

Reentry Council

City & County of San Francisco

A Special Presentation on the Federal, State, and Local Budget and Realignment of Reentry Population in San Francisco

DRAFT MINUTES

Tuesday, May 17, 2011
10:00 a.m.-12:00 p.m.
Latino/Hispanic Community Rooms
San Francisco Public Library
100 Larkin Street
San Francisco, CA 94102

Members in Attendance: Public Defender Jeff Adachi (co-chair), Undersheriff Jan Dempsey (co-chair), Paul Henderson (co-chair, arrived after Agenda 1), Chief Wendy Still (co-chair), Assistant District Attorney Sharon Woo (co-chair), Steve Arcelona, Glenn Eagleson, Armel Farnsworth, Allison Magee, Gerald Miller, Supervisor Ross Mirkarimi, Jo Robinson, Karen Roye, Maria Su, Eddy Zheng.

Members Absent: ShaMauda Bishop, Mary Campbell, Joaquin Diaz de Leon, Duriel Gilmore, the Hon. Charles Haines, Chief Yador Harrell, Lt. Rick Parry, Ronald Sanders.

1. Welcome, Introductions, and Overview of Agenda.

Jessica Flintoft called the meeting to order at 10:14am. She introduced herself and thanked members and audience for their attendance. The members introduced themselves, and then Jessica gave an overview of the day's presentation.

2. Presentation on Federal, State, and Local Budget and Implications of Realignment on Reentry Population in San Francisco (discussion only).

Jessica began by reviewing current economic conditions, explaining that the state has experienced deep economic recession. Governor Brown's proposed budget, released in January 2011, outlined his realignment plan, which was codified by AB109, and modified by the May Revise on May 16. The City and County of San Francisco has a \$6.5billion budget and is currently experiencing a \$306million deficit. Mayor Lee has asked all general fund departments to cut up to 20% of their budgets. The Mayor will release the budget on June 1; the Board of Supervisors will adopt it no later than July 26.

As Jessica explained, realignment means a shift in responsibility from one level of government to another. Often this shift occurs from the federal to the state level; in this instance, it is from the state to the county level. In addition to impacting criminal justice systems, there are impacts for public safety, health, and human services.

Jessica asked Steve Arcelona to explain the impact to the Human Services Agency. Steve explained that under AB109, the county would bear 100% of the cost of administering protective care for elders and for child welfare. The county share of cost for CalWORKS would increase

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from 2.5% to 40%, which translates to a \$47million burden for San Francisco. The in-home supportive services program, Medi-Cal eligibility, childcare, and other parts of CalWORKS program would be impacted. Little detail on these cuts is offered in the budget, but it is unlikely that funding will be adequate to maintain programs. The realignment that occurred in 1991 was not sufficiently funded, and the services being realigned now are already underfunded. San Francisco places a higher priority on human services than other counties, so people in other counties might feel the effect more than San Francisco residents. Counties could be given more flexibility, which might lead to efficiencies and improved quality. Because federal law regulates the administration of child welfare services, there will be little change in how these services are administered. A constitutional amendment in which the state would share the cost of fines or fees that result from realignment is being considered, but it is unclear whether the amendment will be passed.

Jessica then asked Jo Robinson to explain the potential impact on the Department of Public Health (DPH). Jo said that there were changes to public health funding in the May revise which DPH did not anticipate. The revise contained a substantial reduction in the California Medi-Cal Hospital Uninsured Care 1115 Waiver. DPH had previously balanced its budget on revenue with the 1115 waiver, and did not expect this reduction. Jo speculated that DPH will probably have to cut an additional \$10 million which would affect about 10,000 clients. These reductions might change how DPH meets milestones for the rest of the revenue. They expect to see \$10 million cuts to community programs, including non-revenue generating outpatient clinics, methadone clinics, emergency services, vocational programs, residential programs, and wellness promotion. Every area of Community Behavioral Health Services would be touched by cuts. Jo reiterated that DPH wants to allow people to access services through variety of means, not just the criminal justice system.

Jessica asked Karen Roye to provide an update about cuts to the Department of Child Support Services (DCSS). Karen explained that DCSS will face a \$1.3million reduction. This reduction includes funding that DCSS had intended to transfer to HSA for welfare recoupment. Realignment isn't scheduled to impact DCSS until Phase 2, when child support will change from a state administered program to a county program. The baseline is currently funded at 2001 levels. Karen said that California has a history of realignment that can be learned from. Clients who have multiple cases in multiple counties may not have a one stop solution as they currently do.

Jessica next asked Maria Su to describe the impact of realignment on the Department of Children, Youth and Their Families. Maria explained that \$1billion are being swept from the First Five program, which amounts to a \$11million cut at the local level. This translates to reductions to Title V childcare providers, or a 15-25% reduction. Family resource centers will also be impacted; there are 23 family resource centers throughout the city. Violence prevention services will also face a \$300,000-\$500,000 reduction.

Then Jessica asked Glenn Eagleson to discuss the impact on the Office of Economic and Workforce Development (OEWD). Glenn explained that the majority of their budget comes from the federal government. However, they are nearing the end of their funding through federal stimulus dollars which allowed them to double some programs. OEWD is anticipating a 15% cut in workforce investment dollars and an across the board cut of their other spending. OEWD is putting effort into fund development and grant writing. In partnership with DCSS they submitted

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a proposal for an employment program for noncustodial parents. They are also working with the Adult Probation Department on funding opportunities through justice areas.

Armel Farnsworth asked whether child support will revert back to more of an enforcement agency than the current system which offers other services to people who come in to make payments or open their cases.

Karen explained that their programs are federally prescribed, and the values won't change at the local level. Karen said that the San Francisco DCSS values customer services as a basis for programs, but counterparts in other counties may not see it the same way. She said that 63% of cases in San Francisco rest with parents who are struggling. Many of these have some criminal justice involvement. Child support is invested in parents getting jobs because they can't pay their child support without a job, and child support often poses a barrier to getting a job.

Glenn said that OEWD is looking at ways of enhancing services and outreach through other interconnected departments for those clients who utilize multiple systems.

Jessica asked Chief Wendy Still to begin the discussion of the criminal justice component of the realignment plan. Chief Still used a Powerpoint presentation to supplement her discussion. She explained that the realignment would result in \$1.4 billion in savings at the state level. This plan is contingent on the availability of funding. A proposed constitutional amendment would guarantee funding for counties through blocks grants. Under the realignment plan, the San Francisco Adult Probation Department (APD) would provide post-release supervision for individuals convicted of most non-violent, non-serious, non-sex offenses who may or may not have a serious or violent offense in their background. Previously these individuals would have been supervised by the California Department of Corrections and Rehabilitation (CDCR) Division of Adult Parole Operations.

Realignment would also result in the transfer of juvenile wards from the Division of Juvenile Justice (DJJ) to the county level and would require counties to establish a contract with DJJ if they are unable to keep youth in county facilities. San Francisco has five wards in DJJ, reflecting a longstanding commitment to keeping youth in San Francisco instead of sending them to state institutions.

Chief Still also explained that individuals convicted of most non-serious, non-violent, non-sex offenses who do not have a serious or violent offense in their background would serve time in county jail for up to 36 months. CDCR estimates 412 individuals will be under the supervision of APD as a result of the realignment.

Chief Still explained that the courts will play a substantial role in every step of this process, particularly with regard to the parole/probation revocation process. The courts wrote a 21 page memo addressing their concerns with regard to the constitutionality of the realignment plan, among other concerns. Chief Still went on to explain that parole revocations will be served in county jail, with the exception of paroled lifers who violate the conditions of supervision, who will be returned to state prison. Revocations longer than 30 days will be spent in state prison. AB109 states that the county Board of Supervisors may authorize use of home detention in lieu of incarceration or electronic monitoring in lieu of bail. Community-based punishment authorizes counties to use a variety of sanctions and programming other than jail incarceration.

An executive committee of the Community Corrections Partnership is formed through this law. This committee, chaired by Chief Still, has been meeting in San Francisco for about a month. Statewide funding for realignment is based on assumptions about the average daily population for post-release community supervision, for inmates who fit the criteria based on their

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current and prior convictions, and for returns to custody. The May revise of the plan added funding for in-jail programming since the local jail population will be serving more time than was previously the case.

Chief Still pointed out that AB109 emphasizes alternatives to jail incarceration. The plan only provides up to six months of funding for incarceration. She said that the plan doesn't account for many of the associated costs of implementation and that the executive committee will have to come up with a plan to distribute the funding among impacted departments. The Board of Supervisors will have to approve this plan.

Chief Still closed by offering estimates, based on average daily population, for each of the following groups: the anticipated population of individuals to be housed in county jail instead of in state prison is 165; the anticipated population of individuals to be supervised by APD post-release is 412; and the anticipated population of individuals serving a parole violation in county jail is 64.

Undersheriff Jan Dempsey then provided the Sheriff's Department (SFSD) perspective on realignment. She explained that SFSD looked at San Francisco's average number of commitments to state prison and the average number of parole revocations that have ended up in prison, and estimated the number who will be housed in county jail under the realignment plan. She said that San Francisco sends about 60 individuals per week to state prison. Using charts to illustrate the projections, Undersheriff Dempsey explained that—if AB109 were implemented on July 1st—that their best guess is that the capacity of county jails would be reached by March 2012. She anticipates that SFSD community supervision capacity could reach its limit as early August 2011. This is the worst case scenario. The second scenario provides for program expansion and expansion of community supervision capacity, which would push off the county jail capacity problem until mid-2012. If realignment is not implemented until January 2012, capacity issues would just be pushed off for another six months. Increased sentences will result in people being held at local level and for a longer time, which will require more programmatic capacity at the county jails. Undersheriff Dempsey said there are many opportunities for expansion of the high school program, violence prevention programs, and drug and alcohol treatment.

Undersheriff Dempsey cautioned that people convicted of non-serious, nonviolent, non-sex offenses may still be capable of committing violence in the county jail system. She said that home detention as an alternative to incarceration won't be practical because so many people who come through the system don't have a stable home situation in the first place. There are already good systems in place in San Francisco for alternatives to incarceration.

Chief Still added that she thinks that the population projections provided by CDCR are low. She wants to develop a specialized unit in APD to deal with this population as their needs and experience in the system will be different than the average probationer. A goal of hers will be to offer early discharge from probation for those in compliance with conditions. She said she also wants to implement a system of rewards and sanctions for this population.

Jessica asked Supervisor Mirkarimi to share some of his thoughts about realignment. Supervisor Mirkarimi said that he has learned new things every day since the realignment hearing at the Public Safety Committee. He said that there is a 30-50% difference between what it will cost to implement realignment and what funding is being promised to localities. He said that he thinks the Reentry Council should start the draft legislation on how to fund this process. He said that the new offender population will create a severe impact on the availability of

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program services, and is concerned about how effective the programs that are in place now will be with this new population. Supervisor Mirkarimi said that next year's budget should have a clear projection of what it might mean for nonprofits and departments to work for a lot less.

Paul Henderson said that individuals who are currently awaiting sentencing in county jail will form a portion of the population who previously would have gone to state prison but will now remain in county. He said that this population represents an unknown number. He applauded San Francisco's efforts in the realm of juvenile justice.

Chief Still added that San Francisco sends fewer people to state prison than other large counties.

Allison Magee voiced the Juvenile Probation Department's concerns that juvenile facilities are not well-suited for long term wards, either structurally or programmatically.

Paul Henderson clarified the use of flash incarceration as an evidence based practice that has more value than six months of incarceration, in some cases.

3. Public Comment on any item listed above, as well as items not listed on the Agenda.

First public commenter asked whether the county jail that is currently closed be reopened.

Undersheriff Dempsey said that it probably would. She said that San Francisco has no intentions to expand jail capacity. However, she said that there is some discussion of rebuilding the Hall of Justice, which includes County Jails #3 and #4, due to seismic issues.

Marcy Orozco asked whether any members of the executive committee are representatives of community based organizations.

Chief Still said that the membership of the committee is prescribed by law. The larger Community Corrections Partnership includes a representative from Goodwill and holds meetings at Delancey Street. She said that she would send out invitations to attend these meetings to members of public via Reentry Council stakeholder list.

Kurt Grimes of A Phillip Randolph Institute said that he would like to attend Community Corrections Partnership meetings. He said that jobs and education are very important for this population.

Terry Anders said that he does job placement in the Southeast portion of the city. He wondered if the funding situation is not being dealt with on the community level. He is concerned that not enough community members are getting resources to do what they need to do and wonders if we are criminalizing the homeless and excluding communities from the opportunity to provide input.

Mindy Kenner, a job developer with Anders and Anders, said she is concerned about childcare. Most childcare costs the same amount per hour as many jobs pay.

4. Adjournment.

The presentation adjourned at 12:00pm.