

# Reentry Council

## City & County of San Francisco

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### AGENDA

Thursday, April 26, 2018

10am- noon

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 due to the amount of anticipated speakers and anticipated duration of other agenda items.*

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 25, 2018 (discussion & possible action)
4. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action)
  - a. Staff updates (discussion only)
    - a. Racial equity work
    - b. Calendar of meetings and locations
    - c. Report on TAY seat
    - d. Women's Gender Responsive work
    - e. Community Appreciation Dinner
  - b. Subcommittee updates
    - a. Direct Services Subcommittee
    - b. Policy Subcommittee (moved to item #8)
5. Regular Update on Legislation and Funding Related to Reentry (discussion only)
  - a. Update on MIOCR Grant from Sheriff's Department
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. Gang Injunctions (discussion & possible action)
8. Current State Legislation (discussion & possible action)
  - a. AB1940: Parole integration credits
  - b. AB2138: Occupational licensing
  - c. SB 906: Statewide Peer Specialist Certification
  - d. SB1105: Expands Vehicle Code Section 41500 immunity to individuals in local detention facilities
  - e. SB1025: Sentencing reform – Probation eligibility for drug offenses
  - f. SB1392: Sentencing reform – Judicial sentencing discretion regarding prior prison or jail terms
  - g. SB1393: Sentencing reform – Judicial sentencing discretion regarding prior serious felonies
  - h. SB1437: Sentencing reform – Reform to accomplice liability
9. Council Members' Comments, Questions, and Requests for Future Agenda Items (discussion only)
10. Public Comment on Any Item Listed Above, as well as Items not listed on the Agenda
11. 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, Interim Reentry Policy Planner, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94103, or via email: [reentry.council@sfgov.org](mailto: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](mailto: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 Karen Shain at [reentry.council@sfgov.org](mailto:reentry.council@sfgov.org) or (415) 241-4241 at least two business days before the meeting.

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### CELL PHONES

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

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### DRAFT MINUTES

Thursday, January 25, 2018

10am-noon

Southeast Community Facility

Alex L. Pitcher, Jr. Community Room

1800 Oakdale Ave.

San Francisco, CA 94124

**Members Present:** Cristine DeBerry, representing District Attorney George Gascón (co-chair); Lauren Bell, representing Chief Adult Probation Officer Karen Fletcher (co-chair); Sheriff Vicki Hennessy (co-chair); Simin Shamji, representing Public Defender Jeff Adachi (co-chair); Angelica Almeida, Department of Public Health; Jose Bernal, Board Appointee, Kimberli Courtney, Board Appointee; Mark Culkins, Superior Court of California, County of San Francisco; Sandra Lee Fewer, Member, Board of Supervisors; Lucero Herrera, Mayoral Appointee; Dan Kelly, Human Services Agency; James Lowden, Board Appointee; Aspen Marshall, California Department of Corrections & Rehabilitation, Division of Parole Operations; San Francisco Police Captain Milanda Moore; Jeffrey Mori, Office of Economic and Workforce Development; Laura Moyé, Department of Children, Youth & Their Families; Chief Juvenile Probation Office Allen Nance; Veronica Ramirez, U.S. Probation Office, Northern District of California; Karen Roye, Director, Department of Child Support Services; Jared Walker, Mayoral Appointee

**Members Absent:** Mayor Mark Farrell; Angela Coleman, Board Appointee; Jeff Kositsky, Department of Homelessness & Supportive Housing

1. Call to Order and Introductions. Cristine DeBerry called the meeting to order at 9:57am.
2. Public Comment on Any Item Listed Below as for "Discussion Only." There was no public comment on any of the items listed below labeled for "Discussion Only."
3. Review and Adoption of Meeting Minutes of October 26, 2017 (discussion & possible action). Sheriff Hennessy motioned to adopt October 26, 2017 minutes. The motion was second by Lauren Bell. A unanimous vote was given and the minutes were approved.
4. Remembering Ed Lee (discussion only). Chief of Juvenile Probation Nance spoke about his memories of the late Mayor Edwin Lee. Chief Nance stated he had known Mayor Lee for more than a decade when he was the city administrator and he categorized Mayor Lee as a "man of integrity." He spoke of having numerous conversations with the mayor regarding the criminal justice system and the need to give individuals equal footing to succeed in San Francisco. Chief Nance stated one of Mayor Lee's primary focuses was to improve the lives of young people and families so that they too could be prosperous in the city of San Francisco. He concluded his comments by asking the Council and members of the public to join him in a moment of silent to honor the legacy of the late Mayor Ed Lee.
5. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action).

Karen Shain informed the Council about the work of The Government Alliance on Race & Equity (GARE). Shain stated the GARE training and work was led by the San Francisco Human Right Commission. She spoke about having a conversation about racial equity at the Reentry Council meetings since several of the members of the Council are represented at GARE. She stated it would be good for these individuals to report back to the group about what their city agency was doing in implementing the GARE principles. She said this will become a standing agenda item. Shain also stated this was GARE's third year in San Francisco and that this year was focused on implementation of the GARE principles on a state level. Shain told the Council about how APD was

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starting to implement some of the GARE principles through different avenues such as having cultural lunches that included a racial/identity equity workshop and how APD was implementing GARE exercises of racial equity during scheduled APD division meetings. Shain stressed the work of GARE will have an impact on how agencies deal with clients as well as internally.

Shain reported that the Subcommittees have created rules and that in the interest of time, these rules will be discussed at the next Council meeting.

Shain stated the resolution that was passed at the last Council meeting which would provide non-profit reentry services with a promotive point advantage in city contracts over for-profit reentry service companies was approved by the San Francisco Board of Supervisors and is now in the implementation stage

Shain stated the TAY seat was introduced to the Board of Supervisors and that this amendment would be coming to the Board Rules Committee in February. Shain reminded members that the change to the TAY seat would expand the eligibility to individuals currently 18-35 who served their time when they were 18-25.

Shain stated the Reentry Council website presently has much information on it for interns and students that are interested. The site is [www.sfgov.org/reentry](http://www.sfgov.org/reentry).

Shain informed the Council that Adult Probation is hoping to have the "Getting Out and Staying Out" guide printed and published after the beginning of the new fiscal year. Sheriff Hennessy asked if her office could see a draft of the guide prior to it going to press. Lauren Bell stated yes to the Sheriff's request. She also added APD was in negotiation with the Last Mile Project to get the guide digitized. Cristine DeBerry stated the District Attorney has a formerly incarcerated advisory board and that their board would also like to be part of the process to see the guide in draft form. Lauren Bell stated that all members who would like to see the guide prior to publishing will get a chance to do so.

Shain informed the Council that Jose Bernal, co-chair of the Reentry Council's Policy Subcommittee, and Ernest Kirkwood, co-chair of the Reentry Council's Direct Services Subcommittee, would share updates from their respective subcommittees.

Ernest Kirkwood told the Council that the Direct Services Subcommittee has created five working groups: Reentry Navigation, Reentry Dinner, Alternative to Incarceration (programming credits), Stop the Violence in the Tenderloin, and Breadwinners/ Toastmaster. Ernest also made an announcement that the Second Annual Reentry Dinner will be held on February 22, 2018.

Jose Bernal, a Reentry Council Board appointee and co-chair of the Reentry Council's policy subcommittee spoke to the Council about the state of gang injunctions in San Francisco County.

Prior to delving into the status of gang injunctions, Jose asked members of the council to look at the letter Public Defender, Jeff Adachi had written. The letter was included in the packet submitted to the Council and to the general public.

Jose then provided some context of why San Francisco had adopted the gang injunctions. Jose stated in 2007 and 2008, San Francisco was experiencing a record high number of homicides. Jose stated during this time city officials were trying to curb violence. Jose informed the Council that creating gang injunctions was a solution that was adopted by the City Attorney's office. The gang injunctions classify people under public nuisance laws and created safety zones where people were enjoined

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from creating a nuisance. Jose stated these safety zones were in Black and Brown communities and the people on the list were Black and Brown men. In addition, these gang injunctions were placed in the following communities: Visitacion Valley, Bayview Hunter's Point, Mission, and Western Addition.

Jose posed a question to the group whether or not gang injunctions were currently relevant for San Francisco County. Jose stated the City of Oakland has lifted its gang injunctions and he stated the City of Los Angeles has recently done a massive purge to their current gang injunction list, reducing the list by 80%.

Jose stated the City and County of San Francisco had entered into an MOU (Memorandum of Understanding) with the ACLU and Lawyer's Committee on Civil Rights during the inception of the gang injunctions. He stated that under the MOU, the City Attorney agreed to do a three-year internal review on the effectiveness of gang injunctions. Jose stated he has not been able to locate this three-year review.

Jose informed the group that he had placed a request for information with the police department; and that he received a letter stating his document request could not be fulfilled because of data limitations. Jose spoke about the list being out of date and that he knew of deceased members from the community that were still on the list.

Jose urged the Reentry Council to engage in a conversation with City Attorney's office and the Police Department about whether these injunctions were relevant for the City and County of San Francisco.

Simin Shamji informed the Council and the general public that an individual is classified a gang member because of their association with gang members. She expressed great concern regarding individuals being classified as gang members based on their association to members of their communities. She stated the gang injunction list had not been updated since 2011. She concurred with Jose's statements that individuals on this list were members of Black and Brown communities. She stated many of the people on this list have moved out of the city and are living productive lives. She also reemphasized the Public Defender's letter to end gang injunctions and she stated the City Attorney appeared to be responsive to the dialogue.

Simin stated she believes the Reentry Council should be vocal on this matter of bringing this dialogue to the City Attorney. She suggested the council support sending a letter to the City Attorney office voicing the aforementioned concerns.

Jose reiterated his point that he wanted the Council members to be more united in supporting the deletion of San Francisco's gang injunction. As a result, he was fine with the group as a collective requesting more information regarding the effectiveness of gang injunction from the police department and the city attorney's office.

Lucero Herrera explained to members how the gang injunctions had affected her life growing up in the Mission District. Lucero stated she was 19 years old when she went to prison. She spoke about the effects of gang enhancement charges and how individuals placed on the gang injunction list have been deported and how the injunctions removed people from their communities and how gang injunctions had torn families apart. She stated that she still feels fear when she sees SFPD's gang taskforce unit patrolling the Mission. She urged the Council to support the sunseting of the gang injunctions.

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Jeff Mori stated in some instances the out-of-date gang injunction had been a hindrance in employment for some participants in high crime areas. He stated the “science is there, they do not work.” He spoke of being in favor of moving towards ending the gang injunctions.

Supervisor Fewer offered to host a Board of Supervisors meeting requiring the City Attorney’s office to provide data regarding the use of the gang injunctions.

Chief Nance stated it would be helpful to have the data and that the Council should defer to the subcommittee to collect more data and then have the subcommittee take a position on the matter and report back to the entire board.

Jared Walker urged the Council not to prolong the matter and to make this issue a priority. He stated it is important to have the data; however, he spoke of the request for more data may be a deterrent in moving this issue forward. Jared stated “Justice delayed is justice denied.” He stated in the spirit of restorative justice the present gang injunctions need to be removed and that the Council needs to move on this issue and make it a priority to move on this issue.

Cristine DeBerry stated the Council’s letter should ask the City Attorney questions about what the Council wanted to know about the gang injunction and the data around the injunction. She stated the Council has questions on this topic and having the data to evaluate this question will help the Council to decide whether or not it can support the ending of the injunctions.

Milanda Moore stated the need to “blow the dust off the list” and have a “common sense conversation” regarding who still lives in the city that is on the list, who is deceased on the list. She proposed the body vote on two motions. The first motion was for the Council to write a letter asking for the data around injunctions. Then she suggested if the data is not produced then the Council should follow through with Supervisor Fewer suggestion of having a board meeting regarding this issue.

Cristine DeBerry stated there is a motion to draft a letter to city attorney and police department about gang injunction data.

Public comment:

One member of the public stated she was with the police investigations division and that several years ago, there was a lot of violence in San Francisco. She agreed the gang injunctions should be reevaluated regarding the relevance of the list.

Joe Calderon spoke about his experience growing up in the Mission and being randomly approached by undercover police who would take down people names for no reason. Joe stated he and his friends could be having a barbeque and then they would be approached by the police. Joe also stated the conversation around gang injunctions has happened at Council meetings for the past 4 to 5 years. Joe stated gang injunctions hurt Black and Brown communities.

Eric Henderson spoke about access to the data and he stated the data should also analyze people getting gang enhancements charges. He stated individuals don’t have to be on the list to get a gang enhancement.

Simin Shamji repeated the previous motion and there was a second. The Council unanimously passed the motion to draft a letter to the City Attorney and police department about gang injunction data.

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### 6. Regular Update on Legislation and Funding Related to Reentry (discussion only).

Ali Riker of the Sheriff's Department reported on the MIOCR Grant. She informed the council that the grant was focused on the jail's mentally ill population. She stated the grant was scheduled to terminate this year. She stated the Sheriff had requested an interim evaluation that was scheduled to be finalized in the next couple of weeks. She told the Council that she wanted to share a few highlights of the grant. She stated 76 clients were involved in with the grant. She stated the majority of these clients received psychiatric services. She stated 24 of the 76 individuals were on the Department of Public Health top users list from 2015-2017 and 47 percent of clients were classified as high users of DPH services. She then provided data regarding diversion of these individuals. She stated these individuals spent approximately 29 days in a jail bed before being placed in community court. She stated these individuals only spent 13 days when referred while in incarcerated. She stated 19 individuals had graduated from the community court program. She stated out of the 19 graduates only 2 graduates had returned to jail on misdemeanor charges. She stated out of the 76 clients, 17 individuals self terminated or opted out of the program.

Ali reflected on the program's initial goals when they received the grant two years ago. Ali stated two years ago the Sheriff department believed wraparound services and transitional housing would greatly improve these individuals' situations; she stated after two years these individuals' needs were greater than they originally estimated.

Ali also informed the Council that the Sheriff's department had implemented a cab voucher program for individuals being released after 8pm. She stated the cab voucher program is currently being offered between the hours of 8:00pm to 5:00am. She also informed the Council that the Sheriff's department would be bringing on a discharge coordinator and that they were in discussion about starting a motel voucher program.

### 7. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, LEAD, Prop 47, Women's gender responsive work (discussion only).

Karen Roye reported that the Sentencing Commission heard a presentation on Collaborative Courts at its last meeting. There was also a presentation about an interactive dashboard to manage the criminal justice data. The next meeting of the Sentencing Commission will be on March 7, 2018.

Chief Nance informed the Council that the Juvenile Justice Coordinating Council had not met during this quarter; however, he stated the next meeting would be April 17 from 3-5pm.

Angelica Almeida reported on LEAD and Prop 47. She stated LEAD launched in October 2017. She stated since its inception the program has received 39 referrals. She stated most of the referrals were social contact referrals. She stated most of the LEAD related offenses were also Prop 47 offenses. She informed the Council that the Prop 47 grant included funding for substance abuse housing and treatment.

Geoffrea Morris, APD Women's Gender Responsive Coordinator, spoke to the Council regarding the work she has done in the area of gender responsive work in the past 4 months. She informed the Council of three upcoming events regarding gender responsive work. She stated on March 21, 2018 at 10:00am at the CASC, APD would be formally launching the Women's Justice Reform Initiative and that formal flyers and personal invitations will soon be sent out.

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She stated APD and the Sheriff Department's Religious Services Division will be hosting An Evening Dialog with the Faith-Based Reentry Community. She stated a copy of the flyer was included in the reentry council packet. She stated the event would be at St. Mary's Cathedral in the St. Francis' Hall on February 13, 2018 from 5:30pm to 8:30pm.

Geoffrea also mentioned APD will be hosting a three-part series discussion exploring how the San Francisco's Criminal Justice Partners and Community can better serve the incarcerated and reentering transgender community and informed the group that the Human Rights Commission will be co-hosting the series with APD.

8. Presentation on an Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes in San Francisco—Steven Raphael and John MacDonald (discussion only)

Cristine DeBerry informed the group about the research the DA's office had conducted regarding racial disparity on case dispositions and sentencing outcomes in San Francisco. She stated the research was done by two researchers, Steve Rafael from UC Berkeley and John MacDonald from University of Pennsylvania. She stated one of the reasons for the study was that the DA's office wanted to know whether or not there were racial disparities in charges. Steve and John read from the data that was provided in the Reentry Council's packet. They noted Prop 47 narrowed the field of racial disparity between African Americans and whites. They found that individuals who were pre-trial release-eligible were more likely to be convicted of their offenses when held in jail. The researchers stated the passing of Prop 47 turned most of the traditional drug felonies into misdemeanor offenses; this definitely had an effect on reducing the disparities.

Cristine DeBerry stated results of this study would be posted on the DA's website and posted on both universities' websites.

Milanda Moore asked if search conditions were tested within their study. She stated individuals with a search condition are more likely to have more contacts with authorities or police. Steve Rafael stated search conditions were not analyzed in their data. Cristine stated she believes the police department is currently in the process of doing their own data analysis regarding this and other decision points.

Simin asked if charges were analyzed or was it only convictions. Steve responded that yes, charges and convictions were provided by the DA for this study.

Karen Shain asked if the researchers had analyzed issues with bail in their study and whether DA was opposing bail during the bail hearing. Steve stated it was difficult to quantify the bail information. He believed pre-trial data might uncover a deeper bail analysis; however, bail analysis was not a part of the study.

Chief Nance asked a question regarding the researchers' analysis of race and ethnicity for this study. He stated that race and ethnicity can be captured in different ways. The researchers stated Hispanic data was difficult to capture. Steve stated for many individuals that come in contact with the criminal justice, the officer or individual who is processing them into the system is the one racially identifying the individual in the system rather than using a process of self-identification. He stated to get a better analysis regarding Hispanic defendants, they did a cross analysis of Hispanic-related surnames and U.S. Census data. Steve mentioned problems with this analysis because some Filipino defendants may have been captured under this analysis.



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Lauren Bell thanked the District Attorney's Office for investing in this study regarding their decision point and using this study as means to look into actionable items to move forward.

Cristine asked members of the Council to read the researcher's summary provided in the packet. She stated the DA's office took nearly six years to find a researcher to do this study. She stated once the researchers were identified it took them about a year and a half to complete their research. She stated having independent researchers look at their data was important to her office so that they could then begin on making improvements in their decision points. In addition, she stated their office has recognized there are racial disparities with Black and Latino defendants. She stated with this information from the study, the DA's office could now begin to make real and actionable changes in their system.

9. Report on MAPS (Mentoring and Peer Support) Program— Erik Deiters, DPH (discussion only)

Erik Dieters of the Department of Public Health's MAPS program presented. Mr. Dieters stated this program was affiliated with behavioral courts. He stated his staff included 5 peer mentors and himself in the leadership role. He stated they were presently serving about 80 individuals. He stated his staff supported these participants in several areas such as relapse support, anxiety around court, and being accessible for clients in crisis. He stated most of the clients they were serving suffered from the following disorders: schizophrenia and bi-polar. He stated many of their clients were also crystal meth users. He stated most of the participants crimes were related to their mental health issues. He stated through this grant, his program had been able to create a linkage with Adult Probation, the Sheriff's Department, and the Public Defender's Office.

Eric stated his programs received referrals from 5 Keys Charter School, different case managers, and Jail Behavioral Health Services. He stated to be eligible for the program individuals must have a dual diagnosis. He also stated if an individual fits their criteria but was in another court, it was at the discretion of the individual's attorney to advocate for the individual to be placed into behavioral court. He stated his program had no authority to move individuals from one court to behavior court.

Karen Roye stated she sees this program as an avenue for people of color to help other people of color assist one another with community resources and services. Dieters stated most of the peer counselors were African American and that he had one peer mentor who is white. He stated he would love to expand the diversity of his staff to be even more inclusive. He stated at the time his peer mentors were all part-time employees with lived experience.

10. Report on legislative initiative to end discrimination in occupational licensing—Root and Rebound (discussion and possible action)

Neeraj Kumar from Root and Rebound addressed the Council about a legislative initiative addressing California's occupational licensing system. He stated 21 percent of California jobs require some form of occupational license. He stated many of the licensing requirements were for low to moderate income occupations. He stated having a criminal record disqualifies individuals from at least 1200 different licenses. He stated research has shown employment is directly correlated to recidivism rates. He stated individuals with criminal records are usually paid lower wages and that these individuals tend to have lower rates of job turnover.

Neeraj stated that individuals with an arrest on their record without a conviction were also being denied licensing and denied access. He stated that when individuals tried to move forward with the appeal process of these boards, their appeals process denies them access to an attorney so individuals chances of being awarded the licensure is usually left to the sole discretion of the administrative

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appeal's boards. He stated his office and others working on the initiative have begun writing legislative language regarding many of these license restrictions, and he stated the coalition is working with a state legislator to author the legislation.

Tara Agnese from Adult Probation asked Neeraj what type of information employers are receiving. Neeraj stated employers receive the prospective applicant's full live scan report. He also stated individuals are given a "candor test" prior to undergoing the live scan process. He stated their full rap sheet then is cross checked with their candor test. They are disqualified for lack of candor if they couldn't remember all of their convictions or were confused about whether or not a particular charge resulted in conviction.

A second member of the audience asked a question about whether dismissed convictions were presenting roadblocks to licensing. Neeraj stated while many licensing board can not make their sole decision on an individual's record, having a record creates a serious barrier to receiving a license.

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

Chief Nance stated his department was having an upcoming event at the Koret Auditorium in the Main library. He told the group the topic would be related to juvenile justice and that the event would be from 8am to 5pm and he provided the following phone number, 415-753-7556, to individuals who wanted to receive more information regarding the event.

The Five Keys representative informed the Council of a resource fair their agency was hosting in the coming weeks inside the jail.

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

One member of the Public shared with the Council there was going to be a Reentry Council Dinner scheduled for February 22, 2018 at St. Mary's Cathedral.

### 13. Adjournment.

The meeting was adjourned at 12:07pm.

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### *Roster of Members*

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### Other Members

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# Reentry Council

## of the City & County of San Francisco

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# Reentry Council

## of the City & County of San Francisco

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For more information about the Reentry  
Council of the City and County of San  
Francisco visit [www.sfgov.org/reentry](http://www.sfgov.org/reentry)

**Reentry Council of the City and County of San Francisco  
2018 Meeting Calendar**

**Council Meetings:** Last Thursday of the first month of each quarter  
10am-noon

January 25—Pitchess Room, 1800 Oakdale Ave

April 26—St. Anthony's Foundation

July 26—San Diego Rooms, Milton Marks

October 25—St. Anthony's Foundation

**Subcommittee on Direct Services:** 2<sup>nd</sup> Thursday of the month on uneven months  
2:30-4:30 pm, all in City Hall Room 305

January 11—25 Van Ness, Lower Level

March 8—Public Defender's Office, 555 7<sup>th</sup> St., 3<sup>rd</sup> Floor

May 10—25 Van Ness

July 12—Public Defender's Office

September 13—25 Van Ness

November 8—Public Defender's Office

**Subcommittee on Legislative Policy, Advocacy and Practices:** 3<sup>rd</sup> Wednesday of the month on uneven months 2:30-4:30pm, all in 25 Van Ness, Lower Level conference room

January 17

March 21

May 16

July 18

September 19

November 21

The San Francisco Adult Probation Department  
Invites you to the launch of the

# **San Francisco Women's Justice Reform Initiative**

Tasked by city partners, and following extensive stakeholder assistance, SFAPD is mobilizing and implementing its first ever city-wide, comprehensive gender responsive pathway for justice-involved women



**JUNE 20, 2018 • 10AM- 11AM •  
COMMUNITY ASSESSMENT SERVICES CENTER (CASC)  
564 6TH STREET, SAN FRANCISCO, CALIFORNIA**

Please RSVP to Geoffrea Morris: [geoffrea.morris@sfgov.org](mailto:geoffrea.morris@sfgov.org)  
SFAPD's Women's Gender Responsive Coordinator  
Your participation in this Initiative is valued.  
Please contact us for more information



# Recovery Summit 2018

Wednesday, May 23<sup>rd</sup>  
Koret Auditorium, 100 Larkin St

To register please visit:

<https://www.eventbrite.com/e/recovery-summit-tickets-44898495609>



MAY  
23

## Recovery Summit

by San Francisco Adult Probation  
Department & Senior Ex Offender  
Program

Free

**REGISTER**

**DESCRIPTION**

Addiction and substance use constitute the largest preventable and most costly public health problem in America. San Francisco has a long history of recovery services, but in light of well-known, continuing and complex addiction challenges, there is truly more work to be done.

The 2018 Recovery Summit explores the various treatment modalities used in San Francisco, celebrates the successes of individuals in recovery, and strives to *Inspire Change!*

Hosted by the San Francisco Adult Probation Department and the Senior Ex-Offender Program, please join us in an interactive Summit to *Inspire Change!* Hear from keynote speaker, Dr. Teri Delane, as she reveals her compassionate understanding of addiction, and trauma, and her journey of healing through a community who would not allow her to fail. Following the keynote address, a panel of accomplished former addicts will debate recovery approaches and treatment modalities in San Francisco.

**DATE AND TIME**

Wed, May 23, 2018  
8:30 AM - 1:00 PM PDT  
[Add to Calendar](#)

**LOCATION**

Koret Auditorium  
Main Public Library  
100 Larkin St.  
San Francisco, CA 94102  
[View Map](#)

### Agenda:

8:30am: Registration and Breakfast

9:30am: Program Begins

9:45am: Keynote Speaker

- Keynote Speaker:
  - Dr. Teri Delane, Ph.D
  - Executive Director, Life Learning Academy

10:45am: Panel Discussion

- Panelists:
  - Adrian Maldonado, AMFT
  - Tracey Helton, MPA, CATC, HPC III
  - Jason Norelli
  - Lisa Wood, CACT

12:15pm: Presentation of Community Appreciation Awards

## AWARD WINNERS

### *Shirley Lamar Award*

- Cedric Akbar

### *Recovery Ambassador Award*

- Alisea Wesley-Clark
- Pastor Ronnie Muniz

### *Inspiring Change Award*

- Allen Harven, IV
- Theodore Tolliver, III
- Victoria Westbrook

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# RESTORATIVE JUSTICE TRAINING

JUNE 25TH (M) & 27TH (W)

9:00 AM-4:00 PM

STATE BUILDING-SAN DIEGO ROOM  
455 GOLDEN GATE AVE.

Join us in learning about the concepts, practices and strategies of restorative justice.

This two day training course is relevant to service providers facilitating support groups and community gatherings. Learn principles of circle design and applications to your current work. Food will be served.

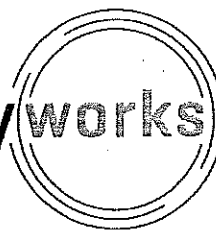
Facilitated by Yejide Ankobia,  
Director of Restorative Programs of  
Community Works West

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Please RSVP to  
Destiny Pletsch  
[destiny.pletsch@sfgov.org](mailto:destiny.pletsch@sfgov.org)  
415-902-1228

**communityworks**

JUSTICE DEMANDS HUMANITY



# Reentry Council

## of the City & County of San Francisco

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Regular Update Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, Community Corrections Partnership, LEAD, and Prop 47

### Juvenile Justice Coordinating Council

Author by Allen Nance, Chief Probation Officer of the Juvenile Probation Department

The San Francisco Juvenile Justice Coordinating Council (JJCC) co-chaired by SFJPD Chief Allen Nance and Director Maria Su of the Department of Children Youth and Their Families, met on Tuesday April 17, 2018 at 3PM, at the Juvenile Justice Center administration building. A quorum of members was present. The council heard presentations on the DCYF Request for Proposals process that was recently completed for community-based services. Ms. Jasmine Dawson and Assistant Chief Probation Officer Paula Hernandez provided council members with information regarding vendor selection process as well as details regarding the alignment of the provider resources with the various service sectors. ACPO Hernandez discussed SFJPD's provider engagement and support strategy and introduced Deputy Probation Officer Yvonne Moore as the SFJPD liaison identified to work closely in support of the service providers and probation officers. This approach is designed to enhance the quality and fidelity of services delivered to the youths. The council also received a presentation on the Our Children, Our Families Council (OCOF) by Ms. Alecia Barillas, Coordinator for OCOF and Mr. Luis Aroche, Family Support Navigator for OCOF. They discussed the voter approved Proposition C. that authorizes and funds the work, its goals and objectives, community and agency engagement, and the framework within which the work to develop a comprehensive plan exists. They discussed the focus, structure, and leadership of the various supporting workgroups. Ms. Barillas and Mr. Aroche encouraged members of the JJCC to serve on the workgroups and welcomed alignment with the goals and objectives of the Multi-Agency Local Action Plan adopted by the JJCC. Future agenda topics for the JJCC will focus on a review of the Bylaws, membership composition, and meeting frequency. The meeting was adjourned at 4:07 PM. The next meeting is not yet set, but will take place early summer, 2018.

### LEAD and Prop 47

Attached in the Reentry Packet is the following:

- Promoting Recovery and Services for the Prevention of Recidivism (PRSPR) Fact Sheet
- Law Enforcement Assisted Diversion (LEAD) SF Fact Sheet
- San Francisco Data on the LEAD Program Chart and PRSPR

# Reentry Council

## of the City & County of San Francisco

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### Sentencing Commission

Author by Tara Anderson and Review Karen Roye, Reentry Council Rep on Sentencing Commission

The San Francisco Sentencing Commission last met on March 7, 2018. The Justice Dashboard was the primary focus of the meeting. With funding from the MacArthur Foundation's Safety and Justice Challenge, the Justice Dashboard is the first local analysis of recidivism outcomes in San Francisco. The primary consultant Alissa Skog provided an overview of the methodology behind the dashboard and conducted an in depth demonstration on the functionality of the web-based tool showing subsequent arrest, arraignment and conviction for individuals in the 2013 cohort. Discussion of this first of it's kind resource for San Francisco included but was not limited to the need to incorporate success measures in feature version of the dashboard; confirmation that the dashboard was easy to follow; acknowledgement and appreciation for the work invested in the dashboard, and the need for third party validation. The Sentencing Commission staff are now working under the direction of the District Attorney's Office and Sheriff's Department to finalize the Dashboard and develop a public pilot. Due to the success of the Justice Dashboard Project the Sentencing Commission has been invited to apply for the MacArthur Safety and Justice Challenge. Updates on this application will be provided at the next Sentencing Commission meeting on June 6<sup>th</sup>.

Next Meeting:

June 6, 2018

850 Bryant Street, Rm 322

SFDA Law Library

For more information contact: [Tara.Anderson@sfgov.org](mailto:Tara.Anderson@sfgov.org)

### Collaborative Courts

There are presently no updates with Collaborative Courts at this time.

### Community Correction Partnership

There are presently no updates with Community Correction Partnership at this time.

Next Meeting:

Tentatively scheduled for August 16, 2018, 400 McAllister Street,

Time and Room number is to be announced.

For more information contact: Geoffrea Morris, Interim Reentry Council Policy Analyst;

[geoffrea.morris@sfgov.org](mailto:geoffrea.morris@sfgov.org); 415-241-4241



# PRSPR Fact Sheet

## 1. What is Promoting Recovery & Services for the Prevention of Recidivism (PRSPR)?

Funded by Proposition 47, a voter-approved initiative, the Board of State and Community Corrections (BSCC) has awarded a grant to San Francisco to implement the Promoting Recovery and Services for the Prevention of Recidivism (PRSPR) program. This grant is funded for 38 months (June 16th, 2017-August 15th, 2020).

PRSPR will interrupt the cycle of substance abuse, unaddressed behavioral health issues, homelessness, and incarceration by expanding the city's capacity to provide residential Substance Use Disorder (SUD) treatment for criminal justice system-involved adults who may also have co-occurring behavioral health needs. The program is grounded in **3 main goals**: 1) **Engage** adults with SUD or co-occurring behavioral health needs who have a history of involvement with the criminal justice system, 2) ensure that all participants are **supported by a community care plan** that connects them to community-based resources, and 3) **reduce recidivism rates** for participants during and after program participation.

## 2. Who are the partners?

**City Departments**

- Department of Public Health (DPH)

**Community Based Organizations**

- Salvation Army
- Felton Institute
- Richmond Area Multi-Services (RAMS)
- San Francisco Public Health Foundation

**Technical Support**

- Hatchuel Tabernik and Associates

**Community Representatives**

- Reentry Council
- Jail Workgroup
- Glide Church
- Five Keys Charter School
- Individual members of communities who are overrepresented in or underserved by the criminal justice system

## 3. What services are provided?

An individual receiving services through PRSPR will have access to a variety of services which are designed to work in concert to meet the unique needs of each participant:

- Social Detox
- Residential SUD Treatment
- Peer Navigation
- Transitional Age Youth Specific Services
  - Case Management
  - Outreach and Linkage
  - TAY-specific SUD curriculum

## 4. Who is eligible?

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

- 1) Be at least 18 years of age;
- 2) Have a history of criminal justice involvement;
- 3) Have a Substance Use Disorder;
- 4) May have a co-occurring mental health need

## 5. Who can refer?

A referral must be made from one of the following programs:

- Treatment Access Program (TAP)
- Offender Treatment Program (OTP)
- Jail Behavioral Health Services (JBHS)
- Law Enforcement Assisted Diversion (LEAD)

# What is PRSPR?

Grant from:



Goals are to:



Engage target population



Support Participants with Community Care Plans



Reduce Recidivism



Interrupt the cycle of substance abuse, unaddressed behavioral health issues, homelessness, and incarceration

.....Who are the partners?.....



City Departments



Community Based Organizations



Technical Support



Community Representatives

.....What services are provided? .....



Social Detox



Residential Substance Use Disorder Treatment



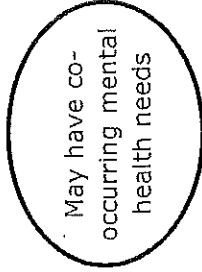
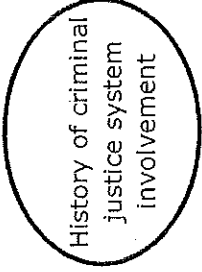
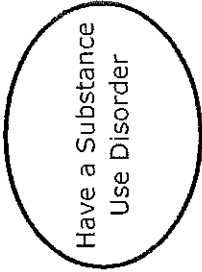
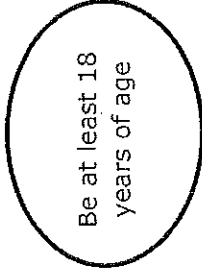
Peer Navigation



Transitional-Age Youth (TAY) Services

- Outreach and Linkage
- Case Management
- TAY-Specific Substance Use Disorder Curriculum

.....Who is eligible? .....



.....Who can refer? .....



San Francisco Health Network



SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Treatment Access Program	Offender Treatment Program	Jail Behavioral Health Services	LEAD SF
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PRSPR



# LEAD SF Fact Sheet

## 1. What is LEAD SF?

San Francisco has been chosen as a recipient of a Board of State and Community Corrections (BSCC) grant to implement Law Enforcement Assisted Diversion (LEAD). This grant is funded for 5.9 million dollars for 26 months (April 21, 2017-June 30, 2019).

Based on the Seattle LEAD program, LEAD SF will be an innovative pre-arrest diversion program that will refer repeat, low-level drug offenders at high risk of recidivism, at the earliest contact with law enforcement to community-based health and social services as an alternative to jail and prosecution. This program, to be implemented in August of 2017, will focus on the Mission and Tenderloin Districts to better meet the needs of individuals with a history of substance abuse and low-level drug offenses through **3 goals**: 1) **reduce the recidivism rate** for low-level drug and alcohol offenders, 2) **strengthen collaboration** across city and community based partners, and 3) **improve their health and housing status**.

## 2. Who are the partners?

- **City Departments**
- Adult Probation Department
- Bay Area Rapid Transit (BART) Police
- Department of Public Health
- Office of the District Attorney
- Office of the Public Defender
- San Francisco Police Department
- San Francisco Sheriff's Department

### Community Based Organizations

- Drug Police Alliance
- Felton Institute
- Glide Harm Reduction
- San Francisco Public Health Foundation

### Technical Support

- Harder+Company Community Research
- Hatchuel Tabernik and Associates

### Community Representatives

- Reentry Council
- Roadmap to Peace
- Sentencing Commission
- Tenderloin Health Improvement Partnership
- Workgroup to Re-Envision the Jail Replacement Project

## 3. What services are provided?

An individual receiving services through LEAD SF will have an Individualized Intervention Plan that they will develop with their treatment team. Services will vary to meet the unique needs of each individual, but may include:

- Support with food, shelter, and clothing
- Enrollment in public benefits
- Linkage to medical services (e.g., mental health, substance use disorder treatment, etc.)
- Support with education and employment services
- Family and community re-engagement

All services will be based in the following principles and practices:

- Harm Reduction
- Recovery and Wellness
- Trauma Informed
- Culturally Competent
- Gender Specific
- Evidence Based Practices (e.g., Seeking Safety, Dialectical Behavioral Therapy, Cognitive Behavioral Therapy, Assertive Community Treatment, Wellness Recovery Action Plan, Thinking for a Change)

## 4. Who is eligible?

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

- 1) Be at least 18 years of age;
- 2) Be alleged of committing an offense in the Tenderloin or Mission Districts;
- 3) Have contact with Law Enforcement where there is probable cause for a LEAD eligible offense (engaging in specified drug-related misdemeanor/felony offenses including for those engaged in survival trades)

## 5. Who can refer?

A referral must be made from one of the following law enforcement agencies working in the Mission or Tenderloin Districts:

- San Francisco Police Department (SFPD)
- Bay Area Rapid Transit Police (BART Police)
- San Francisco's Sheriff's Department (SFSO)

### LEAD SF Website

[www.sfdph.org/dph/commup/knowlcol/leadSF/Law-Enforcement-Assisted-Diversion-SF.asp](http://www.sfdph.org/dph/commup/knowlcol/leadSF/Law-Enforcement-Assisted-Diversion-SF.asp)

### LEAD SF Email

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# What is LEAD SF?

Grant from:



Goals are to:



reduce recidivism



strengthen collaboration



improve health and housing status



Particularly in:



Tenderloin Mission

.....Who are the partners?.....



City Departments



Community Based Organizations



Technical Support

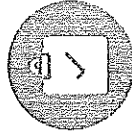


Community Representatives

.....What services are provided? .....



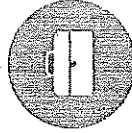
Support with food, shelter, & clothing



Enrollment in public benefits



Linkage to medical services (e.g., mental health, substance use disorder treatment, etc.)



Support with education & employment services



Family & community re-engagement

..... Who is eligible for diversion and .... how are they diverted?

✓ Must be at least **18** or older

✓ be alleged of committing offense in Tenderloin or Mission Districts



Identified as LEAD eligible by Law Enforcement (engaging in specified drug-related misdemeanor/felony offenses, including for those engaged in survival trades) and diverted to services

..... Who can refer? .....



SF Police



SF Sheriff



BART Police



LEAD SF

LEAD SF Website

[www.sfdph.org/dph/comupg/knowicol/leadSF/Law-Enforcement-Assisted-Diversion-SF.asp](http://www.sfdph.org/dph/comupg/knowicol/leadSF/Law-Enforcement-Assisted-Diversion-SF.asp)

LEAD SF Email

[leadst@sfdph.org](mailto:leadst@sfdph.org)



Law Enforcement Assisted Diversion (LEAD)  
Date of Update: 4/23/2018

Of 86 Referrals									
Referrals					Referrals				
Prebooking Referrals (#/%)		40		47%	Social Contact (#/%)		46		53%
Referral Agency									
SFPD (#/%)		46		53%	BART Police (#/%)		40		47%
Prebooking		20		43%	Social Contact		26		57%
Prebooking		20		50%	Social Contact		20		50%
Social Contact		0		0%	Social Contact		0		0%
SFSO (#/%)		0		0%	SFSO (#/%)		0		0%
Neighborhood									
Tenderloin District (#/%)		63		73%	Mission District (#/%)		23		27%
History of Contact with the SF Jail System									
Prebooking Referrals (#/%)		32 of 40		80%	Social Contact (#/%)		34 of 46		74%
# of individuals who completed their initial screening and assessment = 56									
Of 53 Active Participants									
Gender									
Men (#/%)		37		70%	Women (#/%)		16		30%
Transgender/Non-binary (#/%)		0		0%	Transgender/Non-binary (#/%)		0		0%
Race/Ethnicity									
White (#/%)		25		47%	Asian (#/%)		3		6%
Black (#/%)		15		28%	Native Hawaiian/Pacific Islander (#/%)		0		0%
Hispanic/Latinx (#/%)		7		13%	Hispanic/Latinx (#/%)		7		13%
American Indian/Alaskan Native (#/%)		3		6%	American Indian/Alaskan Native (#/%)		3		6%
Connected to LEAD Services									
Glide (#/%)		34		64%	Felton (#/%)		19		36%
Prebooking		17		50%	Social Contact		4		21%
Prebooking		15		79%	Social Contact		15		79%

Law Enforcement Assisted Diversion (LEAD)

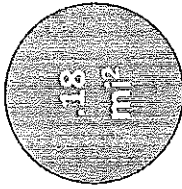
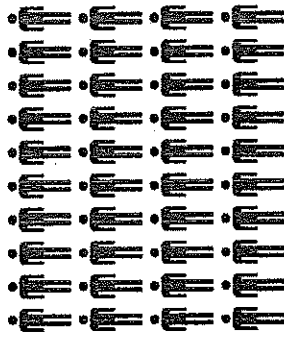
Date of Update: 4/23/2018


Of 53 Active Participants											
Race/Ethnicity											
	White (#/%)	Black (#/%)	Asian (#/%)	Native Hawaiian/ Pacific Islander (#/%)	Hispanic/Latinx (#/%)	American Indian/ Alaskan Native (#/%)	Total				
Pre-booking	12	5	0	0	3	1	21				
Social contact	13	10	3	0	4	2	32				
<b>TOTAL</b>	<b>25</b>	<b>15</b>	<b>3</b>	<b>0</b>	<b>7</b>	<b>3</b>	<b>53</b>				

Promoting Recovery and Services for the Prevention of Recidivism (PRSPR) - Prop 47						
Date of Update:						
<i>Referrals to Detox</i>						
Total Referrals		New Admissions Since Last Update		Total Admissions Over Life of Grant		
Number	5	1		4		
<i>Referrals to Harbor Lights Residential</i>						
Total Referrals		New Admissions Since Last Update		Total Admissions Over Life of Grant		
Number	31	3		24		
<i>Referral Source for All Referrals</i>						
Jail Health Reentry Services	Treatment Access Program	Offender Treatment Program	TAY PRSPR	Law Enforcement Assisted Diversion		
Number	8	23	2	1	2	
<i>Current Participant Numbers</i>						
Participants in Detox		Participants in Harbor Lights				
Number	0	17				
<i>Race for Current Participants</i>						
White	Black/African American	Asian	Native American/Alaska Native	Native Hawaiian/Pacific Islander	Hispanic/Latino	Other
Number	7	0	1	0	2	0
<i>Gender for Current Participants</i>						
Male		Female		Transgender		Nonbinary
Number	14	3		0		0
<i>Age for Current Participants</i>						
18-25		26-43		44-64		65 and older
Number	3	6	8			0

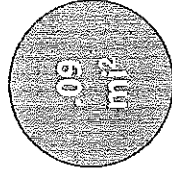
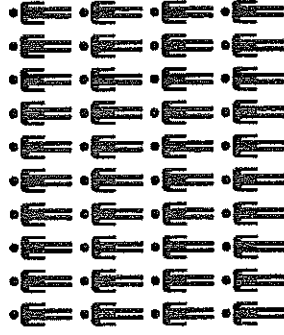
# People & Area Affected by San Francisco Gang Injunctions


## Sunnydale/Vis. Valley



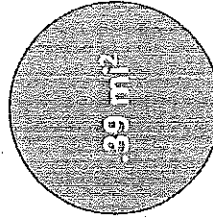
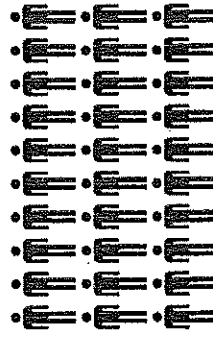
 41 Black and Brown Men

## Western Addition



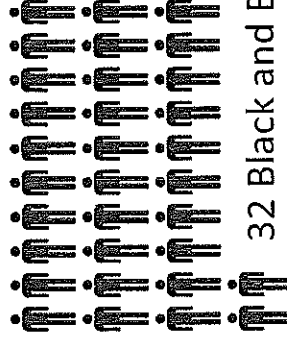
 42 Black and Brown Men

## Mission



30 Black and Brown Men

## Bayview/Hunters Point



32 Black and Brown Men

Reference Point: Dolores Park = .025 mi<sup>2</sup>

April 2018

Reentry Council of City and County of San Francisco  
2018 Legislation

Bill #	Author	Title	Synopsis	Status	RC action
AB1940	McCarty	Parole: Reintegration Credits	Incentives parole education, personal development and restorative justice success with parole term reduction.	Amended in Assembly 4/2/18	
SB1105	Skinner	Relief from Traffic Citation Prosecution	VC 41500 relief to people in county jail, work alternative programs or similar alternatives to incarceration.	Amended in Senate 4/3/18	
SB1025	Skinner	Inmates: health care enrollment	Grants judges discretion to grant probation for additional cases involving controlled substances.	Introduced by Skinner on 2/7/18	
SB906	Anderson and Beall	Medi-cal: mental health services, peer, parent, TAY, family support specialist certification.	Creates a statewide certification for Peer Support Specialists and supports using medical funding to encourage peer specialist programs.	Introduced on 1/17/18	
SB1393	Mitchell	Sentencing	Removes 5 year sentencing enhancement for each prior conviction of a serious felony.	Introduced on 2/16/18	
AB 1392	Mitchell and Lara	Sentencing	Existing law imposes an additional 3-year sentence for each prior separate prison term served by a defendant where the prior and current offense was a violent felony, as defined. If that provision does not apply, existing law instead imposes a one-year term for each prior separate prison term or county jail felony term under the law, except under specified circumstance. This bill would delete the provision that requires an additional one-year	Introduced on 2/16/18	
SB 1437	Skinner	Accomplice Liability Reform	Removes accomplice death liability cases where a person dies in the commission of certain enumerated felonies.	Introduced 2/16/18	

Reentry Council of City and County of San Francisco

2018 Legislation

Bill #	Author	Title	Synopsis	Status	RC action
AB 2138	Chiu & Low	Reducing Barriers to Occupational Licensing	Removes barriers to occupational licensing for individuals with prior felony convictions after a period of five years, except for violent felonies, and would require the crime to be directly and adversely related to the qualifications, functions, or duties of the business or profession	Introduced on 2/12/18, heard in committee on 4/24/18, passed on for continued committee review	



## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Assembly Bill 1940 (McCarty)**

Dear Mayor Farrell, President Breed, and Members:

The Reentry Council of the City and County of San Francisco is pleased to support AB 1940 (McCarty), a bill that responsibly balances public safety and successful parole by incentivizing a reduced parole term in tandem with demonstrations of educational achievement, personal development, and community based restorative justice efforts.

Under existing California law, a person can be placed on parole for up to a “lifetime”. A 2012-2013 California Department of Corrections and Rehabilitation (CDCR) study demonstrated that lengthy parole terms such as the “life time” parole term are ineffective and that community supervision is in need of reform. Other experts agree that parole requirements should be goal-oriented and not time-based. The Harvard Kennedy School’s Executive Session on Community Corrections emphasized that “America’s community corrections system must reflect and embody the normative values of the wider democracy.”<sup>1</sup> This recommendation is in line with CDCR’s Division of Adult Parole Operations which is committed to offering “state supervised parolees the opportunity for change, encouraging and assisting them in their effort to reintegrate into the community.”<sup>2</sup> Currently, CDCR provides access to education and vocational programs to incarcerated individuals and awards milestone credits upon completion, which are applied to reduce the length of one’s prison sentence. AB1940 provides similar credit earning and milestone incentives for individuals on parole who remain under the jurisdiction of CDCR.

AB 1940 incentivizes people on parole to continue their rehabilitation through education, self-help programs, volunteering, and staying disciplinary-free, and promotes public safety through their success. This bill sends a message that says we want individuals on parole to succeed and we want to recognize their achievements.

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<sup>1</sup> Executive Session on Community Corrections, Toward an Approach to Community Corrections for the 21<sup>st</sup> Century: Consensus Document of the Executive Session on Community Corrections. July 2017 (2).

<sup>2</sup> California Department of Corrections and Rehabilitation’s Division of Adult Parole Operations, California Department of Corrections and Rehabilitation (Feb. 7, 2018), <http://www.cdcr.ca.gov/parole>.

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

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For these reasons, the Reentry Council of the City and County of San Francisco supports AB 1940 (McCarty) and urges the City to support it as well.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco  
Encl: Introduced Legislation

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

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# ASSEMBLY MEMBER KEVIN MCCARTY

7<sup>TH</sup> ASSEMBLY DISTRICT

STATE CAPITOL, ROOM 2136 ★ SACRAMENTO, CA 95814  
915 L STREET, SUITE 110 ★ SACRAMENTO, CA 95814  
WWW.ASSEMBLY.CA.GOV/MCCARTY ★ @ASMKEVINMCCARTY

## AB 1940 (McCarty) Community Reintegration Credits FACT SHEET

**Sponsor:** Cut 50, (Michael Mendoza (415) 530-6599)

**Staff Contact:** Cristina Salazar, (916) 319-2007

**As introduced:** January 25, 2018

### SUMMARY

AB 1940 will reduce recidivism in California prisons and jails by incentivizing people on parole to meet educational goals and participate in rehabilitation programs beyond parole requirements.

### ISSUE

Upon release from a state prison, formerly incarcerated individuals often enter supervised parole to help them successfully reintegrate into society.

California currently has a 20 to 1 parolee to staff ratio, which is expected to increase as criminal justice reforms continue. The California Department of Corrections and Rehabilitation reported in the *2017 Outcome Evaluation Report* that the recidivism rate within the first three years of release onto parole is 46%. The high rate of recidivism means that more must be done to help parolees successfully reintegrate.

While parolees are encouraged to seek educational or job training programs needed to re-enter the workforce, they are provided no incentive for successfully completing an educational or job training program. Just as an incarcerated person can obtain time credit for good behavior while behind bars, no such incentive exists for parolees to complete education, job training or other recidivism reduction programs.

### SOLUTION

AB 1940 will reduce recidivism and support the reintegration of former offenders by providing parolees with parole time credit for successfully meeting educational goals and participating in rehabilitation programs beyond parole requirements.

Utilizing successful education and job training programs, AB 1940 will create incentive based opportunities, shift parole monitoring goals to focus on goal orientated supervision, reduce taxpayer costs associated with parole and ultimately help parolees break California's failed cycle of recidivism to become a contributing member of society.

### SUPPORT

Cut 50 (co-sponsor)

Anti-Recidivism Coalition (co-sponsor)

Root & Rebound Reentry Advocates (co-sponsor)

Young Women's Freedom Center (co-sponsor)

Initiate Justice (co-sponsor)



## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Assembly Bill 2138 (Chiu & Low): Reducing Barriers to Occupational Licensing**

Dear Mayor Farrell, President Breed, and Members:

On behalf of the City and County of San Francisco's Reentry Council, we write to express our support for proposed legislation AB 2138. This bill reduces barriers to occupational licensing for individuals with prior convictions applying for licensure through the Department of Consumer Affairs.

California has nearly 8 million people living with criminal records. Many formerly incarcerated people struggle to find permanent and stable employment after contact with the criminal justice system. Data has shown that employment is the single most important factor to reducing recidivism.<sup>1</sup> Across the nation, almost 30 percent of jobs require occupational licensing. In California, applicants who seek an occupational license that is governed under the umbrella of the Department of Consumer Affairs must be cleared by an oversight board.

Currently, the Department of Consumer Affairs has overly restrictive policies that deny qualified people occupational licenses and allow for revocation or suspension of licenses because of prior arrests or convictions that are not directly and adversely related to the job. Further, many individuals are denied occupational licenses on the basis of judicially dismissed convictions. Even applicants who gained job-specific training while incarcerated are still barred from working in their occupational field due to licensing barriers.

AB 2138 will increase access to licensure by prohibiting the Department of Consumer Affairs from denying or revoking a license for the following reasons: a non-violent conviction older than five years, a dismissed conviction, or a non-conviction act that is not directly related to the qualifications or duties of the profession for which the application is made. Further, since many boards already run background checks through the Department of Justice, this bill prohibits boards from requiring applicants to self-disclose criminal history information. Finally, AB 2138

<sup>1</sup> <http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf>

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requires boards to collect and publish demographic data about the applicants who are denied a license or whose license has been revoked or suspended based on criminal history.

AB 2138 will remove barriers to occupational licensing for many Californians who have already paid their debt to society and have demonstrated rehabilitation. The increased ability to gain employment will reduce recidivism rates and will make our communities safer and more productive.

For these reasons, the Reentry Council of the City and County of San Francisco supports AB 2138 (Chiu & Low) and urges the City to support it as well.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco  
Encl: Introduced Legislation

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

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# ASSEMBLY BILL 2138 (CHIU & LOW)

## REDUCING BARRIERS TO OCCUPATIONAL LICENSING

### SUMMARY

Reduces barriers to entry in occupational licensure for individuals with a prior conviction applying for licensure through the Department of Consumer Affairs (DCA).

### BACKGROUND

In California, an estimated 7,955,500 people – approximately 1 in 3 adults – have arrest or conviction records. California has among the highest recidivism rates in the nation, with many low-level criminal offenders committing new crimes within a year of release. These factors play a significant role in the prison and jail overcrowding crisis that the Legislature has spent the past decade attempting to address.

One of the root causes of high recidivism rates is the inability of prior offenders to secure gainful employment upon reentry. Like all Californians, access to a stable income is critical for these 8 million individuals with a prior conviction to support their families and communities.

California has already adopted strong policies that break down obstacles for previously incarcerated individuals to access jobs in the private sector, including “ban the box” laws. Nevertheless, there continue to be barriers to employment for Californians with prior convictions.

Nearly 30 percent of California jobs require licensure, certification, or clearance by an oversight board or agency for approximately 1,773 different occupations.

All too often, qualified people are denied occupational licenses or have licenses revoked or suspended on the basis of prior arrests or convictions, many of which are old, unrelated to the job, or have been judicially dismissed.

Even individuals who receive job-specific training while incarcerated are kept out of these occupations by licensing barriers.

It is in the interest of public safety to assist in the rehabilitation of criminal offenders by removing impediments and restrictions upon their ability to obtain employment.

### THE SOLUTION

Alleviating barriers to occupational licensure is just one way California can reduce recidivism and provide economic opportunity to all its residents.

AB 2138 will increase access to licensure by applying reforms to the Department of Consumer Affairs (DCA).

Specifically, AB 2138:

- Prohibits denial or revocation/suspension of a license on the basis of a non-violent conviction older than 5 years, a conviction that has been dismissed, or a non-conviction “act” unless it is directly related to the qualifications, functions, or duties of the business or profession for which application is made.
- Prohibits boards from requiring an applicant to self-disclose criminal history information that can already be obtained through DOJ background checks.
- Requires boards to collect and publish demographic data regarding applicants who are denied licensure or who have licenses revoked/suspended.

California must continue to increase public safety and economic prosperity for all Californians by adopting policies that reduce barriers to economic opportunity for formerly incarcerated individuals.

### SUPPORT

Anti-Recidivism Coalition (Sponsor)  
East Bay Community Law Center (Sponsor)  
Legal Services for Prisoners with Children (Sponsor)  
Root & Rebound (Sponsor)  
All of Us or None  
Anchor of Hope Ministries  
Bay Area Legal Aid  
Because Black is Still Beautiful  
Californians for Prop 57  
Californians for Safety and Justice  
Center for Employment Opportunities (CEO)  
Center on Juvenile and Criminal Justice  
Center for Living and Learning  
Checkr  
Courage Campaign

Ella Baker Center for Human Rights  
Homeboy Industries  
Leadership for Urban Renewal Network  
Los Angeles Regional Reentry Partnership (LARRP)  
National Association of Social Workers - California  
Chapter  
New Door Ventures  
Planting Justice  
Prisoner Reentry Network  
Project Rebound: Expanded  
REDF (Roberts Enterprise Development Fund)  
Rise Together Bay Area  
Rubicon Programs  
San Jose State University Record Clearance Project  
San Francisco Conservation Corps  
The Young Women's Freedom Center

## **OPPOSITION**

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None on file

## **FOR MORE INFORMATION**

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Riana King  
Office of Assemblymember David Chiu  
[riana.king@asm.ca.gov](mailto:riana.king@asm.ca.gov)

Robby Sumner  
Assembly Business and Professions Committee  
[robert.sumner@asm.ca.gov](mailto:robert.sumner@asm.ca.gov)



## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Senate Bill 906 (Anderson and Beall): Medi-Cal: Peer Support Specialists Certification**

Dear Mayor Farrell, President Breed, and Members:

The Reentry Council of the City and County of San Francisco is pleased to support SB 906 (Anderson and Beall). We are pleased to join the powerful coalition of California counties, health organizations and advocates who are calling upon the state to standardize high-quality peer and family support services.

SB 906 would establish a Peer, Parent, Transition Age and Family Support Specialist Certification Program to be administered by the Department of Health Care Services. Peer providers who use their life experience with mental illness and recovery, coupled with skills learned through formal training, have proven a valuable addition to service delivery in mental health settings. Research demonstrates that use of qualified peer support specialists has measurable benefits to clients, including reduced hospitalizations, improved functioning, alleviation of depression and other symptoms, and enhanced self-advocacy. A peer support program also creates a career ladder so that consumers and family members working in mental health care have the opportunity to fully contribute, translating their experience into meaningful employment.

Across California, peer providers are already utilized in many settings. However, there is no statewide standard of practice, consistent curriculum, training standards, supervision standards, or certification protocol.

Creation of a state certification program, as laid out in SB 906, would:

- Define the service of peer support.
- Standardize the quality of services provided by peer support specialists.
- Assure that practitioners receive standardized training and demonstrate competency.
- Allow for portability of certification to other counties and providers in the state.

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Just as important, establishing a state certification program would enable California providers to bill federal Medicaid (Medi-Cal in California) for 50 percent of the cost of services provided by certified peers. This is a crucial advantage, as it allows for peer services to become a sustainable piece of the state's mental health care delivery system.

In 2007, the U.S. Centers for Medicare and Medicaid Services (CMS) sent a guidance letter to all state Medicaid directors emphasizing, "peer support services are an evidence-based mental health model of care which consists of a qualified peer support provider who assists individuals with their recovery from mental illness and substance use disorders." CMS encouraged states to establish a state certification process for training, credentialing, supervision and care coordination. (CMS, SMDL #07-011)<sup>1</sup>

Currently forty states plus the District of Columbia and the U.S. Department of Veteran's Affairs have implemented protocols to certify peer specialists, and four additional states are in the process of creating certification programs, enabling the majority of states to leverage Medicaid funds. *And yet, California has not acted!*

The time has come for California to embrace peer support as an evidence-based model and put in place a certification program that will standardize best practices. SB 906 makes sense from both a policy and fiscal perspective, and will result in a more comprehensive and effective approach to mental health care. It is for these reasons that we support SB 906.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco  
Encl: Introduced Legislation

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<sup>1</sup> United States Department of Health & Human Services, Centers for Medicare & Medicaid Services, Guidance Letter to State Medicaid Directors, SMDL #07-011, August 15, 2007. <http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD081507A.pdf>

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**SB 906 (Beall & Anderson)**  
**Co-Authors: Hertzberg & Pan**  
**Peer Provider Certification**  
**Fact Sheet**

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**BACKGROUND**

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A peer provider is a person who draws on lived experience with mental illness and/or substance use disorder and recovery, bolstered by specialized training, to deliver valuable support services in a mental health and/or substance use setting. Across the nation, peer support programs have emerged as an evidence-based practice with proven benefits to both peers and the clients they assist. Peers can include people who have lived experience as clients, family members, or caretakers of individuals living with mental illness.

As noted by the California Mental Health Planning Council, California lags behind the nation in implementing a peer support specialist certification program.<sup>1</sup> The U.S. Department of Veterans Affairs and approximately 40 states have a certification process in place for mental health peer support specialists. Thirteen states have a certification process for SUD peer recovery coaches. The federal Centers for Medicare and Medicaid released guidance in 2007 for establishing a certification program for peers to enable the use of federal Medicaid (Medi-Cal in California) financial participation with a 50% match. Yet California has not acted.

The Working Well Together Statewide Technical Assistance Center, a collaborative of peer and client-oriented organizations, has done substantive work on this issue in California, culminating in a final report and recommendations.<sup>2</sup>

Studies demonstrate that use of peer support specialists in a comprehensive mental health or substance disorder treatment program helps reduce client hospitalizations, improve client functioning, increase client satisfaction, alleviate depression and other symptoms, and diversify the mental health workforce.<sup>3</sup>

Research is also clear that the use of a formal certification program to train peer supporters offers enormous benefits, including:

- Allowing providers to make use of the federal Medi-Cal match.
- Allowing for standardization of the peer support practice, to ensure the highest quality care.
- Establishing core competencies that allow certified peers to transfer skills across county lines.

Although the Department of Health Care Services anticipates there will be substantial growth in the demand for peer support specialists, there is no statewide scope of practice, training standards, supervision standards, or certification.<sup>4</sup>

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**THIS BILL**

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SB 906, the Peer Provider Certification Act of 2018 has two primary goals:

First, it requires the Department of Health Care Services (DHCS) to establish a certification program. Among other things, the program defines the range of responsibilities and practice guidelines for peer support specialists, specifies required training and continuing education requirements, determines clinical supervision requirements, and establishes a code of ethics and processes for revocation of certification.

The program provides discretion for DHCS to obtain technical assistance for development of the certification program, and authorizes DHCS to utilize Mental Health Services Act funding and Workforce Employment and Training Program resources to establish the program.

Secondly, SB 906 authorizes DHCS to amend the State's Medicaid Plan to add peer support providers as a provider type within the Medi-Cal program, and to seek federal waivers or state plan amendments as necessary.

The bill expresses the intent of the Legislature that the program will provide increased family support, a fuller continuum of wraparound services, and an individualized focus on clients to promote recovery and self-sufficiency.

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**SUPPORT**

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Steinberg Institute (Sponsor)  
A Cup of Jo Bruno (ACoJB)  
American Civil Liberties Union  
Association of Community Human Service Agencies  
Aviva Family and Children's Services

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<sup>1</sup> February, 2015, Peer Certification: What Are We Waiting For?

<sup>2</sup> Final Report: Recommendations from the Statewide Summit on Certification of Peer Providers, Working Well Together, 2013

<sup>3</sup> Chinman et al, Peer Services for Individuals with Serious Mental Illness: Assessing the Evidence, Psychiatric Services 65: 429-441, 2014.

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<sup>4</sup> UCSSF, Medi-Cal 1115 Waiver Renewal Workforce Work Group paper, December 31, 2014.



CAMHPRO

California ACCESS Coalition  
California Alliance of Child and Family Services  
CA Association of Local Behavioral Health Boards and Commissions  
California Behavioral Health Planning Council  
California Commission on Aging  
California Disability Community Action Network  
California State Association of Counties  
California Youth Empowerment Network  
Corporation for Supportive Housing  
County Behavioral Health Directors Assn. of California  
County of Lassen  
County of Los Angeles  
Disability Rights California  
Goodwill – Redwood Empire  
Hathaway-Sycamores Child and Family Services  
The Jed Foundation  
Jewish Family Service Los Angeles  
Maryvale  
The Massage Garage Pit Crew  
Mental Health America of California  
Mental Health Services Oversight and Accountability Commission (MHSOAC)  
Optimist Youth Homes & Family Services  
Pacific Asian Counseling Services  
Pacific Clinics  
Pool of Consumer Champions  
Project Return Peer Support Network  
7 Cups  
United Advocates for Children and Families Action Alliance  
Wayfinder Family Services  
Western Center on Law & Poverty  
The Village Family Services

**Staff Contact:** Gregory Cramer  
Gregory.Cramer@sen.ca.gov; (916) 651-4015

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## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Senate Bill 1105 (Skinner) – Relief from Traffic Citation Prosecution**

Dear Mayor Farrell, President Breed, and Members:

On behalf of the City and County of San Francisco's Reentry Council, we write to express our support for proposed legislation SB 1105, which would prevent people detained in county jails from suffering license suspension and unaffordable fines in connection with California traffic tickets. Specifically, SB 1105 would expand California Vehicle Code section 41500 to provide relief to people in a county jail, work alternative program, or similar alternative to incarceration.

San Francisco County has long worked to support persons exiting the criminal justice system and break down barriers to reentry where appropriate. It is our belief that lending a helping hand and assisting those when they are down goes a long way towards rehabilitating ex-offenders and starting them on the road to reentry. One of the most prevalent barriers to reentry has been and remains the ability to obtain a valid driver's license due to hundreds to thousands of dollars in unpaid fines, fees and assessment. Without the ability to obtain a valid license, the majority of persons leaving jail are unemployable and find it harder not to reoffend.

Even 1 or 2 days of jail time are enough for a person to lose their job, their car, or their home.<sup>1</sup> Being under state custody can often result in the financial destabilization of an entire household.<sup>2</sup> According to recent research, almost half of formerly incarcerated individuals contributed 50% or more of their families' household income prior to their incarceration. In turn, family members – and particularly black and brown women – often bear the financial burden of their loved one's incarceration. Indeed, two-thirds of families with an incarcerated family member struggle to meet basic needs such as food, housing, or transportation.<sup>3</sup>

<sup>1</sup> Studies have shown that even one arrest "dims the employment prospects more than any other employment-related characteristic." SCOTT DECKER ET AL., *Criminal Stigma, Race, Gender and Employment: An Expanded Assessment of the Consequences of Imprisonment for Employment* (Jan. 2014) p. 52. Moreover, because employers typically do not accept collect calls from jails, people who are jailed for a single work day are often in violation of their company's "no call, no show" policy.

<sup>2</sup> See, e.g., DOUGLAS N. EVANS, JOHN JAY COLLEGE OF CRIMINAL JUSTICE, *The Debt Penalty: Exposing the Financial Barriers to Offender Reintegration* (Aug. 2014) p. 11.

<sup>3</sup> ELLA BAKER CENTER FOR HUMAN RIGHTS ET AL., *Who Pays? The True Cost of Incarceration on Families* (Sept. 2015) p. 17-18.

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California has some of the highest traffic fines in the nation.<sup>4</sup> A majority of people leaving jail simply don't have the resources to pay hundreds or thousands of dollars in traffic debt – on top of thousands of dollars in debt from their incarceration-triggering convictions – or to make multiple court appearances to resolve traffic tickets. When people aren't able to pay for such fines, it can result in ruined credit, which makes finding new housing or receiving loans for necessities such as a car to get to work difficult. For those who are fortunate enough to find or retain a job after coming home from jail, aggressive wage garnishment to satisfy traffic court debt can incentivize their participation in the informal economy.

Moreover, when a person is stripped of their license for being unable to appear on traffic case, their reentry become much more challenging. Suspending a person's driver's license usually leads to a loss of that individual's job or to serious difficulties in finding a new one.<sup>5</sup> People coming home from jail or sentenced to a work alternative program already have significant difficulty finding employment because of their conviction histories without this added barrier. Reentering people who are forced to drive with a suspended license in order to meet their family and financial obligations or their custody requirements – such as meeting regularly with a probation officer – must risk re-incarceration for committing that new misdemeanor.

Under current law, people incarcerated for felonies in prison or jail may use Vehicle Code section 41500 to have their pending traffic infractions dismissed and avoid suspension of their driver's license. Yet even though people who are incarcerated for misdemeanors, jailed pre-trial, or sentenced to jail alternative programs often suffer similar financial destabilization, this large population of low-income people cannot currently access relief under section 41500. SB 1105 would fix this injustice.

SB 1105 would help break the cycle of poverty and incarceration for people coming home from California jails or sentenced to work alternative programs and would ease the syphoning of resources from some our state's most vulnerable families.

For these reasons, the Reentry Council of the City and County of San Francisco supports SB 1105 (Skinner) and urges the City to support it as well.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco  
Encl: Introduced Legislation

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<sup>4</sup> LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA, *Paying More for Being Poor* (May 2017) p. 3-7.

<sup>5</sup> KEN ZIMMERMAN AND NANCY FISHMAN, NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE, *Roadblock on the Way to Work: Driver's License Suspension in New Jersey*, October 2001.

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

**Senate Bill 1105**  
**Relieve Tickets for People in County Jail**  
Senator Nancy Skinner (SD 9)      As amended April 3, 2018

**THIS BILL**

SB 1105 dismisses unpaid traffic fines and prohibits suspension of a driver's license due to non-felony traffic violations that are pending at the time a person is held in county jail, work alternative program, or other alternative to incarceration.

**THE ISSUE**

For those who are returning home after having served time not being able to obtain a driver's license or having excessive debt can be the difference between successful and unsuccessful reentry.

In 2015, the legislature passed SB 405 (Hertzberg) creating a temporary amnesty program for low-income people with unpaid traffic fines. In 2017, follow-up legislation barred the courts from suspending a person's license for failure to pay traffic fines.

Current law requires courts to dismiss pending non-felony traffic violations for people who have served time in state prisons.

Unfortunately, this forgiveness does not extend to people who have served time in county jails.

While AB 1156 (Brown) extended relief to a small portion of people in county jails (under the 2011 Public Safety Realignment Act), thousands of former county jail inmates are still burdened by fines they cannot afford or are at risk of losing their license for missing court dates.

**SOLUTION**

SB 1105 removes an unnecessary barrier to successful reentry by extending forgiveness for non-felony traffic violations to people in county jails. This bill:

- Dismisses unpaid fines and prohibits suspension of a driver's license for a non-felony Vehicle Code offense that is pending against a person upon completing a sentence of 7 or more days in a county jail, work alternative program, or other alternative to incarceration.
- Dismisses unpaid fines and prohibits suspension of a driver's license for a Vehicle Code infraction that was pending once a person has been incarcerated for 30 cumulative days in a 12-month period.
- Excludes DUIs and reckless driving offenses from being dismissed.

**SUPPORT**

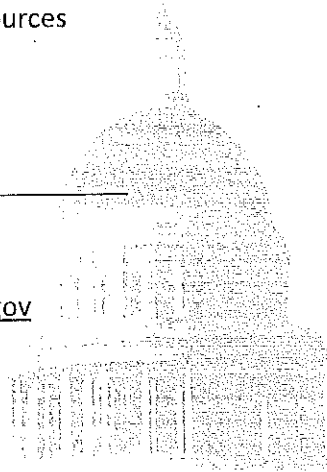
East Bay Community Law Center – sponsor  
Legal Services for Prisoners with Children – sponsor  
PolicyLink - sponsor  
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ACLU of California  
Asian American Criminal Trial Lawyers Association  
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California Reinvestment Coalition  
Coalition for Police Accountability  
Courage Campaign  
Criminal Justice Clinic, UC Irvine School of Law  
Ella Baker Center for Human Rights  
Legal Services of Northern California  
Niebyl Proctor Marxist Library  
Recovery Survival Network  
Riverside Temple Beth El  
Root & Rebound  
Rosen Bien Galvan and Grunfeld, LLP  
Rubicon Programs  
Sacramento Regional Coalition to End  
Homelessness  
San Francisco District Attorney George Gascón  
San Francisco Sheriff Vicki Hennessy  
Stanford Prisoner Advocacy and Resources  
Coalition  
Western Center on Law and Poverty

## **CONTACT**

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## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Senate Bill SB 1025 (Skinner)**

Dear Mayor Farrell, President Breed, and Members:

The Reentry Council of the City and County of San Francisco is pleased to support SB 1025 (Skinner), strong legislation that would grant judges appropriate discretion in sentencing nonviolent drug offenses. This bill will not change the upper penalty for any offense, but will provide judges the discretion to grant probation or to suspend a sentence in the interests of justice.

Existing law prohibits granting probation or suspending a sentence for persons convicted of specified crimes relating to controlled substances, including possessing or agreeing to sell or transport opiates or opium derivatives, possessing or transporting cannabis, planting or cultivating peyote, and various crimes relating to forging or altering prescriptions, among other crimes, if the person has previously been convicted of any one of specified felony offenses relating to controlled substances. Existing law also prohibits granting probation or suspending a sentence for persons convicted of specified crimes relating to controlled substances, including possessing for sale or selling 14.25 grams or more of a substance containing heroin and possessing for sale 14.25 grams or more of any salt or solution of phencyclidine or its analogs, among other crimes. **This bill would delete various crimes relating to controlled substances, including, but not limited to, the crimes described above, from those prohibitions against granting probation or a suspended sentence.**

This bill is consistent with research and the growing bipartisan consensus that mandatory minimums failed to protect or enhance public safety, robbed judges of their role in weighing the facts of each case before imposing a sentence, and that long sentences and mandatory minimums have had no effect on curbing availability, cost or potency of controlled substances.<sup>i</sup> Drugs are cheaper, stronger and more widely available than in any time in our nation's history. Furthermore, nonviolent drug offenses have created mass incarceration, a paradigm with a tragic and disproportionate impact on Black and Latino families in California. According to the California Attorney General's Office,<sup>ii</sup> in 2016, Blacks were only 6.6% of the state population

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but made up 16.5% of felony drug arrests, and Latinos made up 41.3% of felony drug arrests and represented only 38.9% of the state population.<sup>iii</sup>

For these reasons, the Reentry Council of the City and County of San Francisco supports SB 1025 (Skinner) and urges the City to support it as well.

Sincerely,

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

Encl: Introduced Legislation

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<sup>i</sup> National Academy of Sciences. Policy Recommendations. 2014. [https://www.nap.edu/resource/18613/dbasse\\_090068.pdf](https://www.nap.edu/resource/18613/dbasse_090068.pdf)

<sup>ii</sup> California Dept of Justice. Crime in California 2016. <https://oag.ca.gov/crime>

<sup>iii</sup> US Census Bureau: <https://www.census.gov/quickfacts/CA>

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**Senate Bill 1025**  
**Court Discretion for Nonviolent Drug Offenses**  
Senator Skinner (SD 9) As introduced February 7, 2018

**THIS BILL**

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SB 1025 will give judges the discretion to grant probation for certain nonviolent drug offenses.

**THE ISSUE**

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Mandatory sentences for nonviolent drug offenses have failed to reduce drug use, crime, and harm. Yet, California law currently prohibits judges from granting probation to individuals charged with certain nonviolent drug crimes.

Mandatory sentences force judges to imprison individuals, regardless of the circumstances, who in some cases might be better treated and supervised in the community. Research indicates that the growing number of individuals abusing prescription opioids has contributed to an increase in heroin use. For many, their opioid abuse or addiction developed after being prescribed an opioid for a medical condition. Requiring a mandatory sentence to such individuals overcrowds county jails, strains state and local budgets, and causes a destructive ripple effect throughout communities.

Overwhelming evidence shows that mandatory sentences for drug crimes not only do not improve public safety but exacerbate existing racial disparities in our criminal justice system and disproportionately impact those suffering from mental illness.

Judges hands are not tied in this manner when sentencing for most violent crimes, including domestic violence offenses and offenses involving deadly weapons. Judges should be allowed the same discretion when deciding nonviolent drug cases.

Restoring a modest level of judicial discretion, SB 1025 addresses sentencing inflation and strengthens the state's ability to reinvest in drug prevention and mental health treatment.

**SOLUTION**

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By allowing judges the option to grant probation for certain nonviolent drug crimes, SB 1025 provides judges the discretion to weigh the facts and circumstances in a specific case before determining the appropriate resolution.

**SUPPORT**

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Drug Policy Alliance – sponsor  
California Public Defenders Association – sponsor  
ACLU of California  
California Attorneys for Criminal Justice  
Center on Juvenile and Criminal Justice  
Community Oriented Correctional Health Services  
Courage Campaign  
Ella Baker Center for Human Rights  
Fair Chance Project  
HealthRIGHT 360  
Homeless Health Care Los Angeles  
Law Enforcement Action Partnership  
Los Angeles Regional Reentry Partnership  
Root & Rebound  
Rubicon Programs  
San Francisco Public Defender  
Tarzana Treatment Centers  
Transitions Clinic Network  
William C. Velásquez Institute

**CONTACT**

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## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Senate Bill 1392 (Mitchell) – Repeal Ineffective Sentencing Enhancement Act of 2018**

Dear Mayor Farrell, President Breed, and Members:

On behalf of the City and County of San Francisco's Reentry Council, we write to express our support for proposed legislation SB 1392, which repeals Penal Code 667.5(b), a sentencing enhancement that adds an additional year of incarceration for each prior prison term or qualifying county jail term.

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 placed a significant burden on taxpayers and families across California. Each additional year in prison costs more than \$70,000 dollars per person. Long and punitive sentences cripple state and local budgets and shift dollars away from the supportive services that our communities desperately need.

The RISE Act of 2018 will free state and county funds that could then be invested in community-based mental health and substance use treatment, employment services, and housing.

Further, sentence enhancements based on prior convictions target the poorest and most marginalized people in our communities — those with substance use and mental health needs, and those who, after prior contact with police or imprisonment, have struggled to reintegrate into society.

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 from these failed policies, which disproportionately harm poor communities of color. The rapidly increasing rates of incarceration for women has further worsened the devastation for families and children.

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California voters have made a clear and evident cultural shift away from prioritizing incarceration over community investment, as demonstrated by the passage of Propositions 47, 57, and 64. In 2014, Proposition 47 reduced many non-violent felonies to misdemeanors. In 2016, Proposition 64 decriminalized possession of cannabis and eliminated most felonies for growing or selling cannabis. In 2017, voters also passed Proposition 57, which reduced incarceration by increasing credit-earning and parole opportunities.

In 2017, the same shift was conveyed by the California legislature with the passage of SB 180 (Mitchell) the RISE Act, which repealed a three-year sentencing enhancement for prior drug convictions, and SB 620 (Bradford) which added judicial discretion in the application of gun enhancements.

SB 1392 is needed. Counties around the state are building new jails to imprison more people with long sentences, funneling money away from community-based programs and services, increasing the time that families remain separated, and harming people's chances to successfully reenter society.

For these reasons, the Reentry Council of the City and County of San Francisco supports SB 1392 (Mitchell) and urges the City to support it as well.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco  
Encl: Introduced Legislation

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# **Senators Holly J. Mitchell and Lara**

## **SB 1392 One-Year Fair and Just Sentencing Reform**

### **THIS BILL**

SB 1392 would amend Penal Code 667.5 to remove a sentencing enhancement that adds an additional year of incarceration for each prior prison term or felony county jail term. The bill would not change the base sentence for any offense or amend any other enhancement.

### **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 1392 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 \$70,000 per person. Long and punitive sentences cripple state and local budgets and shift dollars away from desperately needed community services.

California voters have made a clear and evident cultural shift away from prioritizing incarceration over community investment. This was demonstrated by the passage of Propositions 47, 57 and 64. In 2014, Proposition 47 reduced many non-violent felonies to misdemeanors. In 2016, Proposition 64 decriminalized possession of cannabis and eliminated most felonies for growing or selling cannabis.

In 2017, the same shift was conveyed by the California Legislature with the passage of SB 180

(Mitchell), the RISE Act, which repealed a three-year sentencing enhancement for prior drug convictions.

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.

Repealing ineffective sentencing enhancements can save millions of dollars, reduce prison and jail populations, and end the double punishment for people already impacted by the criminal justice system. It will give California the opportunity to divest from expensive and ineffective policies of mass incarceration and instead invest in our communities.

### **SOLUTION**

Building on California voter and legislative intent, SB 1392 would repeal California's one-year sentencing enhancement for each prior prison or felony jail term. SB 1392 would put in effect the bipartisan movement to end the use of expensive and ineffective tough-on-crime policies that have destroyed thousands of lives and families.

### **SPONSORS**

ACLU (American Civil Liberties Union)  
CHIRLA (Coalition for Humane Immigrant Rights)  
Ella Baker Center  
Drug Policy Alliance  
Friends Committee on Legislation  
Tides Advocacy  
California Coalition for Women Prisoners  
Californians United for a Responsible Budget  
Pillars of the Community  
Women's Foundation of California, Women's Policy Institute

### **FOR MORE INFORMATION**

Bridget Kolakosky [bridget.kolakosky@sen.ca.gov](mailto:bridget.kolakosky@sen.ca.gov)  
Office of Senator Holly J. Mitchell (916) 651-4030



**Reentry Council**  
**City and County of San Francisco**

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**RE: Support for Senate Bill 1393 (Mitchell) – Fair and Just Sentencing Reform**

Dear Mayor Farrell, President Breed, and Members:

On behalf of the City and County of San Francisco's Reentry Council, we write to express our support for proposed legislation SB 1393, the Fair and Just Sentencing Reform Act. SB 1393 (Mitchell) amends Penal Code Sections 667 and 1385 by restoring the court's discretion, in the interest of justice, to strike a five-year sentence enhancement for each prior serious felony conviction on a person's record, when a person is convicted of a new serious felony. The judicial discretion created through SB1393 is consistent with other sentence enhancement laws and retains existing penalties for serious crimes.

Nearly every sentence enhancement in California can be dismissed if the judge believes they are unjust in a specific case. However, current CA penal code prohibits this discretion for matters with a history of prior serious felonies, and further, sets a mandatory five extra years for each prior. This has resulted in mandatory terms for thousands of individuals incarcerated throughout California's prisons.

SB 1393 (Mitchell) does not repeal any existing enhancements for serious felonies. Rather, it allows judges to impose or not impose the sentence enhancement contingent on what is in the best interest of justice.

The voters recognized the importance of judicial discretion in overwhelmingly passing Proposition 57, which allowed a judge, rather than the prosecutor to decide whether a youth should be tried as an adult. The state legislature followed suit in passing SB 620 (Bradford), which allowed judicial discretion in the application of gun enhancements.

California now has the regrettable distinction of meting out some of the longest sentences in the nation, driven largely by sentencing enhancements for prior felony convictions. Despite a series of reforms like AB109, SB678, Props 47, 57 and 64, California prison system remains under

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Federal oversight for overcrowded conditions. The ongoing prison overcrowding litigation suggests that we must continue to find ways of safely reducing the prison population.

For these reasons, the Reentry Council of the City and County of San Francisco supports SB 1393 (Mitchell) and urges the City to support it as well.

Sincerely,

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

Encl: Introduced Legislation

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## *Senators Holly J. Mitchell and Lara*

### *SB 1393 Five-Year Fair and Just Sentencing Reform*

#### **THIS BILL**

SB 1393 is a moderate reform that would increase the fairness of the justice system. The bill amends Penal Code Sections 667 and 1385 to restore the court's discretion, in the interest of justice and at the time of sentencing, to strike sentence enhancements for prior serious felony convictions, when a person is currently charged with a serious felony. Allowing judicial discretion is consistent with other sentence enhancement laws and retains existing sanctions for serious crimes.

#### **BACKGROUND**

California has some of the most severe sentence enhancements for prior convictions in the nation. As of 2016, 79% of people under California Department of Corrections and Rehabilitation (CDCR) custody had some kind of sentence enhancement attached to their base sentence; 25% had three or more enhancements stacked on top of each other. One of the most frequently used is the five-year enhancement for prior convictions of serious offenses, which is applied consecutively for each prior conviction. This enhancement is often served in addition to lengthy sentence enhancements already imposed under the Three Strikes Law, which doubles or triples the length of a base sentence, or adds 25-years-to-life, for the same prior convictions.

These mandatory sentencing enhancements have resulted in a rigid and arbitrary system that has meted out punishments that are severely disproportionate to the person's culpability and that do not serve the interests of justice or public safety. Further, there is no conclusive evidence that sentence enhancements benefit public safety. Despite not making our community safer, sentence enhancements are a significant burden on California taxpayers and communities: each additional year that is applied costs California taxpayers upwards of

\$70,000 dollars per incarcerated person. By reducing the use of unnecessary enhancements,

California can divest from expensive and ineffective policies of mass incarceration and invest in our communities.

California voters have made a resounding cultural shift away from prioritizing excessive incarceration in favor of less harsher sentences, expanded reentry services, prevention and community reinvestment. In 2016, voters overwhelmingly passed Proposition 57, which allows judges rather than prosecutors to determine whether youth are tried as adults. Californians strongly believe in the importance of judicial discretion and its role of creating a fair justice system.

In 2017, the same shift was conveyed by the California legislature with the passage of SB 620 (Bradford) which added judicial discretion in the application sentencing enhancements for prior convictions involving guns.

Sentencing enhancements for prior convictions result in extreme periods of incarceration and have been the primary drivers of prison overcrowding. The California prison system remains under Federal oversight for unconstitutional and overcrowded conditions. The ongoing prison overcrowding litigation indicates that prison capacity and related issues concerning conditions of confinement remain unresolved.

#### **SOLUTION**

Nationwide, there is growing bipartisan support for reforming long and ineffective prison sentences. California law mandates an extra five years for every prior conviction for a serious offense when a person is charged with a serious offense. While most sentence enhancements can be declined if the judge believes they are unjust in a specific case, these enhancements are mandatory in all cases — judges are forbidden from tailoring these sentences to an individual's case and culpability. Trial courts should retain the discretion to dismiss sentencing enhancements for

prior offenses based on the facts of the case in order to further the interest of justice.

## SPONSORS

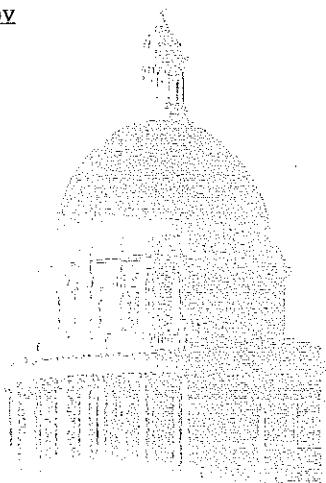
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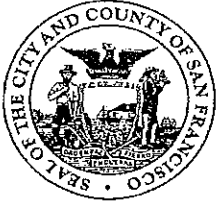
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CA Coalition for Women Prisoners  
Californians United for a Responsible Budget  
Ella Baker Center  
Drug Policy Alliance  
Friends Committee on Legislation  
Pillars of the Community  
Tides Advocacy  
Women's Foundation of CA, Women's Policy  
Institute

## FOR MORE INFORMATION

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Bridget Kolakosky [bridget.kolakosky@sen.ca.gov](mailto:bridget.kolakosky@sen.ca.gov)  
Office of Senator Holly J. Mitchell  
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## Reentry Council City and County of San Francisco

April 26, 2018

Mayor Mark Farrell, Mayor  
City of San Francisco  
Hon. London Breed, President  
Members, San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

### **RE: Support for Senate Bill 1437 (Skinner) – Accomplice Liability Reform**

Dear Mayor Farrell, President Breed, and Members:

On behalf of the City and County of San Francisco's Reentry Council, we write to express our support for proposed legislation SB 1431, which is a bill that would bring reform to accomplice liability and give much needed relief to people who are serving disproportionately long sentences for a homicide that the accomplice person did not commit.

As current law stands, the felony murder rule is an antiquated legal doctrine that disengages us from principles of justice and fairness: individuals are automatically liable for first degree murder if a death -- even an accidental death -- occurs during the commission of certain enumerated felonies, such as a robbery, even if the individual participating in the robbery neither killed nor aided the killing. The natural and probable consequences doctrine imposes second-degree murder liability on an accomplice even when the accomplice did not commit the murder, nor intend for a murder to occur. It is important that the California Legislature address the unfairness of these laws and end the practice of sentencing a person who did not commit a homicide similarly to someone who committed a homicide.

Moreover, it is imperative to reform these laws as these laws disproportionately impact youth of color and women. The majority of those incarcerated as accomplices pursuant to this rule were under the age of 25 at the time of the crime. Most young adults, and many adults for that matter, are unlikely to anticipate that a robbery might result in a murder. Neurological research concludes that the adolescent brain is not fully formed until early adulthood, and that young people do not have adult levels of judgment, impulse control, or the ability to foresee the consequences of their actions. Through the early twenties, young people are continuing to develop into the adults they will become; the vast majority of youth outgrows the type of behavior that leads to crime and choose a different path in life. While we need to hold people accountable for their participation in the crime, it is unjust to hold someone responsible for a murder that person did not commit, nor intend to occur.

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For many years, California has sought to address prison overcrowding and reduce unnecessary expenditures on incarceration. The state should focus our resources where they are most needed. It costs California more than \$70,000 a year to incarcerate one person. By focusing our resources on the cases that are a threat to public safety, passage of SB1437 would save millions of dollars for California.

**It is important to note that this bill does not abolish criminal liability; those who participated in the underlying felony will still be charged for their participation in the crime.** Those who actually committed the homicide will still be liable for first-degree murder and will be appropriately sentenced based on their level of participation in the homicide.

While it is important to hold those who endanger public safety accountable, especially those who commit serious crimes, it is also critical that the punishment imposed is proportional to an individual's culpability.

It is time for California to follow the steps of dozens of other jurisdictions by finally addressing the unfairness in existing accomplice liability law in our homicide statutes. California should be at the forefront of this change rather than lagging behind.

For these reasons, the Reentry Council of the City and County of San Francisco supports SB 1437 (Skinner) and urges the City to support it as well.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco  
Encl: Introduced Legislation

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## Senate Bill 1437

### BESTT Practices Act - Better and Equitable Sentencing Through Thoughtful Practices Senator Skinner (SD 9)

#### THIS BILL

SB 1437 seeks to restore proportional responsibility in the application of California's murder statute reserving the harshest punishments for those who intentionally planned or actually committed the killing.

#### ISSUE

In criminal justice, a person's intent is a critical element to determine punishment for a criminal offense with one glaring exception. Under current California law, prosecutors are able to replace the intent to commit murder with the intent to commit a felony if the felony results in a death. Thus a person can be found guilty of murder if a death occurs while a felony is committed. It does not matter whether the death was intended or whether a person had knowledge that the death had even occurred.

The result is that California's felony murder statute has been applied even when a death was accidental, unintentional or unforeseen but occurred during the course of certain crimes.

This application of the statute has caused disproportionately long sentences for people who did not commit murder, and who in some cases had, at best, very peripheral involvement in the crime that resulted in a death.

According to a 2018 survey by the Anti-Recidivism Coalition and Restore Justice, 72% of women currently incarcerated in California with a life sentence did not commit the homicide. Additionally, the average age of those charged and sentenced under this interpretation of the murder statute is 20 years old; indicating that youth who were peripheral to a homicide are often held as responsible as the actual killer.

The California Supreme Court has commented on the necessity to fix this interpretation of California's murder statute. In *People v. Dillon*, the state Supreme Court called the use of the felony murder rule to charge those who did not commit a murder, or had no knowledge or involvement in the planning of the murder, "barbaric".

States such as Arkansas, Massachusetts, Kentucky, Hawaii, Michigan, and Ohio have narrowed the scope of what is known as the felony murder rule and limited the application of their murder statute. Ohio, for example, now requires that a killing that occurs during a felony must be an intentional killing in order to receive a first-degree murder conviction.

#### SOLUTION

SB 1437 clarifies that a person may only be convicted of murder if the individual willingly participated in an act that results in a homicide or that was clearly intended to result in a homicide. Under this bill, prosecutors would no longer be able to substitute the intent to commit a felony for the intent to commit murder.

SB 1437 would also provide a means for resentencing those who were convicted of murder under the felony murder rule but who did not actually commit the homicide.

#### SUPPORT

Restore Justice (co-sponsor)  
Anti-Recidivism Coalition (co-sponsor)  
Californians for Safety and Justice (co-sponsor)  
California Coalition for Women Prisoners (co-sponsor)  
CARES for Youth (co-sponsor)  
Felony Murder Elimination Project (co-sponsor)  
Initiate Justice (co-sponsor)  
Pacific Juvenile Defender Center (co-sponsor)  
University of San Francisco School of Law Criminal and Juvenile Justice Clinic and Racial Justice Clinic (co-sponsor)  
USC Gould School of Law Post-Conviction Justice Project (co-sponsor)  
Youth Justice Coalition (co-sponsor)  
Bend the Arc Jewish Action  
Californians United for a Responsible Budget  
Catholic Worker Hospitality House  
Center on Juvenile and Criminal Justice  
Community Housing Partnership  
Community Works West  
Courage Campaign  
Ella Baker Center for Human Rights

Fair Chance Project  
Lawyers Committee for Civil Rights of the San  
Francisco Bay Area  
Legal Services for Prisoners with Children  
The Modesto/Stanslaus NAACP  
Prisoner Advocacy Network  
Riverside Temple Beth El  
Rubicon Programs  
Showing Up for Racial Injustice  
Sister Inmate  
United Food & Commercial Workers (UFCW)  
Local 648  
WE ARE HERE TO HELP  
Women's Council of the California Chapter of the  
National Association of Social Workers  
17 individuals

## **CONTACT**

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