

Reentry Council

City & County of San Francisco

DRAFT MINUTES

Tuesday, September 13, 2011

10:00 a.m.-12:00 p.m.

Auditorium

Milton Marks Conference Center

455 Golden Gate Avenue

San Francisco, CA 94102

Members in Attendance: Public Defender Jeff Adachi (co-chair), Lenore Anderson (co-chair, alternate for District Attorney George Gascón), Paul Henderson (co-chair, arrived after Agenda 3), Undersheriff Jan Dempsey (co-chair, alternate for Sheriff Michael Hennessey), Chief Wendy Still (co-chair), Steve Arcelona (alternate for Trent Rhorer), ShaMauda Bishop (arrived after Agenda 4), Mary Campbell, Glenn Eagleson, Chief Yador Harrell, Steve Lin (alternate for Matthew Goughnour), Gerald Miller, Supervisor Ross Mirkarimi (arrived after Agenda 5), Capt. Rick Parry (alternate for Chief Greg Suhr), Karen Roye, Ronald Sanders, Maria Su, Eddy Zheng. Members Absent: Joaquin Diaz Deleon, Duriel Gilmore, Judge Charles Haines, Jo Robinson, Chief William Siffermann.

1. Call to Order and Roll Call.

Undersheriff Jan Dempsey called the meeting to order at 10:04am, then asked members to introduce themselves.

2. Public Comment on any item listed below as for discussion only.

Undersheriff Dempsey thanked the members of the public for attending the meeting. She asked for public comment on any of the items slated for discussion. There was none.

3. Review and Adoption of Meeting Minutes of March 29, 2011 and May 17, 2011.

Undersheriff Dempsey asked for a motion to pass the minutes of the meetings of March 29 and May 17. Public Defender Adachi moved, Chief Yador Harrell seconded. The motion passed unanimously.

4. Staff Report on Council Activities and Membership, Legislative and Policy Update, and Update on Reentry Related Funding.

Jessica Flintoft reminded Council members that July was the Reentry Council's two year anniversary. She noted that the formerly incarcerated members had completed their two year terms but were present at the meeting to participate in the discussion. Very few reentry councils include formerly incarcerated people and many are interested in learning how to do more.

Jessica also mentioned that the Institute for Local Government and the Reentry Council have a proposal pending with the California Story Fund. If funded, program would produce a short documentary about the importance of including formerly incarcerated people in criminal justice policy bodies.

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Jessica announced that the Mayor and Board of Supervisors were facilitating the appointment process for new formerly incarcerated members. The Mayor would decide the appointments within the next few weeks and the Board of Supervisors Rules Committee would meet Thursday, September 15 to appoint four members.

Jessica said that staff implemented three new subcommittees to support implementation of recommendations in the annual report and other recommendations that come down from the Council. Staff have made progress on some of the recommendations and are working to address others. The December 6 meeting of the Reentry Council will include a review of progress since last year's report.

Jessica updated the Council on the progress of the proposed antidiscrimination ordinance. She said that the Human Rights Commission had done intensive community outreach among parties likely to oppose or be impacted by the proposed ordinance. The controversy captured by the media regarding this issue was fueled by the misconception that employers or housing providers would have to give preference to people with records.

Jessica then provided an update on legislation and policy tracked by the Reentry Council. She noted that AB 568 and AB 828 had made progress through the legislature and AB 568 was awaiting the Governor's signature. She said that Nick Gregoratos of the Sheriff's Department personally wrote and advocated for AB 877 based on his experience and perspective as the director of Prisoner Legal Services. She also mentioned that California Code of Regulations Title 15 would be up for review. Specifically, one of the issues up for review was the standard for ensuring that prisoners may have access to voter registration materials.

Jessica then provided a regular update on reentry related funding. She pointed out that the updated memo reflects state and federal funding to San Francisco departments or agencies, but does not track all private funding or funding to community based organizations.

Gerald Miller asked whether applicants can reapply for grants if they've applied in the past and not been awarded. Jessica said typically yes, depending on the funding source.

5. Regular Update on Implementation of the five Second Chance Act funded projects.

Undersheriff Dempsey provided an update on the two Second Chance Act funded projects at the Sheriff's Department. The Keystone program serves 145 offenders with co-occurring disorders in collaboration with Walden House. The funding period started in 2010; services started in early 2011. There were 32 active participants as of the meeting date.

The One Family Initiative is the second project, providing screening and assessment, family mapping, family healing circle, and substance abuse treatment. This grant allows for expansion of family-oriented programs already supported by Sheriff's Department.

6. Regular Update on Implementation of the Justice Reinvestment Initiative.

Jessica Flintoft reviewed for members the objectives and terms of the Justice Reinvestment Initiative technical assistance grant received by the Reentry Council. The program is a federal initiative through the Bureau of Justice Assistance that works with consultants to provide technical assistance for the analysis of local criminal justice data in order to develop policy recommendations for improving local systems and reducing costs. Jessica said that the following issues of concern in San Francisco were cited in the application for the grant: higher than average recidivism rates; disproportionate incarceration of African Americans; and the high number of non-serious, nonviolent offenders sentenced to state prison.

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Peter Ozanne, the lead technical advisor for the project, introduced himself by sharing his experience in this field. The agency he works for, the Crime and Justice Institute at Community Resources for Justice, is a nonpartisan nonprofit organization. He said that Justice Reinvestment requires a data driven approach for relevant policy making. He has collected qualitative data in San Francisco since May and the city has been working on a data usage agreement between departments and the Crime and Justice Institute. He said that the researchers on his team will provide an analysis of cost drivers in the criminal justice system. Phase I of the project focuses on data collection, analysis, and evaluation. Phase II may involve funding to implement the recommendations. Peter said that the challenge in San Francisco is that many progressive efforts to improve the criminal justice system leave less room for improvement. Peter said he and his team will have to work harder here.

Lenore Anderson asked how this process will address racial disparities.

Peter said that a decision point analysis may provide a way to address this issue. He said that in Multnomah County, Oregon a study revealed that African American probationers were being placed in a high risk category because probation officers were using their discretion to override assessments. Examining these decision points may lead to reductions in disparities.

Chief Still said that data and analysis that will be provided through JRI will help in the formulation of San Francisco's 2012 realignment plan.

Captain Parry asked how the project will define recidivism.

Peter said that San Francisco will have to come up with the definition. Recommitment within three years is one common definition, but it doesn't capture arrest.

Supervisor Mirkarimi asked for more information about the recidivism rates provided in the letter of interest. He was interested in understanding why recidivism rates are so high in San Francisco.

Karen Roye wondered whether the project will look at the individual needs and circumstances of people involved in the system to determine who they are as people.

Maria Su asked whether this analysis will be able to bracket out the data by age group to see trends within each group.

Jeff Adachi asked to what extent the outcomes are impacted by difference in representation by a public defender or private bar. Jeff also said that California has not done comprehensive sentencing reform. He wondered whether this project would lead to any substantive changes without sentencing reform.

Chief Still said that the governor has convened meetings to talk about sentencing reform because there is an understanding that realignment is only a temporary fix to the overcrowding problem in state prison.

Steve Arcelona asked whether the city will be able to use the data to determine how well individuals have been able to avail themselves of services after release.

7. Public Defender's Office Presentation on San Francisco Registered Sex Offender Parolees and Residency Limitation Litigation.

Undersheriff Dempsey provided an overview of the residency restrictions facing people on parole who must register as sex offenders. Chris Gauger of the San Francisco Public Defender's Office had been working with registrants to relieve these restrictions and provided an update.

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Chris explained that parolees who are sex registrants are forced by Jessica's Law to be homeless. They cannot live within 2000 feet of any school, park, daycare or other place where children gather. This leave nowhere in San Francisco where a sex registrant can live for more than 24 hours at a time. These circumstances make it very difficult to help these individuals. The restrictions do not serve a rehabilitative purpose or increase public safety. These restrictions amount to a form of internal banishment.

Chris said that the Public Defender's Office is going after the residency restrictions with a habeas suit. People in this situation would still have to register and would still be required to wear a GPS monitor if required to do so. The habeas suit is not addressing these issues, but rather the 2000 foot residency restriction. The Courts have granted stays in 50 cases while the Public Defender litigates. The Public Defender's Office has talked to 65 clients of the roughly 120 parolee sex registrants in San Francisco at any given time. These individuals are being referred regularly and the stay is routinely granted. The United States Supreme Court has ruled that in theory the law is not irrational because some counties might be bigger and more flexible than San Francisco, thus making housing more possible for sex registrants on parole. As a result, each county has to file a writ to challenge the law. Chris explained that in some cases the person on parole could have most recently gone to prison for theft, but the registerable offense was 30 years ago. Because the law says that any prior sex offense requires registration, this person would be subject to residency restrictions. Chris said that they have a good chance of winning this case.

Ron Sanders said that he works with a large number of registered sex offenders. This suit has given them hope. His hands were tied as a community health worker because he couldn't help them.

8. Regular Update on Activities of the Community Corrections Partnership, Juvenile Justice Coordinating Council, the Workforce Investment Community Advisory Committee, and the San Francisco Collaborative Courts.

Jessica provided brief updates about the bodies which report to the Reentry Council, and then introduced Lisa Lightman, Director of the Collaborative Courts of San Francisco.

Lisa said that five years ago the Superior Court started the Collaborative Courts unit. The Collaborative Courts have attracted \$18 million in grants since 2006. Lisa said that the Courts are downsizing but the collaborative courts have fared well thanks to local partners' advocacy. Among many program accomplishments, Lisa cited the establishment of three new collaborative courts: the Community Justice Center, the Parolee Reentry Court, and the Probation Alternatives Court. The collaborative courts serve a total of about 3000 defendants. Other accomplishments include cost savings of \$48 million since the inception of drug court in 1995. An evaluation of Behavioral Health Court revealed that BHC reduces the probability of a new crime by 26%, and a violent crime by 55%. The Courts have just signed a contract with RAND to evaluate the Community Justice Center. Lisa said that this is a challenging time. With the shift of funds from the California Department of Corrections and Rehabilitation to the counties, problem solving courts will have to become more institutionalized. The budget cuts have caused drug court to be held one less day per week. Prop 36 will be monitored by Adult Probation. There is the possibility of combining the Parolee Reentry Court and Probation Alternatives Court. Most of the juvenile courts will remain intact.

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Lenore Anderson asked about the term of the RAND study of the Community Justice Center.

Lisa said the evaluation would cover two years starting now.

Lenore said that the District Attorney has started to implement neighborhood courts in lieu of traditional courts for quality of life crimes. A neighborhood prosecutor is now stationed in the Mission and Bayview. The DA is very committed to collaborative courts as a solution.

Chief Still said that the alternative sentencing teams described in San Francisco's realignment plan will complement the collaborative courts.

Supervisor Mirkarimi asked how to go about growing the collaborative court model.

Lisa said that, if anything, there is the possibility of starting the Community Justice Center in a new neighborhood.

Supervisor Mirkarimi also asked about the possibility of starting a veteran's court.

Lisa said that there may be a possibility of developing a veteran's track in drug court, if the number of veterans grows.

9. Update on Public Safety Realignment and Post Release Community Supervision 2011 Implementation.

Undersheriff Dempsey provided an update on AB 109. The new law redefines hundreds of felonies so that they can be served in county jail. AB 109 changes the function of parole and gives counties responsibility for administering post-release community supervision for people who would have been on parole. This change will impact many if not all criminal justice partners and community based organizations. The Community Corrections Partnership Executive Committee (CCPEC) presented a plan to the Board of Supervisors Public Safety Committee; the plan is expected to be approved by the full Board in later September. The Sheriff has been working with Adult Probation to work out issues around flash incarceration, electronic monitoring, and the revocation process. The goal is to make sure that information systems are up and running by October 1.

Chief Still recognized and thanked the CCPEC members for their involvement in the development of the plan. She said that San Francisco was the first county to finish its plan and other counties have modeled their own plans after San Francisco's. She thanked Supervisor Mirkarimi for his leadership on introducing ordinances.

Jeff Adachi said that the Public Defender's Office is concerned about the needs of people coming back from state prison and about the local equivalent to a parole hearing which will come out of realignment. Details remain unclear about these hearings. He is concerned about due process rights around flash incarceration. He also said that realignment is severely underfunded. Most of the money is going to city employee positions when there is a great need for direct services. He said he sees his role as keeping a skeptical eye on the process to make sure people's rights are protected and to advocate for supportive services.

Lenore Anderson said that the DA's office has begun internal training on realignment. They have created the new position of an alternative sentencing planner who will work with prosecutors to develop approaches that are alternatives to incarceration. The office is also talking with other Bay Area counties about how realignment will change things. The DA recently convened a summit of 10 Bay Area counties to discuss sentencing, pretrial, and reentry.

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Supervisor Mirkarimi said the realignment plan is vulnerable on funding and heavy on staff. He asked whether funds will be well applied on the street level to make sure they reach the people they're supposed to reach.

Eddy Zheng said that the business community and corporations should leverage city funding with some of their own to help ensure the success of implementation of realignment.

10. Council members' comments, questions, and requests for future agenda items.

Supervisor Mirkarimi said that budget projections for the next three years are disconcerting. He anticipated that the Reentry Council will need to take a more prominent position on advising the city on budgeting for reentry and rehabilitation in the future.

11. Public comment on any item listed above, as well as items not listed on the Agenda.

Mattie Scott and Paulette Brown of the Healing Circle expressed interest in seeing victims' and survivors' interests represented on the Reentry Council. They are both mothers whose sons were victims of homicide.

Ron Sanders and ShaMauda Bishop shared their own perspectives as survivors.

Terry Anders gave kudos to Lisa Lightman for the RAND study and collaborative courts.

Emory Wilson of the Department of Veterans Affairs said he would like to put Lisa in touch with someone in Santa Clara county who started the veterans court there.

Hobert Lee, also of the Department of Veterans Affairs said that three years ago he was on parole and has since regained his life. He wants to hear more about the projects that Pretrial Diversion Project is working on. He is interested in programs for HIV+ people and training programs for veterans.

Wendy Still said that the realignment plan contains over \$1.8 million in service and treatment dollars designed to provide public health, mental health, benefit coordination, assessment, workforce development, education services and other services to the population.

12. Adjournment.

Jeff Adachi made a motion to adjourn; Captain Parry seconded. The meeting adjourned at 12:02pm.