 24, 2019 (discussion & possible action).
4. Remembering Public Defender Jeff Adachi (discussion only)
5. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action).
 - a. Staff updates
 - a. Racial equity work
 - b. Women's Gender Responsive Work
 - c. Report on Mayoral Seat- TAY Seat
 - d. Updated Members Roster
 - e. Community Appreciation Dinner
 - f. Supervisor Ronen's Passed Ordinance-Administrative Code-Police Officers Questioning Youth
 - b. Subcommittee updates
 - a. Direct Services 2019 Strategic Plan
 - b. Legislative Policy 2019 Strategic Plan
 - c. Joint Events
6. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, LEAD, Prop 47 (discussion only).
7. Local Advisory Committee for Prop 47 Grant (discussion & possible action).
8. Proposed Resolution on the Use of Humanizing Language (discussion & possible action).
9. Current State Legislation (discussion & possible action)
 - a. SB 144, SB 516, SB 310, SB 136, SB 42
 - b. AB 1076, AB 1331, AB 607, AB 732
10. Public Safety Candidates Forums and Lobby Day (discussion & possible action).
11. Additional Reentry Council Co-Chair from the Previously Incarcerated Community (discussion only).
12. Council Members' Comments, Questions, and Requests for Future Agenda Items (discussion only).
13. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
14. Adjournment.

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SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Reentry Council. Written comments should be submitted to: Geoffrea Morris, Reentry Policy Planner, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94103, 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 Geoffrea Morris at (415) 241-4241 during normal business hours. The material can be FAXed or mailed to you upon request.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Geoffrea Morris at reentry.council@sfgov.org or (415) 241-4241 at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Geoffrea Morris at reentry.council@sfgov.org or (415) 241-4241 at least two business days before the meeting.

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Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
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MINUTES

Thursday, January 24, 2019

10am- noon

St. Anthony Foundation
150 Golden Gate Avenue
San Francisco, CA 94102

Note: Each member of the public will be allotted no more than 2 minutes to speak on each item due to the amount of anticipated speakers and anticipated duration of other agenda items.

Members present are, **Angela Coleman** (Board Appointee), **Tajuana Gray** (OWED), **Kaki Marshall** (Dept. of Homelessness and Supportive Housing) **Jose Bernal** (Board Appointee) **Allen Nance** (Chief Juvenile Probation Officer), **Norma Ruiz** (Mayoral Appointee), **Angelica Almeida** (Dept. of Public Health), **Mawuli Tugbenyoh** (Mayor Breed's Rep. Co-Chair), **Karen Fletcher** (Adult Probation Department Co-Chair), **Simin Shamji** (Public Defender's Office Co-Chair), **Kathy Johnson** (Sheriff's Dept. Co-Chair), **Katy Miller** (Office of District Attorney Co-Chair), **Ian Fregosi** (Supervisor Fewer's Rep), **Teddy Tolliver** (Board Appointee), Commander Teresa Edins (San Francisco Police Department) **Susie Smith** (Human Services Agency), **Laura Moya** (Department of Children Youth & Families) **Aspen Marshall** (CDCR), **Freda Randolph** (Representing Karen Roye of Department of Child Support Services)

Members Absent: Veronica Ramirez (U.S Probation Office), Lucero Herrera (Mayoral Appointee), Lisa Lightman (Representing San Francisco Superior Court), Victoria Westbrook (Board Appointee)

1. Call to Order and Introductions. (discussion only)

Simin Shamji called the meeting to order at 10:06 am and she thanked members of the Council and members of the public for attending the meeting. Simin greeted the group with "Happy New Year" and noted she is representing Public Defender, Jeff Adachi. Next, Simin noted Lauren Bell is filling in for the Reentry Policy Planner, Geoffrea Morris. Simin recognized the co-chairs, Karen Fletcher, Katy Miller, Kathy Johnson, and Mawuli Tugbenyoh.

Introduction of New Reentry Council Members

Simin Shamji formally welcomed Norma Ruiz and informed her to feel free to share on her turn. Ms. Ruiz stated that she was happy to be a part of the Reentry Council and excited to offer personal experience and share on girls impacted by the system.

Simin welcomed all feedback and comments from the members and the public. Simin informed the Council if there were extended discussion on a particular item, the re-entry team would be keeping track of time and would let her know if an item would need to be tabled for future follow-up. Simin asked that we move on to agenda item number two.

2. Public Comment on Any Item Listed Below as "Discussion Only." (NOTE: public comment on items listed as "possible action" will occur during that agenda's time.) (discussion only)

There was no public comment

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3. Review and Adoption of Meeting Minutes of October 25, 2018 (discussion & possible action)

Before prompting a review and adoption of minutes, Simin circled back to a question from last meeting asked by reentry council member Angela Coleman who requested additional information on in-custody shelter and housing assessments.

Simin asked Kathy Johnson with the San Francisco Sheriff's Department to provide a brief update:

Kathy Johnson stated, currently Episcopal Community Services interviews and performs a problem-solving work with incarcerated individuals that are part of the in-custody programs and services to get them connected to reentry services.

Council member Susie Smith requested a spelling correction on page 7 in the packet: The name should read Olga Stelbansquia – Valasquez. In addition, the second paragraph reads,

"There has been a decline in benefit enrollment among undocumented citizens", it should read, "There has been a decline in benefit enrollment among "households with" undocumented citizens. Simin and Reentry Staff acknowledged the changes.

Members reviewed the notes. Allen Nance motioned to adopt the minutes from the October 25, 2018 Reentry Council meeting. Chief Fletcher seconded the motion. There was no public comment. The vote was unanimous and the motion passed.

Before moving to agenda item number four, Simin requested a rearrangement of the agenda to support the schedule of a presenter: Take item number six, **Presentations on Addiction, Treatment and Treatment Access Points** before agenda item four, **Staff Report**, and return back to agenda item four following the presentations of agenda item 6.

Chief Fletcher motioned to have agenda item number six precede agenda item number four. Kathy Johnson seconded the motion. The vote was unanimous and the motion passed.

(For ease of reading the notes, agenda item #6 will remain in numerical sequence in these notes.)

4. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion only)

A. Staff Updates

Lauren Bell provided the Reentry Council staff update:

Racial Equity is a standing item on the Reentry Council. While the Council has discussed Government Alliance on Race and Equity (GARE), there are new members at the table. Lauren directed attention to the GARE hand out in the packet, stated that a new cohort led by HRC just started in January, and confirmed that criminal justice system partners are expanding their presence in GARE; which is exciting. Lauren reminded the Council of some GARE successes:

Tara Anderson and Geoffrea Morris have been moving the needle on criminal justice GARE work through the Racial Equity statement, and Racial Equity Workgroup. A third meeting of the Racial Equity workgroup was held on 1/23/2019. Another success of GARE is reflected in the work of the SF Arts Commission, which has become the first department in SF to adopt a Racial Equity Plan. Additionally, OEWD and other departments also used the influence of GARE in their procurement process, requiring that proposal submissions include a Racial Equity, Diversity and Inclusion Plan.

Lauren gave an update on citywide Women's Gender Responsive Work:

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The Adult Probation Department has four finalists for the Women's Gender Responsive position and is working with HR to make an offer. APD Deputy Probation Officers will implement a new womanhood curriculum in April. APD also rolled out a gender identity initiative that will result in APD staff using more inclusive language in communications with clients, and will help APD better understand the number and needs of our Trans population. Over the last three months, APD has also launched a partnership with a community based organization called Sister Circle which is a trauma informed, process group for women. There are regularly 8-10 women at the weekly meetings. In October, the department hosted the annual APDCares, Domestic Violence awareness event, an event that brought together nearly 100 survivors of domestic violence and their support systems together.

Other key updates include work of staff at the Sheriff's Department WRC who also provide daily women's gender responsive programming at the WRC. Additionally, in December, there was a holiday event that included gospel music, community building and presents for families. In November, there was a Thanksgiving meal. In October, there was a DV Awareness event that included a healing room, lunch, and community partnerships. SPSD staff Angie Wilson also did an incredible job of organizing dozens of women to attend the Medea Project's performance "When Did Your Hands Become a Weapon." Lauren attended one of the opening nights and described an amazing performance that was also an important reminder of the breadth and depth of violence and trauma that women in our justice community have to shoulder.

Other women's gender responsive services updates focus on the work of the District Attorney's office. In January, the Victim Services Division held a Gun Violence Restraining Order presentation. In that same month, there was also a workshop on the Signs and Indicators of Labor and Human Trafficking. In November, the DA's Office also launched and recruited for a Victims of Crime Advisory group, which is focused on improving resources for those affected by crime. The DA's office also hosted an October event "Reclaiming the Power" which also focused on domestic violence awareness.

On 1/23/2019, the DA's office shared notice of a 2019 Victim of Crime Services Grants, Requests for Proposals. Awards will range from \$50K - \$100K per year. For more information, please go to the DA's Office's website.

Next, OEWD representative on the Council, Tajuana Gray shared information on the Prison to Employment grant application, a collaborative project of OEWD, and local and state criminal justice partners.

Lauren then gave a brief update on the open TAY seat on the Reentry Council and continuing conversations with the Mayor's Office to fill the seat.

Lauren then provided updates on subcommittee work starting with the Subcommittee Retreat that was held on December 3, 2018. The retreat was held at Pier 1 on the Embarcadero and was attended by close to 50 participants. Pages 20 -27 of the full packet include a draft of the notes from the event. The notes reflect some of the subcommittee and reentry council successes, which included unity around several pieces of legislation, goal directed conversations on SF Gang Injunctions, and partnership with the Treasurer's Office to mitigate criminal justice fines and fees. The notes also reflect the brainstorm of ideas across both the LPP and Direct Services subcommittees – by the next Reentry Council meeting, these ideas will turn into strategic plans that will be shared with the Council.

Jose Bernal then gave an update on LPP work, which included a focus on legislative work and LPP development of strategic priorities. He also introduced a piece of local legislation that Supervisor Hilary Ronen was working on to expand the age from 15 – 17 of minors, requiring a parent or guardian to be present during law enforcement questioning of youth.

Lauren then gave a quick overview of the work of members of the Direct Service subcommittee including the work of Direct Services subcommittee chair, Ernest Kirkwood's Breadwinner's Program...a program that uses toastmasters public

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speaking education and storytelling to empower women in custody, and mention of other focus areas including voter registration and outreach as we move towards some local and national elections. Lauren also shared the Direct Services subcommittee's focus on community engagement to educate the public on passed reentry related legislation, efforts to improve coordination around late night releases, continuing efforts to work with city partners on launching a Reentry Navigation Center and expanding funding to support the work of peer specialists.

Steve Adami gave an update on the Getting Out and Staying Out Guide, alerting members that the Reentry Division team would be reaching out to partner departments to request support for printing the hard copy guides. We will only print around 1500 guides this time so costs will be lower. Steve also gave an update on the progress of the Digital version of the GOSO guide.

SFSD's Kathy Johnson mentioned that the SFSD and HSH Department have been working towards the launch of an exciting project and that she would give an update at the next Reentry Council meeting.

5. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, LEAD, Prop 47 (discussion only)

Juvenile Probation Chief, Allen Nance shared that the Juvenile Justice Coordinating Council met on December 4, 2018 and shared that there was a presentation of the Racial Equity statement and an approval of the statement's content by JJCC members.

DCSS representative Freda Randolph shared the following updates on the San Francisco Sentencing Commission; which met on December 12, 2018.

During the meeting, the commission and the public received (5) important presentations:

1. An update on the Criminal Justice Racial Equity Workgroup by Ariana Flores, Discrimination Investigator & Policy Analyst for the San Francisco Human Right Commission.
2. A Presentation on the Safety and Justice Challenge Implementation Launch and Technical Assistance by Lore Joplin, Justice System Partners.
3. Presentation on the JUSTIS Roadmap process and future vision by Gartner
4. A Presentation on Trauma and Sentencing Planning by Dr. Gena Castro-Rodriguez, Chief of Victim Services and Parallel Justice Programs.
5. Presentation on San Francisco Sentencing Commission Annual Report (discussion & possible action)

The next meeting is March 13, 2019 from 10:00am - 12:00pm in the Hall of Justice's District Attorney's Law Library, 850 Bryant Street Room 6322 San Francisco, CA 94103

There were no additional updates from Collaborative Courts or the CCP. DPH provided a LEAD and Prop 47 update in Agenda Item 6.

6. Presentations on Addiction, Treatment and Treatment Access Points (discussion & possible action)

Simin stated agenda item number six focuses on a subject area that is the core of almost every criminal justice and public health conversation that we are having in San Francisco. In this Agenda Item, agency representatives and members of the public shared their viewpoints on the complicated realities of drug use, as well as city and community efforts to provide a support system and treatment.

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Healthy Street Presentation

Commander Lazar of SFPD presented on the Healthy Streets Operation Center (HSOC) and Healthy Streets Intervention Program (HSIP). Doors opened January 16, 2018 in the Department of Emergency Management (DEM). HSIP has collaborated with a variety of organizations, and appreciates the role of APD in the work. HSIP teams are doing their very best to recruit individuals who are addicted to drugs and get them to voluntarily go to the CASC for services engagements.

Simin allowed the council to comment or ask questions. Jose Bernal asked what community based organizations were at HSOC. Commander Lazar replied there are no community-based organizations within the actual command center although representatives of the Department of Public Health, Homelessness and Supportive Housing are within the command post who is connected to all of the nonprofit providers.

Simin thanked Commander Lazar and introduced Angelica Almeida with DPH who gave the next presentation.

DPH Behavioral Health Services

Angelica presented on DPH Behavioral Health Services and described the specific efforts of the Law Enforcement Assisted Diversion (LEAD), Healthy Streets Initiative Project, and Promoting Recovery and Services for the Prevention of Recidivism (PRSPR) or Prop 47 grant.

With a no cost extension, the grant will continue through December 2019.

Laura Moya inquired if LEAD clients were TAY. Angelica didn't have a specific number but confirmed that TAY are not a large portion of the LEAD population.

Teddy Toliver asked about barriers to services. Angelica responded that the LEAD program has barrier removal funds to mitigate needs and challenges.

Angelica also provided an overview of the Prop 47 PRSPR grant and described the grant's focus on detox, residential treatment services as well as case management for the TAY population.

Simin thanked Angelica for the presentation and welcomed Steve Adami back to the podium.

Steve provided an overview of the past Recovery Summit and continuing Recovery Summit Working Group

Steve described the focus of the May 2018 Recovery Summit which celebrated recovery, honored people in recovery and was an opportunity to discuss viewpoints on treatment. From the Summit, a recovery working group developed. After thinking through a myriad of treatment needs, the group seeks to put a spotlight on the following treatment needs: longer treatment stays; expand treatment options, expand professional peer mentoring opportunities and create TAY specific treatment interventions. Steve also described the working group's priority to get input from people who have been directly impacted by addiction and treatment. He directed attention to a draft survey in the packet, which will hopefully yield 500 responses and provide some additional, first-hand account recommendations to the City on how we can improve our services strategies. Steve will share information on the next recovery summit and the results of the survey.

Various members of the recovery community gave touching accounts of their personal experiences with addiction and their hard journeys to lifelong recovery.

Next Steve introduced Javier Bremond a community organizer with Community Housing Partnership who presented on the Treatment on Demand campaign/program, which started in August 2018. This group's goal it to ensure the community has a seat at the policy making table and to improve treatment on demand services!

Allen Nance thanked presenters noting that often ideas are discussed but there is a void of lived experiences.

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Katy Miller thanked everyone for their stories and reflected on the importance of their narrative in framing needs and services strategies. Simin, thanked presenters for being leaders.

7. Presentation by Anti-Recidivism Coalition/ARC (discussion only)

Next Simin introduced Sabrina Reid and Clinton Martin from the Anti Recidivism Coalition – Bay Area Chapter. Membership is voluntary.

The ARC has a few important areas of focus –

- In-reach – Released/former lifers going into custody to support release planning of lifer peers.
- Help people with parole board hearings
- Support groups for people released from state and federal facilities
- Offer policy and public speaking trainings

Sabrina also gave an overview of the Future ID's art exhibit on Alcatraz and welcomed all to participate in the exhibit.

8. Council Members' Comments, Questions, and Requests for Future Agenda Items (discussion only) (3 mins)

Member Jose Bernal asked that a status update on Supervisor Ronen's legislation be provided
There was also a request for a victims of violent crime presentation

9 .Public Comment on Any Item Listed Above; Items not Listed on the Agenda. (Discussion only) (Two mins)

No Public Comment

10. Adjournment.

The next meeting is on Thursday April 25, 2019 10:00am St. Anthony's.

Chief Karen Fletcher motioned for the meeting to adjourn. SFSD's Kathy Johnson seconded. All were in favor. Motion passed unanimously.

Subcommittee on Direct Services

Reentry Council of the City & County of San Francisco

Roster of Members

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Subcommittee on Legislation, Policy & Practices

Reentry Council of the City & County of San Francisco

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Subcommittee on Legislation, Policy & Practices

Reentry Council of the City & County of San Francisco

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DRAFT RESOLUTION

Urging the City and County of San Francisco to adopt and utilize person-first language with respect to people with a criminal record

WHEREAS, Approximately X in every XX residents of San Francisco is justice involved

WHEREAS, people comprise every geographic, socioeconomic, racial, ethnic, age, gender, and religious group -- are disproportionately black, brown, and low-income, and

WHEREAS, people, both youth and adults, are a part of our communities, schools, workplaces, and places of worship, and;

WHEREAS, People with criminal record experience negative attitudes, barriers and obstructions, segregation, discrimination, harassment, threat, and harm; and

WHEREAS, Language usage that emphasizes or prioritizes a criminal record over the individual undermines, devalues, and dishonors the humanity of that individual; and

WHEREAS, Inaccurate information, unfounded assumptions, generalizations, and other negative language that apply criminal record- first and foremost to the individual raise or exacerbate societal stigmas, attitudinal barriers, misinformed and misguided perceptions, and continued negative stereotypes that can and do affect normal and regular access to employment, housing, healthcare, licensing, travel, support services, and other normal and regular aspects of community life; and

WHEREAS, People-first language places the individual before the criminal record by using neutral, objective, and non-pejorative language; and

WHEREAS, People-first language promotes positive, sound, and unbiased communication and diminishes categorization and segmentation for people with a criminal record, such that an individual is not defined solely or primarily by a criminal record; and

WHEREAS, Language shapes the ideas, perceptions, beliefs, attitudes, and actions of individuals, societies, and governments; and

WHEREAS, Language thus informs, influences, and guides governmental deliberations, decisions, policies, legislation, operations, and law; now, therefore, be it

RESOLVED, That the City and County of San Francisco recognizes that language usage that is *not* people-first language regarding people with criminal record hinder or obstruct their

integration, inclusion, participation, and respect in society, and does negatively inform, influence, and guide governmental deliberations, decisions, policies, legislation, operations, and law; and be it further

RESOLVED, That the Board of Supervisors urges adoption and utilization by the City and County of San Francisco of people-first language with respect to people with criminal records in all its official written, voice, audiovisual, and signed communications; and be it further

RESOLVED, That the Board of Supervisors urges adoption and utilization of people-first language in legislation, co-sponsorship memos, reports, policies, and other documents in print, electronic, written, voice, audiovisual, and signed communications format, and be it further

RESOLVED, That the Board of Supervisors urge adoption and utilization of people-first language by executive branch agencies and the judiciary in regulations, policies, reports and other documents in print or electronic format; and be it further

RESOLVED, Agencies will need training and ongoing support to fulfill the expectations of this shift in culture, and be it further

RESOLVED, Where possible the City and County of San Francisco should provide adequate support to those agencies

RESOLVED, That the following examples serve as models of the appropriate use of person-first language:

- (1) "formerly incarcerated person," not "felon" or "offender";
- (2) "person on parole," not "parolee";
- (3) "currently incarcerated person," not "convict" or "inmate";
- (4) "person conviction of a drug offense" not drug offender
- (5) "a person convicted of a violent/ serious offense" not violent offender or serious offender.



Senator Holly J. Mitchell

SB 144 Families Over Fees Act

THIS BILL

SB 144 would end the assessment and collection of administrative fees imposed against people in the criminal justice system. By doing so, it would dramatically reduce the suffering caused by court-ordered debt and enhance the economic security of system-involved populations, taking the first step towards ushering in an era of more just criminal justice policy that does not rely on stripping wealth from communities of color and low-income communities.

ISSUE

National attention is focused on economic and racial discrimination in the criminal justice system. Low-income people of color are overrepresented at every stage in the system, even when controlling for alleged criminal behavior. These inequities are compounded by state and local laws that impose additional financial burdens on these individuals.

According to data from the California Department of Justice, people of color are grossly overrepresented in our criminal justice system. Due to over policing and targeted policing in communities of color, they are punished more frequently and harshly at a variety of discretion points. They are more likely to be arrested, incarcerated, and put on probation, and they serve longer jail and probation terms.

California law currently allows counties to charge administrative fees to people in the criminal justice system. These administrative fees—which can quickly add up to thousands of dollars for a single person—are not supposed to be punitive or restorative. They are supposed to help counties recoup costs without being excessive or unfair. Yet people experience them as

another form of punishment after already having served time, paid fines, or faced other consequences.

Research conducted by the San Francisco Treasurer's Financial Justice Project¹ and the East Bay Community Law Center² shows that imposing these fees on people in the system are high pain for vulnerable Californians and low gain for government, leading to additional barriers to reentry and impacting public safety for all communities.

BACKGROUND

Each year, California counties place hundreds of thousands of people in the criminal justice system. Courts can order that a person be incarcerated, and they can require them to comply with a range of probation conditions, including supervision, electronic monitoring, and drug testing. State law authorizes counties to charge individuals for costs related to their legal representation, incarceration, and probation through fees.

Although state law authorizes counties to assess and collect these additional fees, they are not required to do so. But 56 of 58 California counties currently charge one or more administrative fees. The fee types, amounts, and burdens on individuals vary widely by county.

After years of research on fines and fees in California, including a review of state law, county policies and practices, state and local data, and the experiences of individuals in the criminal justice system, the Debt Free Justice California Coalition has found that these fees are unjust, high pain and low gain.

High Pain. Fees are incredibly burdensome and create financial hardship and limit employment prospects for individuals seeking to reenter their communities.

¹ Office of the Treasurer and Tax Collector City and County of San Francisco. *Criminal Justice Administrative Fees: High Pain for People, Low Gain for Government - A Call to Action for California Counties*. The Financial Justice Project San Francisco.

² Zhen, Theresa, & Greene, Brandon. *Pay or Prey: How the Alameda County criminal justice system extracts wealth from marginalized communities*. East Bay Community Law Center

The fees disproportionately harm low-income people and people of color. Studies have found that criminal justice debt correlates with a greater likelihood of recidivism, even after controlling for case characteristics and demographics. These negative outcomes only make reentry harder.

Low Gain. Counties are authorized to charge administrative fees to pay for costs associated with the justice system. Yet counties net little revenue from these fees. For example, in Alameda County, the rate of collection on probation supervision fees was just four percent. Similarly, in San Francisco, the Office of the Treasurer and Tax Collector found that more than 80 percent of the fees went unpaid. Because of the high costs and low returns associated with trying to collect fees from low-income people, most of the fee revenue pays for collection activities. Further, a benefit-cost analysis by researchers at U.C. Berkeley found that fee debt can cause families to spend less on positive social goods, such as education and preventative healthcare, which imposes long term costs on families, communities, and society by prolonging and exacerbating poverty.

SUPPORT FOR ELIMINATION OF FEES HAS RISEN

In 2018, the U.S. Commission on Civil Rights issued a report regarding such fees, finding:

[S]ome municipalities across the nation target low-income communities to raise revenue. Even when not intentionally targeted, low-income individuals are disproportionately affected by the growing use and increased cost of fines and fees because an inability to pay fines and fees can have severe consequences, including driver's license suspensions, bad credit reports, and jail time.

The targeted imposition of fines and fees on low-income communities and communities of color not only impacts the individuals within those communities, but also impacts the efficacy of and public confidence in the judicial system as a whole.

Courts have also raised concerns about administrative fees. For example, the California Second District Court of Appeals recently admonished Los Angeles County for charging fines and fees to Velia Dueñas, a disabled homeless mother of two, without consideration of her ability to pay. Holding that the trial court improperly imposed costs on Ms. Dueñas, the court also recognized that "imposing

unpayable fines [and fees] on indigent defendants is not only unfair, it serves no rational purpose, fails to further the legislative intent, and may be counterproductive." (People v. Dueñas, 2018).

Due to concerns about fairness, legality, and costs, some counties no longer charge administrative fees. San Francisco County eliminated all criminal administrative fees and discharged \$32 million in fees in June 2018. Alameda County ended the assessment and collection of administrative fees and discharged \$26 million in fees in November 2018. Los Angeles County eliminated its public defender registration fee in 2017.

Eliminating administrative fees will allow formerly incarcerated people to devote their already limited resources to critical needs like food, education, housing and health insurance.

Repealing criminal fees will result in improved employment prospects for formerly incarcerated people and put more money in the pockets of economically insecure families, aiding successful reentry and reducing California's recidivism rate.

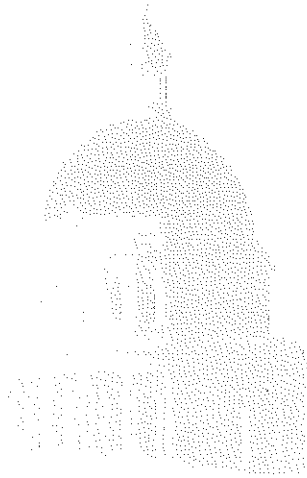
SUPPORT

A New Way of Life (co-sponsor)
Anti-Recidivism Coalition (co-sponsor)
ACLU of California (co-sponsor)
East Bay Community Law Center (co-sponsor)
Ella Baker Center (co-sponsor)
Homeboy Industries (co-sponsor)
Insight Center for Community Economic Development (co-sponsor)
PolicyLink (co-sponsor)
San Francisco Financial Justice Project (co-sponsor)
San Francisco Public Defender's Office (co-sponsor)
San Francisco Mayor London Breed (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
Youth Justice Coalition – Los Angeles (co-sponsor)
Legal Services for Prisoners with Children/
All of Us or None (co-sponsor)

Californians United for a Responsible Budget (CURB)
Community Legal Services in East Palo Alto
Housing and Economic Rights Advocates (HERA) Legal
Services for Prisoners with Children (LSPC)
RISE Together
Sister Warriors Freedom Coalition

FOR MORE INFORMATION

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(916) 651-4030
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There is not a fact sheet for SB 516. In order to provide you all with context relating to SB 516, I am providing you with the Co-sponsors Support letter and the text of the bill.

<Please Add to Your Association/Group Letterhead>

[DATE]

The Honorable Nancy Skinner
Senate Public Safety Committee
State Capitol, Room 2031
Sacramento, CA 95814

RE: Senate Bill 516 (Skinner) – SUPPORT

Dear Senator Skinner and Members of the Senate Public Safety Committee:

[ORGANIZATION] is proud to support SB 516 to increase fairness and reduce racial bias in the court process. SB 516 will ensure greater balance and fairness in California's court system by requiring that arguments for a gang enhancement are separated from the arguments on a defendant's underlying charges.

[INSERT ORG MISSION AND BACKGROUND INFORMATION]

SB 516 reflects California's new vision for public safety.

Gang enhancements were first created in 1988 when the State Legislature passed the California "Street Terrorism Enforcement and Prevention Act" (STEP Act), establishing PC 186.22. Then, in 2000, California voters passed Proposition 21 that increased the penalties for a gang enhancement. During that era of the 80s through the early 2000s, officials and law enforcement argued that tough suppression tactics and harsh sentencing were the best strategies to ensure greater public safety. As a result, the "war on gangs" and "war on drugs" resulted in extreme disparities in the criminalization and incarceration of people of color, and the build-up of the largest prison system in the history of the world. Harsh "gang suppression" policies - that have included gang enhancements as a central strategy - have greatly increased problematic racial profiling tactics disproportionately impacting Black, Brown and API youth and communities.

Since then, California - law enforcement officials, elected officials and the voters - have begun to build a more balanced approach that includes refocusing on protection of due process; increased fairness in policing, court and sentencing; and investment in youth and community development including community intervention. SB 516 reflects this new vision.

Gang enhancements were first created in California, established by the 1988 STEP Act and expanded by Proposition 21.

Penal Code 186.22(b) PC, allowing for a gang sentencing enhancement, provides that anyone who commits a felony for the benefit of, in association with, or under direction of a gang will receive a mandatory prison sentence *in addition and consecutive to* the penalties they receive for the underlying felony.

Depending on the circumstances of the offense, Penal Code 186.22(b) PC could mean an additional two (2) to fifteen (15) years, or even twenty-five (25)-years-to-life when it's used as a penalty under the Three Strikes Law. - even if you're not a gang member, and even if you aren't the individual who was most directly responsible for committing the underlying offense. Youth who are transferred into adult court also face gang enhancements. **It is common that the sentence on a gang enhancement exceeds the sentence on the controlling offense.**

There is not a fact sheet for SB 516. In order to provide you all with context relating to SB 516, I am providing you with the Co-sponsors Support letter and the text of the bill.

Currently, the arguments for a gang enhancement occur at the same time that arguments are presented for the controlling offense. With the people watching the process - juries, victims, the general public or media who are in court, as well as the judge and other court personnel - an individual is judged not only by their actions, but by the past actions and notoriety of an entire neighborhood. Prosecutors present evidence and witnesses not only on the incident, but also present evidence and witnesses as to the criminal activity and violence currently and historically for attributed to a gang that could have hundreds or even thousands of members.

Furthermore, the application of gang enhancements disproportionately impacts people of color, promoting racial profiling that has ensured harsher policing, prosecution and sentencing based on the race of the individual and the racial demographics of their zip code.

SB 516 would recognize the inherent prejudice of gang evidence at trial. This bill would require the jury in a criminal case to first determine guilt on the substantive crime charged with no reference to any gang evidence, then if convicted, the same trier of fact would determine if the defendant is guilty of the gang enhancement or a gang offense under Penal Code section 186.22.

Currently, "gang evidence is admissible if it is logically relevant to some material issue other than character evidence, is not more prejudicial than probative, and is not cumulative."¹ As a result, gang evidence may be relevant to establish the defendant's motive, intent, or some fact concerning the charged offense other than criminal propensity as long as the probative value of the evidence outweighs its prejudicial effect.² The burden is placed on the accused to show that the gang evidence's probative value is outweighed by the threat of undue prejudice.

Courts have consistently reiterated the extreme prejudice of gang evidence at trial. The California Supreme court said: *"The authorization we found in Calderon for bifurcation of a prior conviction allegation also permits bifurcation of the gang enhancement. The predicate offenses offered to establish a "Pattern of criminal gang activity" need not be related to the crime, or even the defendant, and evidence of such offenses may be unduly prejudicial, thus warranting bifurcation. Moreover, some of the other gang evidence, even as it relates to the defendant, may be so extraordinarily prejudicial, and of so little relevance to guilt, that it threatens to sway the jury to convict regardless of the defendant's actual guilt."*³

Requiring gang evidence to be tried separately from the underlying offense would ensure even application of bifurcation across California and provide the necessary safeguards to due process. SB 516 reduces racial bias, and brings greater balance and fairness to California's court system, ensuring that people are first judged by their own actions before facing punishment for the actions and reputation of an entire neighborhood.

For all of these reasons, we strongly support SB 516.

Sincerely,

SIGNATURE
NAME
TITLE

¹ *People v. Avitia* (2005) 127 Cal.App.4th 185, 192.

² *People v. Williams* (1997) 16 Cal.4th 153, 193.

³ *People v. Hernandez*, 33 Cal.4th 1040, 1049.

AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 516

Introduced by Senator Skinner

February 21, 2019

An act to ~~amend~~ add Section 27 of the Penal 352.2 to the Evidence Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, Skinner. ~~Crimes: punishment. Evidence of participation in a criminal street gang.~~

Under existing law, a person who actively participates in any criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang is guilty of a crime. Existing law authorizes a court, in its discretion, to exclude evidence if its probative value is substantially outweighed by the probability that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice, confusing the issues, or misleading the jury.

This bill would require a case in which a person is charged with actively participating in a criminal street gang, as described above, and other criminal charges to be tried in phases that separate the trier of fact's determination of the person's guilt of participation with the criminal street gang and guilt of the other criminal charges, as specified.

~~Existing law specifies the persons who are liable to punishment under the laws of this state, including, among others, all persons who commit any crime within the state, and all who commit any specified offense outside the state and bring the stolen or embezzled property within the state, as specified.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 352.2 is added to the Evidence Code, to
2 read:

3 352.2. A case in which a gang enhancement is charged under
4 Section 186.22 of the Penal Code shall be tried in separate phases
5 as follows:

6 (a) The question of the defendant's guilt shall be first
7 determined. If the trier of fact finds the defendant guilty of the
8 underlying offense and gang membership is an element of the
9 offense, it shall at the same time determine the truth of the gang
10 enhancement, notwithstanding Section 352.

11 (b) If the defendant is found guilty of the crime charged and
12 there is an allegation of an enhancement under Section 186.22 of
13 the Penal Code, there shall thereupon be further proceedings to
14 the trier of fact on the question of the truth of the enhancement.
15 Evidence of the gang enhancement shall be bifurcated from the
16 trial on the underlying offense.

17 (c) If a defendant is charged with a violation of subdivision (a)
18 of Section 186.22 of the Penal Code, this count shall be tried
19 separately from all other counts that do not otherwise require
20 gang evidence as an element of the crime.

21 SECTION 1. ~~Section 27 of the Penal Code is amended to read:~~
22 27. (a) ~~The following persons are liable to punishment under~~
23 ~~the laws of this state:~~

24 (1) ~~All persons who commit, in whole or in part, any crime~~
25 ~~within this state.~~

26 (2) ~~All persons who commit any offense without this state that,~~
27 ~~if committed within this state, would be larceny, carjacking,~~
28 ~~robbery, or embezzlement under the laws of this state, and bring~~
29 ~~the property stolen or embezzled, or any part of it, or are found~~
30 ~~with it, or any part of it, within this state.~~

31 (3) ~~All persons who, being without this state, cause or aid, advise~~
32 ~~or encourage, another person to commit a crime within this state,~~
33 ~~and are afterwards found therein.~~

1 (b) ~~Perjury, in violation of Section 118, is punishable also when~~
2 ~~committed outside of California to the extent provided in Section~~
3 ~~118.~~

O



California

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SB-516 Evidence of participation in a criminal street gang. (2019-2020)

Senate: 1st Cmt

Assembly:

Bill Status	
Measure:	SB-516
Lead Authors:	Skinner (S)
Principal Coauthors:	-
Coauthors:	-
Topic:	Evidence of participation in a criminal street gang.
31st Day in Print:	03/24/19
Title:	An act to amend add Section 27 of the Penal 352.2 to the Evidence Code, relating to crimes.
House Location:	Senate
Last Amended Date:	03/25/19
Committee Location:	Sen Public Safety
Committee Hearing Date:	04/23/19

Type of Measure
Active Bill - In Committee Process
Majority Vote Required
Non-Appropriation
Non-Fiscal Committee
Non-State-Mandated Local Program
Non-Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
04/05/19	Set for hearing April 23.
04/03/19	Re-referred to Coms. on PUB. S. and APPR.
03/25/19	From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
03/07/19	Referred to Com. on RLS.
02/22/19	From printer. May be acted upon on or after March 24.

Senate Bill 310

Jury Reform

Senator Nancy Skinner (D-Berkeley)

BILL SUMMARY

Senate Bill 310 seeks to widen the pool of eligible jurors to include state tax filers, utility ratepayers, and people with prior convictions to ensure the jury is fair cross section of the community.

ISSUE

Current law for jury service dates back to a very different time in California's history. At that time, the ideal for juries was a group comprised of "key men" from the community.

In practice, this resulted in juries which were all white and all male. It was only in 1968, with the Jury Selection and Service Act that the United States Congress abandoned this view and adopted in its place the notion that a jury pool should be a "fair cross section of the community."

In an attempt to obtain a fair cross section, Jury Commissioners throughout California draw prospective jurors from two lists:

1. Department of Motor Vehicles (DMV)
2. Registrar of Voters (ROV)

The current law does not require the exclusive use of the DMV and ROV lists, but it does create a presumption that a fair cross section can be obtained using only those two lists.

This presumption that this is a fair cross section of the community is misleading and ultimately counterproductive. Using only these two lists misses a large swath of the community and in essence excludes them from service simply because they were never asked.

The law also outlines people who are excluded from jury services and that includes a person who has been convicted of a felony, which effectively forbids as many as 30% of African American males from ever serving as jurors.

Many Californians have prior felony convictions and are excluded from ever serving on a jury regardless of how old a conviction is, whether it has been dismissed, or whether or not the offense is no longer a felony under the law.

Rather than realizing the "fair cross section" ideal, current California law affirmatively prevents jury pools from accurately reflecting the community.

Juries are the backbone of the justice system. The idea that people can have their cases heard by peers – by the community itself – is a primary source of the justice system's legitimacy. Juries can only speak with the voice and authority of the community if they truly and accurately reflect that community.

SOLUTION

SB 310 is vital, common-sense reform that will promote fairness and legitimacy in California's jury system. SB 310 does the following:

- Ensures a more accurate cross section of the community by expanding the list of eligible jurors to include state tax filers and utility ratepayers.
- Allows a person with a prior felony conviction to serve on a jury as long as they are not currently incarcerated.
- Requires the collection of demographic data so that the pool of jurors can accurately be compared to the community in the geographic area served by the court.

SUPPORT

Sponsors

A New Way of Life
All of Us or None
ACLU of California
California Public Defender's Association
Legal Services for Prisoners with Children

Support

California Employment Lawyers Association
Californians United for a Responsible Budget
East Bay Community Law Center
Ella Baker Center for Human Rights
Fair Chance Project
Friends Committee on Legislation of California
Lawyers' Committee for Civil Rights of SF
Root and Rebound
San Francisco Public Defender's Office
Tides Advocacy

CONTACT

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State Capitol Office, Room 5094
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Senator Scott Wiener, 11th Senate District

Senate Bill 136 – One-year Enhancement Repeal

SUMMARY

Senate Bill 136 repeals the one-year sentence enhancement for each prior prison or felony jail term that an individual has served. When an individual is convicted of a felony, a one-year enhancement is applied to their current sentence for each prior felony for which the individual served a prison or jail sentence. SB 136 does not alter an individual's base sentence for their current felony charge or amend any other enhancements.

BACKGROUND

California has some of the most severe sentence enhancements for prior convictions in the nation. According to the Public Policy Institute of California, "California has more than 100 separate code sections that enhance sentences" based on a person's current offense and/or record of prior convictions.

As of 2016, 79% of people under California Department of Corrections and Rehabilitation custody had some kind of sentence enhancement attached to their base sentence; 25% had three or more enhancements stacked on. SB 136 would amend one of the most commonly used sentencing enhancements that adds one year for each previous prison or felony jail term, which impacted one-third of people convicted in 2017.

Research refutes the idea that the threat of sentencing enhancements deters people from committing crimes. Sentencing enhancements have not made our communities safer. Instead, they have put significant financial burdens on taxpayers and families statewide. Each additional year in prison costs over \$80,000 per person. Long and punitive sentences cripple state and local budgets and shift dollars away from desperately needed community services.

PROBLEM

These sentence enhancements have had devastating impacts on families and communities, specifically those most impacted by the punitive policies of the failed war on drugs and tough-on-crime policies. Research shows horrific intergenerational impacts and gender disparities that exist among incarcerated poor people from communities of color, with women being the fastest growing population behind bars since the 1980s. Furthermore, this ineffective sentence enhancement has cost our state millions of dollars and has increased our prison and jail populations.

SOLUTION

SB 136 would repeal California's one-year sentence enhancement, found in Penal Code 667.5, for each prior prison or felony jail term that an individual has served. Today, when an individual is convicted of a felony, a one year enhancement is applied to their current sentence for each prior felony for which the individual served a prison or jail sentence.

This bill repeals that one year enhancement because this enhancement does not deter crime, is not effective at lowering recidivism rates, has failed to show any positive value for increasing public safety, and costs state and local governments hundreds of millions of dollars each year. In repealing this enhancement, SB 136 does not alter an individual's base sentence for their current felony charge or amend any other enhancements in the Penal Code.

SPONSORS

- ACLU of California
- Californians United for a Responsible Budget
- California Coalition for Women Prisoners
- Coalition for Humane Immigrant Rights
- Drug Policy Alliance
- Ella Baker Center for Human Rights
- Friends Committee on Legislation of California
- Legal Services for Prisoners with Children
- Pillars of the Community
- Tides Advocacy

COAUTHORS

- Assemblymember Ash Kalra (Principal)
- Senator Steven Bradford
- Assemblymember Wendy Carrillo
- Assemblymember Shirley Weber
- Assemblymember Bill Quirk

SUPPORTERS

- ACCESS Women's Health Justice
- Anti Recidivism Coalition
- All Of Us Or None
- Alliance San Diego
- Bend the Arc
- Behavioral Health Services
- Black American Political Association of California
- California Attorney's for Criminal Justice
- California Catholic Conference
- California Council of Churches IMPACT
- Californians for Safety and Justice
- Center on Juvenile and Criminal Justice
- Community Justice Action Fund
- Courage Campaign
- Equal Justice Society
- Fair Chance Project
- Harm Reduction Coalition
- Haywood Burns Institute
- Homeboy Industries
- Human Impact Partners
- Impact Hub, Oakland
- Immigrant Legal Resource Center
- Initiate Justice
- Indivisible Sausalito
- Justice LA
- Justice Teams Network
- Law Enforcement Action Partnership
- Lawyers Committee for Civil rights of the San Francisco Bay Area
- Legal Aid at Work
- National Association of Social Workers - California Chapter
- Pangea Legal Services
- Peninsula Progressives Slate Members, AD 22
- Prison Law Office
- Public Health Justice Collective
- Riverside Temple Beth El
- San Francisco Peninsula People Power
- Smart Justice California

SUPPORTERS CONT.

- Starting Over, Inc.
- SURJ
- TGIJP
- Time for Change
- Underground Scholars Initiative
- Unite the People
- Young Women' Freedom Center

FOR MORE INFORMATION

Angela Hill, *Legislative Aide*

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Phone: (916) 651-4011

Senate Bill 42

Getting Home Safe Act

Senator Skinner (SD 9) As introduced December 3, 2018

THIS BILL

SB 42 helps ensure that people released from county jails can get home safely by limiting the practice of unsafe late-night releases and requiring that if someone must be released during non-business hours that they have access to a phone, a ride home, and other supportive services.

THE ISSUE

On July 28th, 2018, Jessica St. Louis was released from Alameda County's Santa Rita Jail at 1:25AM. She did not have a working cell phone and was not given a free phone call to contact a friend or family member to pick her up.

Instead, she was given a transit ticket for a nearby light rail line. The nearest transit station for BART, the system Jessica was given a ticket for, was located a mile and a half from the jail. Additionally, BART was not operating at the time of Jessica's release and would not begin operation for over four hours. Jessica never boarded a BART train. Instead, she was found dead on the side of the road in a location between Santa Rita jail and BART.

Jessica's death was avoidable. Late-night releases often leave those released from jail with no safe passage home and no supportive services that would have been available had the person been released during normal business hours.

Research shows that immediate connections with loved ones or community-based organizations are crucial for people to successfully re-enter society and prevent recidivism. Late-night release procedures prevent those connections from happening and, at times, put individuals in immediate danger.

SOLUTION

SB 42 provides a path to help ensure that when someone is released from jail they have the resources needed to get home safely. Specifically, this bill:

- Provides that jail releases must occur during normal business hours. If circumstances prevent such a release then the person would have the option to stay voluntarily up to 16 additional hours;
- Stipulates that upon release individuals have access to free phone calls and accommodation to charge their personal cell phone in order to arrange for safe transport;
- Provides Individuals released during non-business hours with transportation or a safe place to wait for safe transport; and
- Mandates that Individuals who have been held in jail for 30 or more days are provided upon release with 3 days of necessary personal medications.

SUPPORT

The Young Women's Freedom Center (sponsor)
ACLU
Essie Justice Group
Anti-Police Terror Project
Communities United for Restorative Youth Justice
Western Center on Law and Poverty
Lawyers Committee for Civil Rights

CONTACT

Fred Williams
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AB 1076

Arrest & Conviction Relief

Assemblymember
Phil Ting
19TH DISTRICT



SUMMARY

Individuals with criminal records face barriers in gaining employment, making them more likely to reoffend. This bill would open doors to those facing employment and housing barriers by automating the process of clearing an arrest or criminal record for eligible individuals.

BACKGROUND

Eight million California residents have criminal convictions on their records that hamper their ability to find work and housing, secure public benefits, or even get admitted to college. Millions more have old arrests on their record that never resulted in a conviction, but remain as obstacles to employment. Nearly 90% of employers, 80% of landlords, and 60% of colleges screen applicants' criminal records.

The *Survey of California Victims and Populations Affected by Mental Health, Substance Issues, and Convictions* found that 76% of individuals with a criminal conviction report instability in finding a job or housing, obtaining a license, paying for fines or fees, and having health issues. A National Institute of Justice study found that having a criminal record reduced the chance of getting a job offer or callback by 50%.

Lack of access to employment and housing are primary factors driving recidivism, criminal records are serious barriers to successful reentry and come at a great cost to California's economy. Nationally, it has been estimated that the U.S. loses roughly \$65 billion per year in terms of gross domestic product due to employment losses among people with criminal records.

Current law allows individuals to clear arrests that did not result in a conviction, and to clear convictions that are eligible for dismissal by petitioning the court. This imposes a burden on affected individuals to be made aware of their eligibility and retain an attorney to proactively file the necessary petition. Additionally, under that current petition-based record clearance model, each record costs the system \$3,757, whereas an automated system costs 4 cents per record. Millions of Californians find themselves in 'paper prisons' for life due to their criminal record. Barriers to accessing criminal record relief perpetuate the long history of disproportionate impact of the justice system on

socioeconomically disadvantaged communities, and communities of color in particular.

Less than 20% of eligible people have been estimated to obtain record clearance. Even if the process could be made available to all those eligible, the volume of petitions would place enormous resource demands on courts and prosecutors, and take years to process. California's record clearance laws are not meeting their full potential, preventing individuals from moving on, and harming families, communities, and California's economy.

THIS BILL

AB 1076 requires the California Department of Justice (DOJ) to automate arrest and conviction relief by dismissing eligible convictions for individuals who have completed their probation and/or county jail sentence, arrests that did not result in a conviction for qualified misdemeanors one year after the arrest, and qualified non-serious, non-violent, non-sex felonies three years after arrest.

This bill will not require any action from a petitioner, thereby reducing significant barriers to employment and housing opportunities for millions of Californians.

SUPPORT

San Francisco District Attorney George Gascón (Sponsor)
Californians for Safety and Justice (Sponsor)

ACLU

California Attorneys for Criminal Justice

California Public Defenders Association

Community Works

Feminists in Action

Indivisible San Diego Central

Initiate Justice

National Association of Social Workers

Southern California Coalition

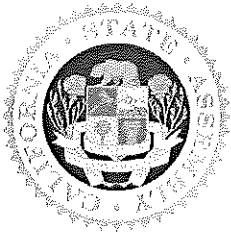
We the People San Diego

STAFF CONTACT

Office of Assemblymember Phil Ting

Jessica Duong

(916) 319-2019



AB 1331 (Bonta) – Data Quality in Criminal Records

Summary:

AB 1331 will improve the quality of criminal history data available to law enforcement agencies in their day to day operations, and advance transparency and data-driven policy development by making comprehensive criminal justice data accessible to researchers and policymakers.

Background:

California has long been a leader in criminal justice data collection, reporting, and transparency. For more than 60 years, the state has promoted the collection and dissemination of criminal justice data through a series of laws and regulations that have mandated detailed data collection for operational purposes, as well as broad access to policy makers and bona fide research organizations.

The State first began regulating the collection of criminal justice data in 1955, when the Legislature passed laws mandating the Department of Justice to collect criminal justice data from a wide variety of criminal justice agencies, including police departments, courts, district attorneys, probation departments, and others.

This data is stored in California's state-wide criminal history databases, which are critical to day to day operations for local and state law enforcement agencies in their efforts to promote public safety. Records of arrests and prosecutions, or RAP sheets, generated from these databases are vital tools used at every stage of the criminal justice process, from arrest, to booking, to pretrial release decision making, to prosecution, sentencing, and supervision.

As records documenting criminal justice involvement from arrest through sentencing, this data is also essential to evaluating and researching the criminal justice system. To that end, in 1973, the Legislature codified that criminal offender record information should made accessible to researchers

“immediately concerned with the prevention or control of crime, the quality of criminal justice, or the custody or correction of offenders” (PC 13202). In 2016, the Legislature reinforced the need to make comprehensive criminal justice data available to the public by passing the OpenJustice Data Act. This Act added important new provisions to the criminal offender record information statutory scheme, and required the Department of Justice to make certain criminal statistics available to the public through an online web portal.

However, despite this long history of policymaking and investment in criminal justice data infrastructure, significant gaps still exist in the data that is collected both on persons involved in the criminal justice system and criminal processes, as well as in the accessibility of this data to policymakers and researchers.

Problem:

California's criminal history records suffer from pervasive data gaps that undermine their accuracy and reliability, including missing and/or delayed arrest and case dispositions, missing information regarding failures to appear, and missing or incomplete sentencing information. These gaps are becoming critical threats to our state's public safety. For example:

1. The Bureau of Firearms relies on timely accurate reporting of convictions to support the Armed & Prohibited Persons System (APPS) and ensure that prohibited persons do not possess or acquire guns.
2. Pretrial risk assessment tools require timely and accurate information about convictions, failures to appear, and incarceration to predict risk and inform pretrial release decisions. Missing information could result in high risk individuals being released and low risk individuals being detained.
3. The Department of Justice estimates that 60% of arrest records are missing disposition information. Missing arrest disposition information means that many

arrests that have not been filed or resulted in conviction appear as pending cases and remain on criminal records that are disseminated to employers and licensing boards, effectively criminalizing a person who may in fact be innocent.

Data limitations, as well as obstacles to accessing this data also undercut the state's ability to analyze criminal justice policy proposals and interventions. Even as California pushes its criminal justice system to embrace major data-driven reforms, legislators are deprived of essential data and analysis to evaluate their impact.

Solution:

AB 1331 will address data gaps and improve access to criminal justice data by establishing comprehensive reporting requirements and clarifying existing law regarding access to the information, so that California can achieve its full potential as a state committed to data-driven criminal justice operations and policy, as well as transparency.

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Assembly Bill 607: Judicial Discretion for Nonviolent Drug Offenses

SUMMARY

AB 607 will allow judges to order probation supervision and services for specified nonviolent drug offenses that currently require incarceration. This bill is an incremental reform to return discretion to the courts by providing defendants with probation supervision and programming when it is in the interest of justice, the interest of public safety and consistent with the values of local communities.

BACKGROUND AND PROBLEM

Current law prohibits judges from factoring in all the circumstances of a case and applying their discretion when sentencing a person with certain nonviolent drug crimes. Rather than considering probation or other alternatives to incarceration, the judge must apply a mandatory sentence.

Current law also forbids a judge from ordering probation for the following offenses, including: possession for sale, selling, transporting a specified amount of heroin, cocaine, crack cocaine, methamphetamine or PCP. Additionally, current law does not allow a judge to order probation if a person has a prior conviction for specified drug felonies.

Mandatory minimum sentences for nonviolent drug crimes force judges to incarcerate individuals who would be better treated and supervised in the community. It is vital that we end mandatory minimums as part of the incremental unwinding of over-sentencing and mass incarceration. Mass incarceration costs California billions of dollars that the state should instead invest in schools, infrastructure, healthcare and other areas to make our communities and economy stronger.

There is a growing, bipartisan consensus that mandatory minimum sentences are not cost-effective in combating drug use, drug sales or crime. Overwhelming evidence shows that mandatory sentences for drug crimes do not improve public safety, but instead exacerbate existing racial disparities in our criminal justice system and disproportionately impact those suffering from mental illness.

SOLUTION

AB 607 repeals mandatory minimum sentences, allowing judges' discretion to grant probation to individuals convicted of specified nonviolent drug offenses. This bill restores a modest level of judicial discretion by addressing sentencing inflation. AB 607 does not change a crime's maximum penalty or affect sentencing enhancements.

SUPPORT

Drug Policy Alliance (Cosponsor)
California Public Defenders Association (Cosponsor)
California Attorneys for Criminal Justice
Consumer Attorneys of California
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Initiate Justice
Legal Services for Prisoners with Children
San Francisco Public Defender's Office
UDW/AFSCME Local 3930

OPPOSITION

None.

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AB 732 (Bonta) – Reproductive Dignity for Incarcerated People Act *(As amended March 21, 2019)*

SUMMARY

AB 732 would improve the quality of reproductive health care for pregnant people in county jails and state prisons.

BACKGROUND

People who are pregnant need regular care to have a healthy pregnancy. California law recognizes this by requiring that every pregnant inmate in a county jail and state facility is provided with a balanced, nutritious diet, prenatal and postpartum information, and childbirth and infant care education.

Pregnant people need timely and regular prenatal exams to have a healthy pregnancy. Under California's Code of Regulations, state prisons are required to provide pregnant people with their first prenatal exam within 7 days of arrival and then regular appointments thereafter. This requirement does not apply to jails although they are consistent with medical best practices for jails.

Beyond diet, pregnant inmates need a range of other accommodations to deal with the intense physical demands of pregnancy. These include getting a lower-tier housing assignment or bottom bunk so that they can avoid the strain and risk of falling that comes with frequently climbing stairs or steps up to a bunk. California's regulations require pregnant inmates in state prisons to be housed in a multi-tier housing unit for lower bunks and lower tier housing. Jails do not have this requirement.

Labor and delivery is stressful and scary time for many people, even when they are surrounded by loved ones. California prisons are required to allow pregnant inmates to have a support person present during labor and delivery. Jails are not subject to these requirements, leaving pregnant people in jails to give birth without any loved ones present.

NEED FOR THE BILL

While institutions of incarceration should be meeting all the health needs of people behind bars, reproductive health care needs are often unique and time-sensitive and do not correspond well to the traditional "sick-call" process for obtaining medical care. The lack of standardization of care in state prisons and county jails adversely impacts pregnancy and childbirth outcomes, as well as the health and wellbeing of both the parent and the infant. It also increases the number of preventable pregnancy- and childbirth-related deaths and medical complications. Over the last year alone, there have been reports and lawsuits throughout the state that expose these systemic failings. For instance, a class-action lawsuit was filed against the Santa Rita Jail in Alameda County alleging that inmates were coerced into abortions, treated inhumanly, and not provided

with necessary prenatal care. The plaintiffs alleged a reprehensible pattern of maltreatment that resulted in three miscarriages and a woman giving birth in isolation.

California is obligated to uphold the dignity and humanity of people who are incarcerated by providing holistic health care, services, and support. Currently, protections that address obstetric care, housing accommodations, and the presence of a support person, among other issues, are confined to a section of the California Code of Regulations that applies to prisons but not jails. An alignment of policies would ensure pregnant people throughout California's criminal justice system are treated equitably.

SOLUTION

AB 732 would codify into law regulations for state prisons and extend protections for pregnant people incarcerated in California's state prisons to pregnant people in county jails. Specifically, under AB 732 county jails and state facilities would be required to:

- Ensure an inmate who is identified as possibly pregnant during an intake health exam is scheduled for laboratory work to verify pregnancy.
- Schedule a pregnant inmate for an obstetrics exam within 7 days and then regular obstetrics and prenatal care visits thereafter.
- Give inmates access to community programs.
- Provide pregnant inmates with prenatal vitamins, care that includes treatment for infectious diseases, & access to a doula.
- Assign pregnant inmates to lower bunks and lower tier housing.
- Allow a pregnant inmate to have a support person present during childbirth.
- Provide inmates with postpartum examinations.
- Prohibit the shackling of pregnant inmates who are hospitalized for prolonged periods of time or are experiencing frequent labor contractions.
- Prohibit solitary confinement of pregnant inmates.

SUPPORT

Women's Policy Institute, The Women's Foundation of California (Sponsor)

ACCESS Women's Health Justice

American Civil Liberties Union of California

Black Women for Wellness Action Project

California Attorneys for Criminal Justice

California Catholic Conference

California Latinas for Reproductive Justice

California Public Defenders Association

California Women's Law Center

Center for Reproductive Rights and Justice

Citizens for Choice
Ella Baker Center for Human Rights
If/When/How: Lawyering for Reproductive Justice
Initiate Justice
Kehilla Community Synagogue
Khmer Girls in Action
National Council of Jewish Women of Los Angeles
NARAL Pro-Choice California
Positive Women's Network-USA
Riverside Sheriffs' Association

OPPOSITION

California State Sheriffs' Association

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