

# Reentry Council

## City & County of San Francisco

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### DRAFT MINUTES

Thursday, April 25, 2019

10am- 12pm

St. Anthony's Foundation

150 Golden Gate Avenue

San Francisco, CA 94102

**Member Present:** Tara Anderson, representing District Attorney George Gascón (co-chair); Chief Adult Probation Officer Karen Fletcher (co-chair); Ali Riker, representing Sheriff Vicki Hennessy (co-chair); Simin Shamji, representing Public Defender Manohar Raju (co-chair); Paula Hernandez, Juvenile Probation Department; Angela Coleman, Board Appointee; Angelica Almeida, Department of Public Health; Aspen Marshall, California Department of Corrections & Rehabilitation, Division of Parole Operations; Jose Bernal, Board Appointee; Kaki Marshall, Department of Homelessness & Supportive Housing; Karen Roye, Director, Department of Child Support Services; Laura Moyé, Department of Children, Youth & Their Families; Lisa Lightman, Superior Court of California, County of San Francisco; Lucero Herrera, Mayoral Appointee; Mawuli Tugbenyoh, Mayor's Office; Sandra Lee Fewer, Member, Board of Supervisors; Suzie Smith, Human Services Agency; Teddy Tolliver, Board Appointee; Commander Teresa Ewins, San Francisco Police Department; Victoria Westbrook, Board Appointee; Anthony Castellano, U.S. Probation Office.

**Members Absent:** Norma Ruiz, Mayoral Appointee, Jeff Mori, Office of Economic and Workforce Development;

**1. Call to Order and Introductions.** Tara Anderson representing the District Attorney's Office called the meeting to order at 10:01am.

**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 January 24, 2019 (discussion & possible action).**

Laura Moyé noted a correction to the minutes related to Agenda Item #6 Presentation on Addiction, Treatment and Treatment Access Points, specifically the DPH Behavioral Health Services portion. She clarified that her question to presenters was "What percentage of LEAD clients were TAY?". Kaki Marshall clarified that on that same Agenda Item for the Healthy Streets Presentations Heathy Streets Operation Center (HSOC) opened on January 16, 2019. Karen Fletcher motioned to adopt the amended minutes. Karen Roye seconded the motion. A unanimous vote was given and the minutes were adopted as corrected.

**4. Remembering Public Defender Jeff Adachi (discussion only)**

On February 22<sup>nd</sup>, San Francisco's elected Public Defender Jeff Adachi passed. He was a member of the Reentry Council and a steadfast public servant. Tara Anderson spoke of the legacy he made on justice reform, the Reentry Council, in the City of San Francisco. Sandra Fewer opened the remembrance's portion for the Council and she shared her personal experience with Jeff Adachi. Laura Moyé noted today was San Francisco's Youth Advocacy Day and that the day was being devoted in his honor and legacy. Laura also shared a quote of Jeff Adachi's that was included on the event's program in honor of him and his commitment to young people in the city. Karen Roye and Teddy Tolliver expressed their personal experiences in remembrance of the late Public Defender. Tara Anderson concluded the remembrance's portion by asking the Council and members of the public to join him in a moment of silent to honor the legacy of the late Public Defender Jeff Adachi.

Before moving to agenda item number five, Tara Anderson requested a rearrangement of the agenda to ensure the Council had adequate time for agenda items with discussion and possible action. Tara suggested moving agenda items number 5 and 6, **Staff Report and Regular Update on Activities of the Juvenile Justice Coordinating Council**,

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**Sentencing Commission, Collaborative Courts, and Community Corrections Partnership** after agenda item ten, **Public Safety Candidates Forums and Lobby Day Debate** and return back to agenda item 5 and 6 following the presentations of agenda items 7-10

Mawuli Tugbenyoh motioned to adopt the amended agenda. Ali Riker seconded the motion. No public comment. The vote was unanimous and the motion passed.

(For ease of reading the notes, all agenda items will remain in numerical sequence in these notes.)

**5. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action).**

In consideration of time, Geoffrea Morris abbreviated the staff report. Simin motioned for the Council to accept the written report for Agenda Item # 5 (pages 9-29 in the public packet). Ali seconded the motion. The vote was unanimous and the motion passed.

a. Staff Updates

- a. Racial equity work
- b. Women's Gender Responsive Work
- c. Report on Mayoral Seat- TAY Seat
- d. Updated Reentry Council and Subcommittees Rosters
- e. Community Appreciation Dinner

Ernest Kirkwood presented on the Community Appreciation Dinner (page 18), which invites the formerly incarcerated community and their families to a prosocial event. Ernest asked for the financial support of the Reentry Council.

- f. Supervisor Ronen's Passed Ordinance-Administrative Code-Police Officers Questioning Youth

b. Subcommittee updates

- a. Direct Services 2019 Strategic Plan
- b. Legislative Policy 2019 Strategic Plan
- c. Joint Events

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

Simin Shamji motioned to accept a written report for Agenda Item #6. The motion was seconded by Ali Riker. No public comment. The vote was unanimous and the motion passed.

**7. Local Advisory Committee for Prop 47 Grant (discussion & possible action).**

Angelica Almeida presented on the current Prop 47 grant efforts and future opportunities and how the Reentry Council would serve as the local advisory committee under DPH's latest grant proposal if accepted.

Currently, Prop 47 grant funds residential treatment and social detox beds at Salvation Army, as well as provides peer navigation and dedicated treatment access support for Transitional Age Youth. Angelica provided the Council with some quick statistics on current Prop 47 funding. She stated DPH has received approximately 157 referrals and about 116 admittances to treatment from a Treatment Access Program (TAP) or Jail. Angelica stated while there has been a ramp up in the process, she stated DPH is pleased with the results to date and will continue to gather data and look at the program's impact. According to Angelica, DPH is in the process of applying for continued Prop 47 funds totaling \$6 million dollars. She shared with the Council what the application process entailed and what the program hopes to accomplish.

If awarded, the program would be called the Supportive Treatment And Reducing Recidivism or STARR program. This program would start August 2019 and run for three years. The grant's target population would be justice

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involved individuals with a focus on reducing incarceration, recidivism and strengthening citywide initiative focusing on jail diversion, recovery and community reentry for high risk individuals with co-occurring disorders.

Angelica detailed four strong components to DPH's Prop 47 application, which were:

- 1) to extend the CASC hours and the necessary staff from APD, DPH and Citywide to support CASC operations;
- 2) to extend the stay for individuals using social detox beds by 1-2 weeks;
- 3) to increase the capacity and ability for evening hour social detox bed admissions and maintain existing beds; and
- 4) to increase the capacity of low threshold harm reduction and case management services and include flex funds for one time assistance that could be used for housing and outreach and engagement activities.

Angelica welcomed questions from the Council. Simin Shamji asked that a copy of the grant be shared with the Council, to which Angelica agreed. Ali Riker inquired on the number of beds that were to be increased at Salvation Army's Harbor Lights. Angelica stated that there were 5 additional beds, so a total of 10 social detox beds and 32 substance use disorder residential treatment beds for up to a 6 month stay. Angelica spoke to the accessibility of the beds and she stated no individual would be prioritized over another. Lucero Herrera inquired if the grant would support families with children, Angelica stated while the grant did not fund this, she stated the Salvation Army does have family capacity should the need arise. Victoria Westbrook inquired on the current grant and its bed utilization. Angelica explained that the goal was a 90% occupancy rate, which had taken a while to ramp up to; however, Angelica stated the occupancy rate goal had been met on residential treatment beds but less so on, the social detox beds. She stated DPH is actively working with partner agencies to maximize the use of these beds.

Tara Anderson thanked Angelica for her presentation and asked the committee if there was a motion for the Council to serve as the continued Prop 47 grant's local advisory committee. Karen Roye made a motion. Angelica Coleman seconded the motion. The vote was unanimous with the exception of the abstention by Mawuli Tugbenyoh. Geoffrea clarified that abstentions required a direct conflict of interest on the motioned matter and the matter was resolved. The motion passed unanimously.

### **8. Proposed Resolution on the Use of Humanizing Language (discussion & possible action).**

Eric Henderson presented a resolution to adopt humanizing language. The resolution calls for the use of people-centered language. Eric stated this resolution would be a non-binding resolution calling for the City and County of San Francisco to use people-centered language (page 30, 31 in public packet). Eric informed the body that the draft had been developed and defined by community stakeholders, members of the Reentry Council's Legislation, Policy and Practice's subcommittee, as well as the Sentencing Commission. Furthermore, Eric mentioned there was also a hope that there would be future training with all departments represented by the Council on how to use people-centered language when interfacing with formerly incarcerated community members. Members of the Reentry Council thanked Eric Henderson for this important work. Paula Hernandez suggested that the resolution also be reviewed by the Youth Commission. Supervisor Sandra Fewer offered to bring this resolution to the Board of Supervisors. Simin Shamji offered an amendment to include language related to undocumented individuals in this proposal. Eric Henderson suggested and shared with the Council that there were also thoughts to work with Family Violence Council to propose a similar resolution on language regarding trauma. A small typo on page 2 of the resolution was pointed out in need of correction. There was also a need for statistics.

Jose Bernal put forth a motion for the Reentry Council to adopt the resolution with suggested amendments, which would be then forwarded to Supervisor Fewer's Office.

Public Comment: A member of the public, who identified himself as, Thomas, inquired if the term "returning citizen" was part of the resolutions discussion. Eric Henderson explained that the word citizen is tied to a person's citizenship and there were mixed feelings in the community regarding members of the formerly incarcerated community that were not citizens feeling excluded. A member of the public and an officer who participates in the Barbershop Forum suggested the use of "returning resident". The Council discussed this and agreed that it should be added to the suggested amendments. Simin Shamji seconded the motion. The vote was unanimous and the motion passed.

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### 9. Current State Legislation (discussion & possible action)

(For ease of reading the notes, detailed summaries of the legislation are available in the packets supporting materials Pages 23-49. Notes will focus on discussion and possible action of each legislation.)

Tara Anderson introduced Agenda Item #5 and its supporting materials included in the packet. Geoffrea Morris reminded the Council of the process of adopting legislation. She stated all recommendations put forth by the Reentry Council would have to be reviewed and adopted by the City and County's State Legislation Committee in order for the body to lobby for it on a state level. Geoffrea made the Council aware of the Reentry Council's Lobby Day, which was scheduled for May 22<sup>nd</sup>, 2019.

- a. SB 144, SB 516, SB 310, SB 136, SB 42

#### **SB 144 Families Over Fees Act**

Donna Mandel presented information on SB 144. The bill would eliminate criminal justice administrative fees.

Victoria Westbrook motioned to support the legislation. Teddy Tolliver seconded the motion. No public comment. The motion passed unanimously.

Geoffrea informed the Council that Mayor Breed had not yet taken a stance on the remaining pieces of legislation; and therefore, the Mayor's representative, Mawuli Tugbenyoh, would be abstaining from the voting on the remaining bills. Mawuli put forward the motion. Chief Karen Fletcher seconded the motion. There was no public comment related to the motion. The vote was unanimous and the motion passed for Mayor Breed's rep to abstain from the remaining bills.

#### **SB 516 Evidence of Participation in a Criminal Street Gang**

Eric Henderson presented on SB 516. The bill would bifurcate the gang enhancement process requiring that individuals be first charged with a felony and that the State prove the felony charge prior to the State bringing in evidence that the individual was a member of a gang or had gang affiliation.

Tara opened the conversation in saying while there is a great need to decrease bias and increase fairness in the court system, the District Attorney's office believes this mechanism is not implementable through due process and the ability to bifurcate a process is already available to judges. Tara went on to say, the District Attorney's Office is committed to reforming enhancements and partnered with Stanford University to develop findings related to this topic to be presented at the next Sentencing Commission.

Eric Henderson responded to Tara by stating that the California District Attorneys Association is the only reported opposition to SB 516. Eric went on to state that in San Francisco, gang enhancements are known to disproportionately impact black and brown people. Eric stated there are other bifurcated processes in place. He stated the practice is not unknown but that the option vary from county to county.

Commander Ewins and Aspen Marshall made a motion to abstain from voting, as their respective departments' stance on the matter were not known. Kaki Marshall seconded the motion. No public comment. The vote was unanimous and the motion passed.

Jose Bernal stressed the opportunity before the Council to make a policy stance and for members of the Council to check in with their department heads prior to the meeting, as the Council meets quarterly and important time sensitive decisions are made at each Council meeting.

Lucero Herrera and Kaki Marshall shared their personal experience with the use of gang enhancements. Simin Shamji added that gang enhancements are tied to the county's problem with mass incarceration, system disparities and criminalization of the poor. She stated gang enhancements do not further public safety.

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Paula Hernandez asked if the legislation applied to juveniles and how would this proposed bill impact the length of stay for juveniles. Simin responded that she believed this bill would impact juveniles; however she stated the concerns for increase custody stay far outweighed the potential dangers of the leaving the process as it stands now.

Commander Ewins stated while there needs to be a careful review of gang enhancements particularly for youth, she asked members of the Reentry Council to apply their lens through the eye's of a victim and the violence often associated with gang activity. Eric added that SB 516 would not take away the opportunity for victims to speak in court and that gang enhancements in the penal code would remain in place but change the process of when this evidence could be presented. Commander Ewin stated this process would eliminate the opportunity for the judge and jury to have complete context of the charges.

Teddy Tolliver spoke of his personal experience and his own susceptibility of being charged with a gang enhancement and how the process was unfair. Supervisor Sandra Fewer also reminded the Council about the gang injunction list, and how the burden of proof to be considered a gang member is led by the Gang Taskforce.

A motion for an abstention for Anthony Castellano and Paula Hernandez was made by Paula Hernandez prior to voting on SB 516, it was seconded by Kaki Marshall. No public comment on the abstention. The motion was passed with one nay by Jose Bernal.

Supervisor Fewer put forward a motion to support SB 516 legislation. Teddy Tolliver seconded the motion.

Aye: Suzie Smith, Kaki Marshall, Karen Roye, Lucero Herrera, Victoria Westbrook, Ali Riker, Simin Shamji, Supervisor Fewer, Jose Bernal, Angelica Almeida, Teddy Tolliver, Angela Coleman, Laura Moyé,  
Nay: Chief Fletcher, Tara Anderson  
Abstain: Aspen Marshall, Commander Ewins, Lisa Lightman, Mawuli Tugbenyoh; Anthony Castellano ,U.S. Probation Office, Paula Hernandez  
Public Comment: None

The motion for the Reentry Council to support SB 516 passed with 13 Ayes, 2 Nays and 6 Abstentions

### **SB 310 Jury Reform**

Jose Bernal spoke on SB310. The bill would expand the jury pool to individuals who are formerly incarcerated.

Simin explained its application in a courtroom and the importance of being tried by a jury of your "peers". Simin stated the stark realities is that most jurors are not of the same economic, social or racial background. Kaki Marshall elaborated on the civic responsibility of individuals returning from incarceration to vote and participate in juries and how evidence supports that individuals who do engage in civic processes have better outcomes. Supervisor Fewer gave her recent jury experience and how disproportionate the racial, educational and economic makeup of the jury process was. She stated the composition of people were particularly concerning when the defendant was a person of color.

Tara Anderson motioned to support the legislation. Victoria Westbrook seconded the motion. No public comment. The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

### **SB 136 One-year Enhancement Repeal**

Jose Bernal presented on SB 136. The bill which repeal the one year enhancement for prior convictions an individual has already served. He reminded that the Reentry Council endorsed last year's edition of this bill.

Karen Roye motioned to support the legislation. Lucero Herrera seconded the motion. No public comment. The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

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### **SB 42 Getting Home Safe Act**

Lucero Herrera introduced SB 42, sharing a real life example of how dangerous late night releases can be.

Terry Tolliver gave his personal experiences with late night releases and gave his support.

Tara Anderson motioned to support SB 42. Karen Roye seconded the motion. No public comment. The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

b. AB 1076, AB 1331, AB 607, AB 732

### **AB 1076 Arrest and Conviction Relief**

Tara Anderson introduced AB 1076. The bill would provide automatic conviction and arrest record relief. Kaki Marshall and Simin Shamji shared their support for this bill.

Karen Roye motioned to support AB 1076. Suzie Smith seconded the motion.

Public Comment: Eric Henderson provided his support for this bill during public comment.

The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

### **AB 1331 Data Quality in Criminal Records**

Tara Anderson introduced AB1331. The bill would give a comprehensive reform to improve the quality of criminal history data, which can have far reaching effects. She gave examples of how this would be used at a system level.

Victoria Westbrook stressed the importance of having statewide data consistency for better decision making.

Tara Anderson motioned to support AB 1331. Victoria Westbrook seconded the motion.

Public Comment: Eric Henderson inquired about the formal opposition and support for the legislation. Tara Anderson stated that the California District Attorneys Association is not opposed these bills and that many research organizations are in support of this bill and pre-trial services, and others.

The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

### **AB 607 Judicial Discretion for Nonviolent Drug Offenses**

Donna Mandel presented AB 607. The bill would allow judges to use discretion, eliminating mandatory minimums for nonviolent drug offenses. Donna reminded the Council that it had endorsed last year's version of the bill.

Teddy asked if possession amounts factored into the application of this bill. Donna Mandel clarified that it applies to almost everyone with nonviolent drug offenses.

Jose Bernal motioned to support AB 607. Angela Coleman seconded the motion. No public comment. The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

### **AB 732 Reproductive Dignity for Incarcerated People Act**

Victoria Westbrook presented on AB 732. The bill would ensure prenatal care in county and state jail facilities.

Lucero Herrera motioned to support AB 732. Jose Bernal seconded the motion.

Public Comment: Mark Walsh reminded that Council that there is a lot of effort that goes into preparing this legislation for the Reentry Council's consideration and he asked that all members be mindful of the legislative process it takes to put forward recommendations up to the state level and come prepared to these meetings.

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The vote was unanimous (not including abstentions recorded by previous votes) and the motion passed.

**10. Public Safety Candidates Debates (discussion & possible action).**

Tara informed the Council that this election season has three public safety seats open. Geoffrea Morris directed the Council to page 50-51 of the public packet, a letter; which supports the Reentry Council staff to invite public safety candidates to participate in a series of debate hosted by members and stakeholders of the Reentry Council.

Tara Anderson motioned to support the Reentry Council staff to reach out to Public Safety candidates running for election (District Attorney, Public Defender and Sherriff). Jose Bernal added to the motion that they task the Legislative Policy and Practices subcommittee to coordinate the planning efforts of this forum. Kaki Marshall seconded the motion. No public comment. Vote was unanimous without any abstentions.

**11. Additional Reentry Council Co-Chair from the Previously Incarcerated Community (discussion only).**

Jose Bernal requested that the Reentry Council consider having an additional co-chair that represented the formally incarcerated community. This would require additional discussion and an action at the next Reentry Council meeting. This proposed measure would require an ordinance amendment and this amendment would also seek Supervisor Fewer's support in introducing this amendment to the board. This item was discussion only for this meeting.

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

At the next Reentry Council meeting, it was requested that 1) A discussion with possible action take place regarding the addition of a justice-involved co-chair to the Reentry Council 2) Presentation on the current work on Hepatitis C in San Francisco County Jails 3) Victim of Violent Crimes presentation by perhaps the Victim Services Division along with state representation.

**13. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.**

Geoffrea Morris informed the council of two upcoming events 1) The Recovery Summit on June 26<sup>th</sup> at the San Francisco Public Library's Koret Auditorium and 2) The Mothers Against Deportation event on May 10<sup>th</sup> in Sacramento

**14. Adjournment.**

Ali Riker motioned to adjourn the meeting, seconded by Lisa Lightman. Tara Anderson reminded the council that the next meeting is July 25, 2019. The vote was unanimous and the meeting adjourned at 12:02.

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### SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Reentry Council. Written comments should be submitted to: Geoffrea Morris, Reentry Policy Planner, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94103, or via email: [reentry.council@sfgov.org](mailto:reentry.council@sfgov.org).

### MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfgov.org/reentry> or by calling Geoffrea Morris at (415) 241-4241 during normal business hours. The material can be FAXed or mailed to you upon request.

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### 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](mailto:reentry.council@sfgov.org) or (415) 241-4241 at least two business days before the meeting.

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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](http://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](mailto:soft@sfgov.org)

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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/>