

Reentry Council

City & County of San Francisco

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 Colelman, 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.

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 Royce 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.