

Reentry Council

City & County of San Francisco

Subcommittee on Legislation, Policy & Practices

AGENDA

Tuesday, December 8, 2020

2:30pm to 4:30pm

Join Zoom Meeting

<https://us02web.zoom.us/j/89381484817?pwd=LOVkbNlQIR5Ni9DSDhBeVpCaER3Zz09>

Meeting ID: 893 8148 4817

Passcode: 374410

One tap mobile

+16699006833,,89381484817#,,,,,0#,,374410# US (San Jose)

+14086380968,,89381484817#,,,,,0#,,374410# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 408 638 0968 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

Meeting ID: 893 8148 4817

Passcode: 374410

Find your local number: <https://us02web.zoom.us/j/keJcE9KkDQ>

REMOTE MEETING VIA VIDEOCONFERENCE Watch via Zoom: In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

Reentry Council and Subcommittees meetings will be held through videoconferencing will allow remote public comment via the videoconference or through the number noted above. Members of the public are encouraged to participate remotely by submitting written comments electronically to victoria.westbrook@sfgov.org. These comments will be made part of the official public record in these matters and shall be brought to the attention of the members of the Reentry Council member. Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfgov.org/sfreenry/>

Reentry Council

City & County of San Francisco

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

1. Introductions (discussion only)
2. Public Presentation of the San Francisco Adult Probation Department's Draft Racial Equity Action Plan
3. Presentations and Voting for the 2 Co-Chairs
4. Reentry Council Retreat on December 15th from 2:30 – 5:00pm (Zoom)
5. Overview of Criminal Justice Related Legislation
6. Adjournment

Next Meeting:
Wednesday, January 27th, 2:30-4:30pm
Zoom Meeting

Reentry Council

City & County of San Francisco

SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

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

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfreentry.com> or by calling Victoria Westbrook at (415) 922-2202 during normal business hours. The material can be Faxed or mailed to you upon request.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Victoria Westbrook, at reentry.council@sfgov.org or (415) 922-2202 at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Geoffrea Morris, at reentry.council@sfgov.org or (415) 930-2202 at least two business days before the meeting.

CHEMICAL SENSITIVITIES

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

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

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

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

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

CELL PHONES

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

LOBBYIST ORDINANCE

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

Subcommittee on Legislation, Policy & Practices

Reentry Council of the City & County of San Francisco

Roster of Members

Jose Bernal (Chair)

Member of the Reentry Community
jose.bernal415@gmail.com

Tara Agnese (Non- Voting Member)

Research Director
San Francisco Adult Probation Department
880 Bryant St., Room 200
San Francisco, CA 94103
tara.agnese@sfgov.org

Tara Anderson

Grants & Policy Manager
District Attorney's Office
850 Bryant Street, Room 322
San Francisco, CA 94103
tara.anderson@sfgov.org

Joe Calderon, CHW

Southeast Health Clinic
2401 Keith St.
San Francisco, CA 94124
joseph.calderon@ucsf.edu

Linda Connelly

President
Successful Reentry
lconnelly@successfulreentry.com

Nicholas Gregoratos

Directing Attorney, Prisoner Legal Services
Sheriff's Department
850 Bryant St., #442
San Francisco, CA 94103
nick.gregoratos@sfgov.org

Eric Henderson

Policy Director
Initiate Justice
erichenderson2014@gmail.com

Becky LoDolce

Principal Administrative Analyst
San Francisco Adult Probation Department
880 Bryant Street, Room 200
San Francisco, CA 94103
rebecca.lodolce@sfgov.org

Norma Ruiz

Mayoral Appointee of the Reentry Council
nrmaruiz7@gmail.com

Emmeline Sun

Case Manager
Citywide Forensic Case Management
564 6th Street
San Francisco, CA 94103
emmeline.sun@ucsf.edu

Victoria Westbrook

Women's Gender Responsive Coordinator
San Francisco Adult Probation Department
victoria.westbrook@sfgov.org

Danica Rodarmel

State Policy Director
Public Defender's Office
Danica.rodarmel@sfgov.org

Or

Carolyn Goosen

Public Defender's Office
Carolyn.goosen@sfgov.org

*For more information, please contact
Victoria Westbrook, Temporary Reentry Policy
Planner, at victoria.westbrook@sfgov.org or
(415) 930-2202 or visit <http://sfgov.org/reentry>*

Reentry Council of the City and County of San Francisco

2021 Meeting Calendar

Council Meetings: 4th Thursday of the first month of each quarter 10am-12pm

- January 28, 2021 - Zoom Meeting
- April 22, 2021 - TBD
- July 22, 2021 - TBD
- October 21, 2021 - TBD

Subcommittee on Direct Services: 2nd Thursday of all uneven months 5:30-7:30pm

- January 14, 2021 - Zoom Meeting
- March 11, 2021 - Zoom Meeting
- May 13, 2021 - TBD
- July 8, 2021 - TBD
- September 9, 2021 - TBD
- November 11, 2021 - TBD

Subcommittee on Legislation, Policy and Practices: 4th Wednesday of all uneven months 2:30-4:30pm

- January 27, 2021 - Zoom Meeting
- March 24, 2021 - Zoom Meeting
- May 26, 2021 - TBD
- July 28, 2021 - TBD
- September 22, 2021 - TBD
- November 14, 2021 - TBD

Slated Community Events supported and/or hosted by Reentry Council

- 4th Annual Community Appreciation Dinner at Cathedral of St. Mary of the Assumption Event Center located at 1111 Gough St (Date to be Announced)
- 3rd Annual Recovery Summit at the Koret Auditorium in the Main Library (Date to be Announced)
- 8th Annual Restorative Justice Reentry Conference and Resource Fair at Cathedral of St. Mary of the Assumption Event Center located at 1111 Gough St (Date to be Announced)

California Criminal Justice Legislation & Policy Updates

- Prop 17: Allows people to vote while on parole (*passed*)
 - Amended the Constitution of California to allow people who are on parole to vote.
 - This initiative restored voting rights to 50,000 Californians

- *Prop 20: Would change the criminal code that roll back some of the Prop 47 provisions; institutes stricter parole and sentencing provisions (failed)*
 - *This initiative would have added more crimes to the list of non-violent felonies for which early parole is restricted, and would have required DNA collection for certain misdemeanors.*

- *Prop 25 (SB 10): eliminating cash bail, implementing RAI, and expanding pretrial services (failed)*
 - *This initiative would upheld the contested legislation, Senate Bill 10 (SB 10), which would have replaced cash bail with risk assessments for incarcerated people awaiting trials.*

- **SB 132: The Transgender Respect, Agency and Dignity Act, legislation that will allow incarcerated transgender, non-binary and intersex people to be housed and searched in a manner consistent with their gender identity.**
 - Effective January 1, 2021

 - Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law authorizes a person sentenced to imprisonment in the state prison or a county jail for a felony to be, during the period of confinement, deprived of those rights, and only those rights, as is reasonably related to legitimate penological interests.

 - This bill would require the Department of Corrections and Rehabilitation to, during initial intake and classification, and in a private setting, ask each individual entering into the custody of the department to specify the individual's gender identity whether the individual identifies as transgender, nonbinary, or intersex, and their gender pronoun and honorific. The bill would prohibit the department from disciplining a person for refusing to answer or not disclosing complete information in response to these questions. The bill would authorize a person under the jurisdiction of the department to update this information. The bill would prohibit staff, contractors, and volunteers of the department from failing to consistently use the gender pronoun and honorific an individual has specified in verbal and written communications with or regarding that individual that involve the use of a pronoun or honorific.

 - The bill would require the department, for a person who is transgender, nonbinary, or intersex to only conduct a search of that person according to the search policy for their gender identity or according to the gender designation of the facility where they are housed, based on the individual's search preference. The bill would additionally require the department to house the person in a correctional facility designated for men or women based on the individual's preference, except as specified.

- **AB 1506: Establishes the Statewide Officer Deadly Force Investigation Division within the DOJ to, upon request of a law enforcement agency or District Attorney, conduct an investigation into officer-involved deadly-force incidents**
 - Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.
 - Existing law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury.
 - This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.
 - This bill would require a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as defined. The bill would make the Attorney General the state prosecutor unless otherwise specified or named. The bill would authorize the state prosecutor to prepare a written report, and would require the state prosecutor to post any reports made on a public internet website.
 - The bill would require, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations, as specified.
 - The bill would require the department to implement these provisions subject to an appropriation for this purpose.

- **AB 1869: Repeals the authority to impose and collect fines & fees**
 - Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and mandatory supervision, processing arrests and citations, and administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs.
 - This bill would repeal the authority to collect many of these fees, among others. The bill would make the unpaid balance of these court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated.
 - (2) Existing law allows the board of supervisors of any county to establish the office of the public defender and requires the public defender to defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of a crime. Existing law allows the court to hold a hearing to determine whether a defendant owns an interest in real property or other assets and to impose a lien on the property. Upon conclusion of trial, existing law allows the court to make a determination of a defendant's present ability to pay all or a portion of the cost of the public defender. If the court finds that the defendant has the financial ability to pay, existing law requires the court

to order the defendant to pay all or a part of the costs the court believes reasonable and compatible with the defendant's financial ability.

- This bill would delete the authority of the court to impose liens on the defendant's property and make a post-trial determination of the defendant's ability to pay and to order the defendant to pay the costs of the public defender. By requiring a county to provide a public defender without charge to a defendant who may have the ability to pay, this bill would impose a state-mandated local program.
- **AB 1950: Amends the California State Penal Code to limit adult probation to a maximum of one year for misdemeanor offenses and two years for felony offenses**
 - Existing law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned.
 - This bill would instead restrict the period of probation for a misdemeanor to no longer than one year, except as specified.
 - Existing law authorizes the court, in the order granting probation, to suspend the imposition or execution of sentence and direct the suspension to continue for a period of time not exceeding the maximum term for which the person could be imprisoned, except as specified.
 - This bill would instead authorize a court to impose a term of probation not longer than 2 years, except as specified.
- **AB 2147: Makes it easier for inmates trained in firefighting in the Conservation Camp Program or on a county hand crew to gain employment as professional firefighters after release**
 - Existing law authorizes a court to allow a defendant sentenced to county jail for a felony to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty, after the lapse of one or 2 years following the defendant's completion of the sentence, provided that the defendant is not under supervision, and is not serving a sentence for, on probation for, or charged with the commission of any offense. Existing law requires the defendant to be released from all penalties and disabilities resulting from the offense of which the defendant was convicted, except as specified.
 - This bill would allow a defendant who successfully participated in the California Conservation Camp Program or a county incarcerated individual hand crew as an incarcerated individual hand crew member, and has been released from custody, to petition to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty. The bill would make persons convicted of specified violent felonies and sex offenses ineligible for relief. The bill would allow the court, if the defendant is eligible for relief, to dismiss the accusations or information against the defendant at the court's discretion and in the interest of justice and would release the defendant from all penalties and disabilities resulting from the offense, except as provided. In granting this relief, the bill would require the court to order the early termination of probation, parole, or supervised release if the court determines that the defendant has not

violated any of the terms or conditions of their release during the pendency of the petition.

- **AB 2542: Prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified**
 - Existing law generally prescribes the procedure for the prosecution of persons arrested for committing a crime, including pleadings, bail, pretrial proceedings, trial, judgment, sentencing, and appeals. Existing law allows a person who is unlawfully imprisoned or restrained of their liberty to prosecute a writ of habeas corpus to inquire into the cause of their imprisonment or restraint. Existing law allows a writ of habeas corpus to be prosecuted for, among other things, relief based on the use of false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial.
 - This bill would prohibit the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. The bill would allow a writ of habeas corpus to be prosecuted on the basis of that prohibition, and would require the defendant to appear at the evidentiary hearing by video unless their presence in court is needed. The bill would permit a defendant to file a motion requesting disclosure of all evidence relevant to a potential violation of that prohibition that is in the possession or control of the prosecutor and would require a court, upon a showing of good cause, to order those records to be released. The bill would authorize a court that finds a violation of that prohibition to impose a remedy specified in the bill. The bill would apply its provisions to adjudications and dispositions in the juvenile delinquency system. The bill would apply its provisions only prospectively to cases in which judgment has not been entered prior to January 1, 2021.
 - Existing law creates an explicit right for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a prejudicial error damaging to the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, or based on newly discovered evidence of actual innocence, as specified.
 - This bill would additionally allow for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a conviction or sentence that was sought, obtained, or imposed on the basis of race, ethnicity, or national origin in violation of the bill's provisions.
 - This bill would state that its provisions are severable.
 - A **severability clause** is a statement by the legislature that if a part of a law that is enacted is subsequently held to be unconstitutional, the unconstitutionality does not invalidate the rest of the law.
- **AB 3234: Allows for misdemeanor diversion over the objection of prosecutors and expansion of Elderly Parole-Consideration**
 - Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs,

including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

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