

Reentry Council

City & County of San Francisco

DRAFT MINUTES

Thursday, April 26, 2018

10am-noon

St. Anthony's Foundation

150 Golden Gate Avenue

San Francisco, CA 94102

Members Present: Diana Oliva-Aroche for Mayor Mark Farrell (co-chair); Tara Anderson, representing District Attorney George Gascón (co-chair); Chief Adult Probation Officer Karen Fletcher (co-chair); Kathy Johnson representing Sheriff Vicki Hennessy (co-chair); Simin Shamji, representing Public Defender Jeff Adachi (co-chair); Robin Chandler, Department of Public Health; Jose Bernal, Board Appointee, Ian Fregosi representing 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 Chief Bill Scott; Jeffrey Mori, Office of Economic and Workforce Development; Chief Juvenile Probation Office Allen Nance; Karen Roye, Director, Department of Child Support Services; Emily Cohen Department of Homelessness & Supportive Housing; Lisa Lightman, Superior Court of California, County of San Francisco

Members Absent: Angela Colelman, Board Appointee; Kimberli Courtney, Board Appointee;; Jared Walker, Mayoral Appointee; Laura Moyé, Department of Children, Youth & Their Families; Veronica Ramirez, U.S. Probation Office, Northern District of California;

1. **Call to Order and Introductions.** Diana Oliva-Aroche called the meeting to order at 10:05am.
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 25, 2018 (discussion & possible action).** Jeff Mori motioned to adopt January 25, 2018 minutes. The motion was seconded by Karen Fletcher. A unanimous vote was given and the minutes were approved.
4. **Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action).**

Lauren Bell acknowledged the transition of Karen Shain from the Reentry Council's staff and introduced Geoffrea Morris who will be assuming the interim role of Reentry Policy Planner.

As part of the Reentry Council's continued effort to look at issues of racial equity and combat racial disproportionality in San Francisco's criminal justice system, Lauren Bell stated that work on Racial Equity will be a standing agenda item for each Reentry Council meeting, providing an opportunity for departments and community members to share their efforts to mitigate racial inequity and advance racial equity. Lauren Bell shared that the Adult Probation Department is a participant of The Government Alliance on Race & Equity (GARE). Members of the department have been organizing events aimed at celebrating the racial and cultural heritage.

Lauren Bell reported on the February 22, 2018 Community Appreciation Dinner, also known as the Reentry Dinner. The event was successful with over 200 attendees. She thanked all who contributed to the event, including former council member Ernest Kirkwood, Julio Escobar of the Archdiocese, Sabrina Reid, Rebecca Jackson, Yolanda Robinson of the Sheriff's Department and Chief Fletcher.

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She closed by stressing the importance of events such as these, which build community for those formerly incarcerated.

Lauren Bell stated that the CASC will be a voter registration site for the upcoming June 5, 2018 election. She asked members to encourage clients they may be working with the register to vote and exercise their right.

Geoffrea Morris provided the council with an update to the gender responsive work. On April 9th at the Human Rights Commission a discussion was held to identify and address the needs of the Transgender Intersex (TGI), this is a 3 part of dialogue series of conversations. TGI Excellence/UCSF will be hosting a TGI resource fair at the Public Library on June 4th. In its gender responsive efforts, the Adult Probation Department is expanding its curriculum to hold gender specific classes at the CASC facilitated by Sisters Circle and is actively looking at its protocols to be more gender responsive.

Geoffrea Morris informed the Council that there were no updates from the Direct Services subcommittee at this time and that updates from the Policy subcommittee will be heard in Agenda Item #8.

Lauren Bell directed Council members to three events with each event's information available in the packet. The first event, the Recovery Summit will be hosted on May 23, 2018. All are encouraged to register and attend. The San Francisco Women's Justice Reform Initiative, a culmination of Geoffrea Morris's listening tour to expand the gender responsive work of San Francisco justice system, and will take place on June 20th, 2018. Next, members were invited to the Restorative Justice Training which will be held on June 23 and 25th, 2018.

Diana Oliva-Aroche provided the Council with the opportunity to comment on the staff report. Kathy Johnson added that the Sheriff Department's policy of allowing Transgender and Non-variant (TGN) persons be searched by an individual of a similar identity went into effect February 2018. The policy was challenged by Deputy Sheriff's Association but was upheld by the Superior Court of San Francisco. Tara Anderson also shared that the District Attorney's Office is also a GARE participant and that with the Adult Probation Department, have a shared responsibility to share tools with the council to promote equity throughout San Francisco government.

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

Ali Riker of the Sheriff's Department reported on the MIOCR Grant. She stated the grant was scheduled to end on June 30, 2018. The Sheriff's department has requested continued funding to support the work of the MIOCR grant which is now being considered by the Mayor's Office. To date, 90% of graduates have not returned to jail. Ali Riker extended an invitation to the next participant graduation on May 17th, 2018.

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

In the interest of time, Diana Oliva-Aroche asked the Council to review the updates of the various councils located in the packet and followed with a call for comments from the Council with none. She then opened the agenda item for public comment. Kathleen Lacey, UCSF Citywide Forensic Program Director requested data for PSTR Prop 47 Program, Robin Chandler pointed out the information available in the packet. There was no further public comment.

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7. Gang Injunctions (decision and possible action)

Diana Oliva-Aroche opened the conversation by reminding the Council of the robust dialogue held at the last meeting where a motion to draft a letter to the District Attorney's Office and police department requesting data related to the Gang Injunction. Lauren Bell provided an update on that request, stating that there has been email communication with the City's Attorney's office and have been able to have a meeting with Chief Scott regarding the topic. The meeting was an opportunity to express viewpoints and remind the Police department about the Reentry Council's request for data and the importance data and process review. Lucero Herrera also shared the personal impact of Gang Injunctions.

Council member Jose Bernal gave feedback on the efforts to date. A letter to the City Attorney's office followed the last Council meeting, urging for the need for continuous review of the gang injunction list and the transparent data if such a review has even taken place. He challenged the Council to critically consider how San Francisco can be a champion for progressive justice reform, when it lags behind other major cities on this key policy issue, particularly when the Council has adopted to lead the fight against racial and ethnic disparities within the San Francisco criminal justice system. Referencing the 2015 Burns Institute Report, commissioned by the Reentry Council he stated how a strong stance against gang injunctions, which are known to solely affect black and brown people, is a step to addressing these disparities.

Ian Fregosi representing Sandra Lee Fewer's office provided an update of efforts to end the over 10 year old gang injunctions which impact approximately 140 Black and Latino men. Sandra Lee Fewer's office has asked the City Attorney's office for specific questions through the form of hearing scheduled to April 25th, which is now postponed for June 13th 2018. The City's Attorney's office has made it public that it intends to conduct in depth reviews of the gang injunction for all 7 gangs named and all names listed in the injunctions. Following the first review, a motion to remove 34 names off of a gang injunction using criteria of no gang related criminal activity The City Attorney intends to continue these reviews and is hopeful that more names will be removed from the injunction before the June hearing. While Sandra Lee Fewer's is not in support of gang injunctions altogether, she believes these actions are a step in the right direction.

Diana Oliva-Aroche opened the discussion to the council members for comment. Chief Scott thanked Jose Bernal and Lauren Bell for their meeting. He stated that the police department remains open to looking at the data and is committed to the issue. Lucero Herrera read a heartfelt testimony of an individual who is currently listed under the San Francisco gang injunction who called for the end of gang injunctions. Simin Shamji asked that the Council consider the evidence which supports the effectiveness of the gang injunctions and how they address the issue of crime. She pointed out that evidence suggests that gang injunctions do not curb crime and actually have the opposite effect.

Jose Bernal raised a motion that the San Francisco Reentry Council take a position to end gang injunctions to bring toward the City Attorney. Jeff Mori seconded the motion.

The discussion was opened for public comment. Erris Edgerly from Brothers for Change shared his firsthand experience on gang injunctions as a community member and stated that research by his organization on the impact of gang injunctions supports the policy's end. A community member (name not audible) gave commented on the proliferation of racial bias in gang investigations and gave first hand testimony of how police department looked for evidence connecting her to gang affiliation. A Tenderloin community member named Lisa asked to end gang injunctions. Antonio Johnson, Restorative Justice San Francisco State University called to end gang injections. Willie Jetson, San

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Francisco native called to end gang injunctions and spoke to how the policy proliferates racism and violence. San Francisco resident, Monique thanked Jose for bringing this issue up and for the opportunity for the chance to improve people's lives through the need of gang injunctions and asked for the Council's support. Woods Irvin, TGI Justice Project commented on how gang injunctions are not aligned with the City's values and referenced the experiences of those listed on the gang injunctions list and contribute to the negative impacts gentrification and disproportionate policing of black and brown neighborhoods and urges the council to end gang injunctions. Eric Henderson spoke to how the injunction exclusively lists black and brown men in neighborhoods of color and asked the Council to take strong stance against gang injunctions. Wendy Click, gave her testified to the impact of the gang injunctions on her nephew and cousin. She asked to end gang injunctions. Victoria Westbrook reminded the Council of the racial bias practices on communities of color and urges the council to end gang injunctions, she stated that gang injunctions unnecessarily add to the stigma of reentry.

The motion is called to vote 11 members supported and 7 abstained. By majority, the motion passed.

Diana Oliva-Aroche for Mayor Mark Farrell (co-chair) – Abstain
Tara Anderson, representing District Attorney George Gascón (co-chair) – Abstain
Chief Adult Probation Officer Karen Fletcher (co-chair) – Abstain
Kathy Johnson representing Sheriff Vicki Hennessy (co-chair) – **Aye**
Simin Shamji, representing Public Defender Jeff Adachi (co-chair) – **Aye**
Robin Chandler, Department of Public Health – **Aye**
Jose Bernal, Board Appointee – **Aye**
Ian Fregosi representing Sandra Lee Fewer, Member, Board of Supervisors – Abstain
Lucero Herrera, Mayoral Appointee – **Aye**
Dan Kelly, Human Services Agency – **Aye**
James Lowden, Board Appointee – **Aye**
Aspen Marshall, California Department of Corrections & Rehabilitation, Division of Parole Operations – Abstain
San Francisco Police Chief Bill Scott – Abstain
Jeffrey Mori, Office of Economic and Workforce Development – **Aye**
Chief Juvenile Probation Office Allen Nance – **Aye**
Karen Roye, Director, Department of Child Support Services - **Aye**
Emily Cohen Department of Homelessness & Supportive Housing – **Aye**
Lisa Lightman, Superior Court of California, County of San Francisco - Abstain

8. Current State Legislation (discussion and action)

- a. AB1940: Parole integration credits
Eric Henderson presented information on AB1940. The bill would allow people on parole to earn time off their parole for completing education, volunteering and other good behavior. Chief Nance motioned to support legislation. The motion was seconded by Tara Anderson. Superior Court abstained. No public comment. The motioned passed by majority.
- b. AB2138: Occupational licensing
Lauren Bell presented information on AB2138. The bill mitigates barriers to licenses. Jeff Mori motioned to support this bill. Chief Fletcher seconded the motion. Superior Court abstained. No public comment. The motioned passed by majority.
- c. SB 906: Statewide Peer Specialist Certification

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Geoffrea Morris presented information on SB906. The bill supports the statewide professionalization of individuals with lived experience in system navigator roles. Karen Roye motioned to support legislation. The motion was seconded by Jose Bernal. Superior Court abstained. No public comment. The motion passed by majority.

- d. SB1105: Expands Vehicle Code Section 41500 immunity to individuals in local detention facilities
Nick Gregaratos presented information on SB1105. The bill would allow individuals to receive driver's license and dismiss outdated tickets while incarcerated. Kathy Johnson motioned to support legislation. The motion was seconded by Ian Fregosi. Superior Court abstained. No public comment. Motion passed by majority.
- e. SB1025: Sentencing reform – Probation eligibility for drug offenses
Donna Mendel presented information on SB1025. The bill would XXXX. Simin Shamji clarified that the legislation that the person would have a county jail term. Karen Fletcher motioned to support legislation. The motion was seconded by Tara Anderson. Superior Court abstained. No public comment. The motion passed by majority.
- f. SB1392: Sentencing reform – Judicial sentencing discretion regarding prior prison or jail terms
Donna Mendel presented information on SB1392. The bill repeals sentence enhancements for having a prior prison sentence. . It was clarified that it only pertains to individual with prior prison or jail terms. Anderson motioned to support the legislation. Karen Roye seconded the motion. Superior Court abstained. No public comment. Motion passed by majority.
- g. SB1393: Sentencing reform – Judicial sentencing discretion regarding prior serious felonies
Donna Mendel presented on SB1393 restores judicial discretion to strike the five year sentence enhancement when someone is charged with a serious felony. It does not allow the judge to change the base sentence. Tara Anderson stated that the District Attorney's office is working with Stanford to examine sentence enhancement research which will inform the office's position and stated that she will obtain from the motion. Simin Shamji motioned to support the legislation. Jose Bernal seconded the motion. Eric Henderson gave public comment in favor of supporting the legislation and cited that there is no evidence to suggest that there is a deterrent effect to sentence enhancements. Simin Shamji motioned in support. Jose Bernal seconded the motion. Superior Court, the Sheriff's Department and District Attorney's office abstained from voting on the motion. The motion passed with majority rule.
- h. SB1437: Sentencing reform – Reform to accomplice liability
Donna Mendel presented on SB 1437. The legislation clarifies that a person may only be convicted of murder if the individual willingly participated in a homicide or it an act that was intended to result in a homicide. Simin Shamji motioned to support the legislation. Jose Bernal seconded the motion. 11 members of the council including Superior Court abstained. The motion did not move forward.

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

Lucero Herrera had a request that the Reentry Council considers the Women Warriors Bill as a discussion item for the next meeting.

Jose Bernal informed the council that his term on the council expires and that it may be his last meeting. On behalf of the council, Diana Oliva-Aroche thanked him for his time on the council. She went on to state, that it may also be her last time on the council due to the upcoming mayoral election.

A reminder that the July 26th, 2018 at the Milton Marks, San Diego Room at 455 Golden Gate was given.

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10. The meeting was adjourned at 12:07pm.