

Reentry Council

City & County of San Francisco

Subcommittee on Legislation, Policy & Practices

Draft Minutes

Tuesday, December 8, 2020

2:30pm to 4:30pm

Members Present:

Tara Agnese (Non-Voting member), Tara Anderson, Joe Calderon, Nicholas Gregoratos, Becky LoDolce, Emmeline Sun, Victoria Westbrook, Carolyn Goosen, and Linda Connelly

Members Absent: Jose Bernal (Chair), Norma Ruiz, Danica Rodarmel, and Eric Henderson

Note: Public comment will be taken throughout the meeting or by email to reentrycouncil@sfgov.org

1. **Introductions (discussion only)**
2. **Public Presentation of the San Francisco Adult Probation Department's Draft Racial Equity Action Plan**

Chief Karen Fletcher: Wanted to thank the Sub Committee for hearing about APD's Draft of Racial Equity Action Plan. APD has 15 Staff that were selected by their own peers and the following APD staff that led this project will present to you all. APD Staff Members Precious Malone, Sabrina Shumake, and Tara Agnese presented our Department's Draft of Racial Equity Action Plan. We are excited for our APD staff to share a video and a presentation to the Legislation, Policy, and Practice Subcommittee.

Victoria Westbrook asked Any Questions: None.

3. **Presentations and Voting for the 2 Co-Chairs**

Victoria Westbrook: We have done a recruitment for this Subcommittee and we have connected with many people who are justice involved and this is beautiful. Jose Bernal, is no longer the chair of this subcommittee. We are hoping to vote in two of the individuals that present for a potential Co-Chair position.

The following people spoke for a Co-Chair Position.

Reentry Council

City & County of San Francisco

Bruce Smith: Recently released 2 years ago after spending 20 years in prison. Since his release he has been working with people both in custody and out of custody supporting Reentry Folks, and continuing his Education to better serve the population.

Dejuan Lewis: Formerly Incarcerated in South Georgia and during that time and kept returning to custody. After a while he decided he wanted to do different and be different. He has been in San Francisco for 6 years and has been a Program manager at 111 Taylor. He supports folks in Reentry in custody, in San Francisco, and provides services state wide.

John Grayson: Has leadership capabilities and I am justice involved. Received many certificates while in custody prior to his release. He is currently close to graduating from SFSU and a native of San Francisco.

Josef Norris: Happy and proud of residing around San Francisco since 1992. Been home with Family since July 2016 after 6 year prison sentence and currently employed at Code Tenderloin. I want to be a part of the Reentry community so that people coming out and returning back to SF have an easier time in transition. He feels that people need to have basic needs met to successfully reenter their community and he would like to be a voice.

Bobby Jones Hanley: recently released from Prison and has two degrees as of now. Heard about San Francisco support for Reentry and wanted to connect with services. He felt that he almost slipped thru cracks if it wasn't for the services he received in SF. Currently Bobby works with America Works helping folks in Reentry in San Francisco.

Stephanie Lomis: Interested in Position due to recent release from 850. Has worked with the community and has had many roles in community helping people with policy change.

William Palmer: Incarcerated for 30 years and now helping clients make successful transition from Reentry. Works with clients who were recently released and supports them in many ways such as helping them with their barriers and housing support. Connected with All of us or None and both in San Francisco and Oakland Reentry Programs.

Members voted and the results are as follows

Bobby Jones Hanley and Dejuan Lewis new Co-Chairs of the Committee

4. Reentry Council Retreat on December 15th from 2:30 – 5:00pm (Zoom)

Victoria encouraged everyone to attend the Reentry Council Retreat that will be happening over Zoom next Tuesday December 15th from 2:30pm to 5:00pm.

5. Overview of Criminal Justice Related Legislation

California Criminal Justice Legislation & Policy Updates

Reentry Council

City & County of San Francisco

- Prop 17: Allows people to vote while on parole (*passed*)
 - Amended the Constitution of California to allow people who are on parole to vote.
 - This initiative restored voting rights to 50,000 Californians
- *Prop 20: Would change the criminal code that roll back some of the Prop 47 provisions; institutes stricter parole and sentencing provisions (failed)*
 - *This initiative would have added more crimes to the list of non-violent felonies for which early parole is restricted, and would have required DNA collection for certain misdemeanors.*
- *Prop 25 (SB 10): eliminating cash bail, implementing RAI, and expanding pretrial services (failed)*
 - *This initiative would upheld the contested legislation, Senate Bill 10 (SB 10), which would have replaced cash bail with risk assessments for incarcerated people awaiting trials.*
- **SB 132: The Transgender Respect, Agency and Dignity Act, legislation that will allow incarcerated transgender, non-binary and intersex people to be housed and searched in a manner consistent with their gender identity.**
 - Effective January 1, 2021
 - Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law authorizes a person sentenced to imprisonment in the state prison or a county jail for a felony to be, during the period of confinement, deprived of those rights, and only those rights, as is reasonably related to legitimate penological interests.
 - This bill would require the Department of Corrections and Rehabilitation to, during initial intake and classification, and in a private setting, ask each individual entering into the custody of the department to specify the individual's gender identity whether the individual identifies as transgender, nonbinary, or intersex, and their gender pronoun and honorific. The bill would prohibit the department from disciplining a person for refusing to answer or not disclosing complete information in response to these questions. The bill would authorize a person under the jurisdiction of the department to update this information. The bill would prohibit staff, contractors, and volunteers of the department from failing to consistently use the gender pronoun and honorific an individual has specified in verbal and written communications with or regarding that individual that involve the use of a pronoun or honorific.
 - The bill would require the department, for a person who is transgender, nonbinary, or intersex to only conduct a search of that person according to the search policy for their gender identity or according to the gender designation of the facility where they are housed, based on the individual's search preference. The bill would additionally require the department to house the person in a correctional facility designated for men or women based on the individual's preference, except as specified.

Reentry Council

City & County of San Francisco

- **AB 1506: Establishes the Statewide Officer Deadly Force Investigation Division within the DOJ to, upon request of a law enforcement agency or District Attorney, conduct an investigation into officer-involved deadly-force incidents**
 - Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.
 - Existing law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury.
 - This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.
 - This bill would require a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as defined. The bill would make the Attorney General the state prosecutor unless otherwise specified or named. The bill would authorize the state prosecutor to prepare a written report, and would require the state prosecutor to post any reports made on a public internet website.
 - The bill would require, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations, as specified.
 - The bill would require the department to implement these provisions subject to an appropriation for this purpose.
- **AB 1869: Repeals the authority to impose and collect fines & fees**
 - Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and mandatory supervision, processing arrests and citations, and administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs.
 - This bill would repeal the authority to collect many of these fees, among others. The bill would make the unpaid balance of these court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated.
 - (2) Existing law allows the board of supervisors of any county to establish the office of the public defender and requires the public defender to defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of a crime. Existing law allows the court to hold a hearing to determine whether a defendant owns

Reentry Council

City & County of San Francisco

an interest in real property or other assets and to impose a lien on the property. Upon conclusion of trial, existing law allows the court to make a determination of a defendant's present ability to pay all or a portion of the cost of the public defender. If the court finds that the defendant has the financial ability to pay, existing law requires the court to order the defendant to pay all or a part of the costs the court believes reasonable and compatible with the defendant's financial ability.

- This bill would delete the authority of the court to impose liens on the defendant's property and make a post-trial determination of the defendant's ability to pay and to order the defendant to pay the costs of the public defender. By requiring a county to provide a public defender without charge to a defendant who may have the ability to pay, this bill would impose a state-mandated local program.

- **AB 1950: Amends the California State Penal Code to limit adult probation to a maximum of one year for misdemeanor offenses and two years for felony offenses**
 - Existing law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned.
 - This bill would instead restrict the period of probation for a misdemeanor to no longer than one year, except as specified.
 - Existing law authorizes the court, in the order granting probation, to suspend the imposition or execution of sentence and direct the suspension to continue for a period of time not exceeding the maximum term for which the person could be imprisoned, except as specified.
 - This bill would instead authorize a court to impose a term of probation not longer than 2 years, except as specified.

- **AB 2147: Makes it easier for inmates trained in firefighting in the Conservation Camp Program or on a county hand crew to gain employment as professional firefighters after release**
 - Existing law authorizes a court to allow a defendant sentenced to county jail for a felony to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty, after the lapse of one or 2 years following the defendant's completion of the sentence, provided that the defendant is not under supervision, and is not serving a sentence for, on probation for, or charged with the commission of any offense. Existing law requires the defendant to be released from all penalties and disabilities resulting from the offense of which the defendant was convicted, except as specified.
 - This bill would allow a defendant who successfully participated in the California Conservation Camp Program or a county incarcerated individual hand crew as an incarcerated individual hand

Reentry Council

City & County of San Francisco

crew member, and has been released from custody, to petition to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty. The bill would make persons convicted of specified violent felonies and sex offenses ineligible for relief. The bill would allow the court, if the defendant is eligible for relief, to dismiss the accusations or information against the defendant at the court's discretion and in the interest of justice and would release the defendant from all penalties and disabilities resulting from the offense, except as provided. In granting this relief, the bill would require the court to order the early termination of probation, parole, or supervised release if the court determines that the defendant has not violated any of the terms or conditions of their release during the pendency of the petition.

- **AB 2542: Prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified**
 - Existing law generally prescribes the procedure for the prosecution of persons arrested for committing a crime, including pleadings, bail, pretrial proceedings, trial, judgment, sentencing, and appeals. Existing law allows a person who is unlawfully imprisoned or restrained of their liberty to prosecute a writ of habeas corpus to inquire into the cause of their imprisonment or restraint. Existing law allows a writ of habeas corpus to be prosecuted for, among other things, relief based on the use of false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial.
 - This bill would prohibit the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. The bill would allow a writ of habeas corpus to be prosecuted on the basis of that prohibition, and would require the defendant to appear at the evidentiary hearing by video unless their presence in court is needed. The bill would permit a defendant to file a motion requesting disclosure of all evidence relevant to a potential violation of that prohibition that is in the possession or control of the prosecutor and would require a court, upon a showing of good cause, to order those records to be released. The bill would authorize a court that finds a violation of that prohibition to impose a remedy specified in the bill. The bill would apply its provisions to adjudications and dispositions in the juvenile delinquency system. The bill would apply its provisions only prospectively to cases in which judgment has not been entered prior to January 1, 2021.
 - Existing law creates an explicit right for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a prejudicial error damaging to the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, or based on newly discovered evidence of actual innocence, as specified.
 - This bill would additionally allow for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a conviction or sentence that was sought, obtained, or imposed on the basis of race, ethnicity, or national origin in violation of the bill's provisions.
 - This bill would state that its provisions are severable.
 - A **severability clause** is a statement by the legislature that if a part of

Reentry Council

City & County of San Francisco

a law that is enacted is subsequently held to be unconstitutional, the unconstitutionality does not invalidate the rest of the law.

- **AB 3234: Allows for misdemeanor diversion over the objection of prosecutors and expansion of Elderly Parole-Consideration**
 - Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.
 - This bill would authorize a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, except as specified. The bill would authorize the judge to continue a diverted case for a period not to exceed 24 months and order the defendant to comply with the terms, conditions, and programs the judge deems appropriate based on the defendant's specific situation. The bill would require the judge, at the end of the diversion period and if the defendant complies with all required terms, conditions, and programs, to dismiss the action against the defendant, and would deem the arrest upon which diversion was imposed to have never occurred, as specified. The bill would authorize the court to end the diversion and order resumption of the criminal proceedings if the court finds that the defendant is not complying with the terms and conditions of diversion.
 - Existing law establishes the Elderly Parole Program for the purpose of reviewing the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration on their sentence.
 - This bill would modify the minimum age limitation for that program to 50 years of age and instead require the inmate to have served a minimum of 20 years of continuous incarceration in order to be eligible for that program.
- **Prop D (CCSF): Charter amendment that creates the Sheriff's Department Office of Inspector General (OIG) and the Sheriff's Department Oversight Board (*passed*)**
 - Create two new oversight bodies for the San Francisco County Sheriff's Department. The Office of Inspector General would investigate misconduct within the Sheriff's Department. The Sheriff's Department Oversight Board would advise and make policy recommendations to the Sheriff and Board of Supervisors concerning department operations, complaints against employees and contractors, and in-custody deaths. The oversight board would have seven members, four appointed by the Board of Supervisors and three by the Mayor. The Sheriff

Reentry Council

City & County of San Francisco

would retain the authority to determine any disciplinary actions against deputies and other departmental staff.

6. Public Comment/ Questions: Not sure you wanted this?

Josef Norris: Asked about Cash Bail that passed in San Francisco but not in California?

Victoria Westbrook: informed him that it was a state proposition. It didn't pass state wide so it did not pass.

Heather (Last Name): AB 1950 does that also effect Parole length?

Joe Calderon: Informed members that Parole is making some changes to lengths of Parole.

Tara Anderson: Informed members that 2 year for determent and 3 years for indeterminate sentences and was a budget trailer bill.

Joe Calderon: Commented that biggest complaint is we do not have enough teeth. We need to be able to know where the money is going. We need to be in control on where money goes for Reentry Programs.

Victoria Westbrook: Reminder that next week on 12/15/2020 we will have our next Reentry Retreat where we develop our work plans. We need to identify legislation like we did in years passed. Not sure how lobbying will look during COVID. We should think about what other things we can create. We don't have to just create legislation we can create whatever we would like and I am super excited to be a part of the process.

Malcom Gissen: Informed Members that he is a Co Leader of the Black Jewish and Allies Unity group a social action group in San Francisco that has done a lot of lobbying. Very experienced developing connections for legislators. His team helped with ban on felonies for people trying to get in the field of services.

Victoria Westbrook: Informed body that we would love his support along with everyone else's experiences in the group has done very different work.

Linda Connelly: Public Education Campaign was also brought up as a way to show the Reentry work being down in San Francisco.

Reentry Council

City & County of San Francisco

Melody Fountila: Excited for group and all of the amazing people on the Committee.

Tara Anderson: Recognize the power in the room and excited to work with all of these powerful leaders. Tara also informed Melody is a not a new member but an original retuning member. She informed the committee that we should know wand what investments are being made in San Francisco around Public Safety and Community Based Rescores.

Jose Calderon: 2021 Year of the Returning Community Member, and we need money to support our efforts.

Bobby Jones Hanley would like contact info for other members to keep connecting and finding solutions.

7. Adjournment

Tara Anderson

Joe Calderon

Linda Connoley Second

Next Meeting:
DATE Needed, 2:30-4:30pm
Zoom Meeting

Reentry Council

City & County of San Francisco

SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Reentry Council. Written comments should be submitted to: Geoffrea Morris, Reentry Policy Planner, Adult Probation Department, 564 Sixth St., San Francisco, CA 94102, or via email: B

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfreentry.com> or by calling Victoria Westbrook at (415) 922-2202 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 Victoria Westbrook, at reentry.council@sfgov.org or (415) 922-2202 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) 930-2202 at least two business days before the meeting.

CHEMICAL SENSITIVITIES

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

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

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

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

Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102-4683.
Telephone: (415) 554-7724
Fax: (415) 554-5163
E-Mail: soft@sfgov.org

CELL PHONES

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

LOBBYIST ORDINANCE

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