

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

AGENDA

December 6, 2017

10:00 a.m. – 12:00 p.m.

Hall of Justice

District Attorney Law Library

850 Bryant Street Room 322

San Francisco, CA 94103

Note: Each member of the public will be allotted no more than 3 minutes to speak on each item.

1. Call to Order; Roll call.
2. Public Comment on Any Item Listed Below (discussion only).
3. Review and Adoption of Meeting Minutes from June 7, 2017 (discussion & possible action).
4. Staff Report on Sentencing Commission Activities (discussion & possible action).
5. Recidivism Work Group Updates (discussion & possible action).
6. Presentation on 2016 Juvenile Probation Report by Juvenile Probation Assistant Chief Paula Hernandez (discussion & possible action).
7. Presentation on San Francisco Justice-Involved Young Adults by Katy Miller, Chief of Alternative Programs & Initiatives, District Attorney's Office (discussion & possible action).
8. Presentation on San Francisco's Shared Youth Database by Andrew Wong, President AJW Inc. (discussion & possible action).
9. Presentation on Sentencing Commission 2017 Annual Report (discussion & possible action).
10. Members' Comments, Questions, Requests for Future Agenda Items (discussion & possible action).
11. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
12. Adjournment.

The San Francisco Sentencing Commission

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SUBMITTING WRITTEN PUBLIC COMMENT TO THE SAN FRANCISCO SENTENCING COMMISSION

Persons who are unable to attend the public meeting may submit to the San Francisco Sentencing Commission, 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 Sentencing Commission. Written comments should be submitted to: Tara Anderson Grants & Policy Manager, San Francisco District Attorney's Office, 850 Bryant Street, Room 322, San Francisco, CA 941023, or via email: tara.anderson@sfgov.org

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Sentencing Commission website at <http://www.sfdistrictattorney.org> or by calling Tara Anderson at (415) 553-1203 during normal business hours. The material can be FAXed or mailed to you upon request.

ACCOMMODATIONS

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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 Tara Anderson at tara.anderson@sfgov.org or (415) 553-1203 at least two business days before the meeting.

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

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**The San Francisco Sentencing Commission
City and County of San Francisco**

(Administrative Code 5.250 through 5.250-3)

Meeting Minutes Wednesday, June 7, 2017 10:00 a.m. – 12:00 p.m.

Hall of Justice, DA Law Library San Francisco, CA 94102

Members in Attendance: George Gascón (San Francisco District Attorney); Colleen Chawla (Department of Public Health); Eric Henderson (Reentry Council appointee); Steven Raphael, PhD (Mayoral Appointee, UC Berkeley); Lee Hudson (On behalf of Karen Fletcher, Chief Probation Officer, Adult Probation Department); Carlos Rojas (BART, Chief of Police); Jeff Adachi (San Francisco Public Defender); Deputy Chief Michael Connolly (San Francisco Police Department); Allen A. Nance (Chief Probation Officer, Juvenile Probation Department); Theshia Naidoo (Drug Policy Alliance); Carol Beckett (On behalf of Karen Roye, Reentry Council); Karen Roye (Reentry Council); Jerel McCrary (Family Violence Council); Ali Riker (On behalf of Sheriff Vicki Hennessy)

1. Call to Order; Roll call

District Attorney George Gascón welcomes everyone to the 20th Sentencing Commission meeting and calls to order at 10:01 AM.

2. Public Comment on Any Item Listed Below (discussion only).

No public comments received.

3. Review and Adoption of Meeting Minutes from March 1, 2017 (discussion & possible action).

District Attorney Gascón asked Commission members to review minutes from the previous commission meeting and made a motion to accept the minutes from March 1, 2017; the motion was seconded by Ali Riker. Motion passed.

4. Staff Report on Sentencing Commission Activities (discussion & possible action).

Tara Anderson, Director of Policy for the San Francisco District Attorney's Office, provided the staff report:

Ms. Anderson explained that the Sentencing Commission LEAD Work Group would be retired because of the creation of the LEAD Policy Committee, and a representative from the Sentencing Commission would be nominated to serve on the LEAD. This individual would represent the Commission and not their individual organization.

DA Gascón put forward a motion to nominate Theshia Naidoo. Ali Riker seconded. The motion passed unanimously without comment from the Commission or public.

Ms. Anderson presented on Proposition 47 funding, and announced San Francisco is proposed to receive \$6 million from the Board of State and Community Corrections. The Reentry Council will be the oversight body for Prop 47 funds, and regular updates will be presented at those meetings. Colleen Chawla explained the funding would be used to expand treatment and detox services, as

well as wraparound programming and services for adult Transitional Age Youth.

Ms. Anderson provided an overview of planning efforts for the new San Francisco Criminal Justice Master Plan. The plan would include strengthening the safety net for vulnerable and high risk/need individuals, expanding diversion options, expanding and enhancing alternatives to pretrial diversion, expanding availability of alternatives to incarceration, enhancing evidence-based practices in sentencing and court monitoring, strengthening and expanding community supervision tools.

The Sentencing Commission and Reentry Council staff encourage the plan to rest on a coherent theory of change or logic model that represents the City's values. Lauren Bell and Karen Shain will work on advancing the Master Plan while Ms. Anderson is on maternity leave until November. To aid this process, the Commission is looking for opportunities for in-kind support in the form of technical assistance, including potentially from the nonprofit organization Californians for Safety and Justice (CSJ).

Allen A. Nance, Chief Juvenile Probation Officer, asked about implementation plans. Ms. Anderson explained this would be detailed in the next few months and recalled the Commission's prior endorsement of the plan.

No public comments received.

5. Legislative Work Group Update (discussion & possible action).

Ms. Anderson detailed the creation of the Sentencing Policy and Legislation Work Group, which has met once. The Work Group will 1) conduct regular review of proposed and enacted sentencing policies, 2) provide recommendations on sentencing policy and legislation, and 3) identify areas for further reform or legislation. The 2017 priorities include analyzing new laws post-implementation—particularly Prop. 57. The group will also identify areas for further sentencing reform over the summer and will report back at the September Sentencing Commission meeting. The Work Group will meet at least three times per year until December 2018, when it will be reassessed.

Chief Nance encouraged the chair to adopt the Work Group because of the role of legislation plays in sentencing. DA Gascón made a motion to adopt the Sentencing Policy and Legislation Work Group. Jerel McCrary seconded. The motion passed unanimously. There were no public comments.

Public Defender Jeffrey Adachi asked whether the Work Group would take specific positions on legislation. Mr. Nance clarified that the Work Group would not take positions but rather report back to the full Sentencing Commission to take a decision. Ms. Anderson added that the full Commission could consider pending bills as well. The Commission's decisions on legislation will be issued to the

Mayor and Board of Supervisors, and the Mayor would hear the recommendation in his Legislative Committee.

Ms. Anderson added that the Commission received an overview of Prop. 57, and members can request a more detailed presentation at the September meeting if they wish.

6. Recidivism Work Group Updates (discussion & possible action).

Recidivism Work Group Policy Fellow Alissa Skog presented on new funding from the MacArthur Foundation to develop a recidivism dashboard. The Work Group has identified a cohort and will provide results at the September meeting on re-arrest, re-arraignment, and reconviction. Additionally, the Work Group will pursue data use agreements with other city departments and develop a communications MOU. They will partner with the UC Berkeley Information School to develop the dashboard.

Ms. Anderson presented a motion to prioritize data sharing and staff time from JUSTIS team to support the dashboard project. Mr. McCrary made a motion to accept the proposal, and DA Gascón seconded. There were no public comments. The motion passed unanimously.

7. Presentation on The Cycle of Violence: The Impact of Early Childhood Trauma on Risk Taking, Chronic Victimization and Criminal Behavior by Dr. Gena Castro Rodriguez (discussion & possible action).

Dr. Castro Rodriguez, Chief of the District Attorney's Office Victim Services and Parallel Justice Division, outlined her division's work providing resources to address child trauma. She presented her research on the cycle violence and overlap between chronic victimization and justice system involvement. She explained that many individuals in the justice system today have histories of childhood trauma. Childhood trauma is unique because children perceive threats in ways that are distinct from adults. She highlighted that, unlike single-event trauma, there is little research on repeated and chronic childhood exposure to violence, racism, and vicarious victimization.

Because adolescents' brains are not yet fully developed, when trauma occurs they are not as prepared to cope using the thinking and goal-setting part of their brain, and instead rely on the fight-or-flight-focused limbic system. Many chronic victims remain in this "survival mode," and are unable to heal and learn new coping mechanisms. Dr. Castro Rodriguez emphasized the importance of identifying these individuals early.

Dr. Steven Raphael asked how to calm an individual in "survival mode." Dr. Castro Rodriguez recommended activating their senses, including naming things they can hear, taste, smell, or see, as well as asking questions and offering options, such as whether to sit or stand.

Public Defender. Adachi commented that the District Attorney's Office has resisted considering trauma in plea bargains, and asked if there is a cutoff age and if past trauma should be considered. Dr. Castro Rodriguez said while it is harder to treat older individuals, our brains are "plastic", or dynamic, throughout our lives.

An unidentified member of the public asked about how to support a friend who has experienced

sexual assault. Dr. Castro Rodriguez recommended offering options, and noted that her office provides resources for treatment and safety plans, even for incidents that do not result in prosecution.

8. Presentation on Blueprint for Shared Safety: Survivor-Centered and Trauma-Informed by Anna Cho Fenley, Project Director and Marisa Arrona, Local Safety Solutions Project Director, Californians for Safety and Justice (discussion & possible action).

Marisa Arrona presented on behalf of Californians for Safety and Justice (CSJ), a non-profit organization that works with a wide range of groups, including survivors, to advocate for prevention over punishment and limiting incarceration. The group promotes a “shared safety” model, which seeks to bring all members of the community—law enforcement, public health, and people most affected by crime—to the table.

Ana Cho Fenley outlined how individuals who are least protected tend to be the most harmed; three out of four crime victims had a friend who had been victimized in the last five years, while eight in ten who were not victimized also did not have friends or family who had been victimized. CSJ’s shared safety approach seeks to put “survivors at the center”, and create collaborative criminal justice models that prioritize prevention, invest in diversion, recognize the disparate impact of violent crime on communities of color, and implement graduated responses based on risk and severity of harm caused.

The presenters encouraged the audience to explore the organization’s 5 Blueprint Principles for Shared Safety (shifting to a public health frame, breaking the cycle of harm, making the system work, wellbeing is safety, and crime survivors at the center) at www.sharedsafety.us.

Public Defender Adachi asked about correlation between survivors and people accused of crime. Ms. Arrona highlighted anecdotal history of overlap, though CSJ did not include this in the report. CSJ hopes to have an updated crime survivors report in the future to consider this issue. Mr. Adachi also asked whether there was research supporting the notion that once an individual is an adult, they can no longer change. Ms. Arrona and Ms. Cho Fenley indicated that that was not supported, and that CSJ avoids the violent/non-violent dichotomy when considering reforms.

Karen Roye asked where one would start to begin implementing this and how evaluation would work. Ms. Arrona argued that there is a need to address all three lenses with experts—not generalists—at the table. First it is important to analyze what is happening now, and how can resources be shifted.

9. Members’ Comments, Questions, Requests for Future Agenda Items (discussion & possible action).

Ms. Roye offered an update on the San Francisco Reentry Council. The Council met on April 27. Seven bills were considered and approved to present to the City of San Francisco for its support. The Council also received information on decision point analyses regarding racial disparities in the criminal justice system. Additionally, a group of Tenderloin residents addressed the council about holding a community event about violence in the neighborhood. The next meeting of the Reentry Council is scheduled for July 27 at 10 am at 25 Van Ness Ave, 6th Floor.

Jerel McCrary presented that the Family Violence Council met on May 31. The Council considered the City's work on immigration issues, including citizenship services, deferred action services, and defense services. The City has also set aside funds for citizenship and DACA fees. It has rapid a response network that sends volunteers to locations that believe they have been visited by ICE.

The Family Violence Council also considered elder abuse issues, and has developed a data sheet for APS and an elder abuse checklist for officers. Also considered was uniform protocols for the death review teams (child, elder, domestic violence), and considered similar work done in Santa Clara County. The Council also discussed creating a training committee for the domestic violence council, and to do a needs assessment to coordinate trainings. \$1.2 billion has been approved for non-profits in the city, including a 2.5% cost of doing business increase over two years for organizations contracting with the city. The Council will meet again on August 30. There were no additional comments.

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

There were no public comments.

11. Adjournment

Ms. Roye motioned to adjourn. Ms. Riker seconded. The meeting adjourned at 11:58 AM.

Recidivism Workgroup Update
December 6, 2017

The San Francisco Sentencing Commission passed a motion to convene a Recidivism Workgroup (RWG) on December 18, 2014. The Workgroup is comprised of representatives from a cross-section of City and County departments and academic researchers. With funding from the MacArthur Foundation, the RWG is conducting the first local analysis of recidivism outcomes in San Francisco.

I. San Francisco Cohort Definition

The San Francisco cohort includes anyone convicted of a new felony or misdemeanor in 2013 and sentenced to county jail or mandatory supervision.¹ Subsequent contact rates are reported at the point of rearrest, arraignment (including MTRs filed by the DA and APD), and reconviction during a period of three years after release.²

II. 2013 Conviction Cohort

In calendar year 2013, 4,053 individuals were convicted in San Francisco.³ The San Francisco RWG cohort consists of 3,776 individuals that meet the criteria set for in **Section I**. Most in the cohort were sentenced to county jail with a probation condition. Index dispositions are disaggregated in **Table 1**.

Table 1: Index Dispositions

Disposition	Freq.	Percent
County Jail Split 1170(h)(5)(B)	88	2%
County Jail per 1170(H)(5)(A)/ Straight	43	1%
County Jail w/ Probation Condition	3,127	83%
<i>Felony</i>	<i>1,477</i>	<i>47%</i>
<i>Misdemeanor</i>	<i>1,650</i>	<i>53%</i>
County Jail	518	14%
<i>Felony</i>	<i>283</i>	<i>55%</i>
<i>Misdemeanor</i>	<i>235</i>	<i>25%</i>
Total	3,776	100 %

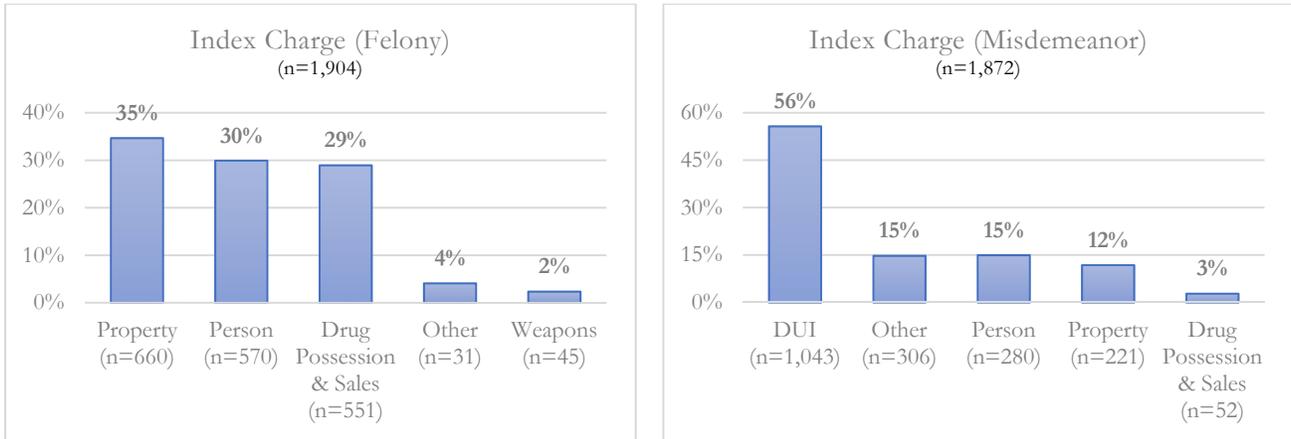
Slightly more than 50% of the 2013 index convictions were for a felony offense. Property crimes (burglary, theft, motor vehicle theft, and forgery) were the leading charges in felony cases. Over half the misdemeanor convictions were for a DUI charge. See breakdown of the crime type for the index convictions in **Graph 1 and Graph 2**.

¹ The cohort is restricted to individuals sentenced to County Jail, County Jail with a Probation Condition, County Jail per 1170(h)(5)(a)/Straight, or County Jail Split per 1170(h)(5)(b).

² Release is the date of release from county jail or date of disposition, whichever occurs later.

³ Including 216 individuals convicted to state prison (7 received life with parole sentences and 3 received a life term).

Graph 1 & Graph 2: Index Convictions Breakdown



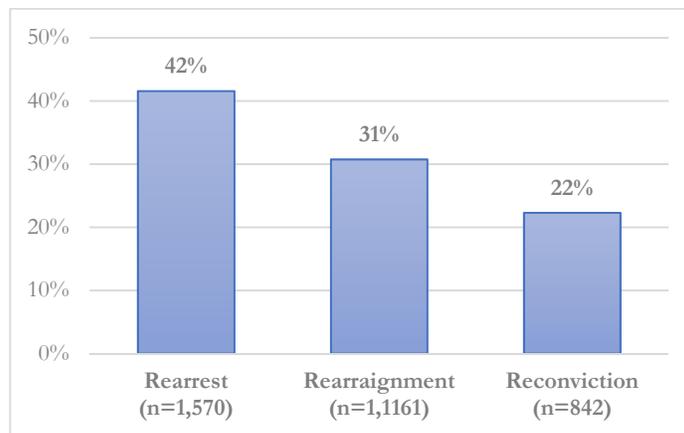
III. Subsequent Criminal Justice Contact⁴

1,570 individuals in the 2013 cohort were rearrested during the three-year follow-up period (42%). Collectively, they were rearrested 5,905 times. 1,077 individuals (29%) were rearrested more than once; and 447 individuals (12%) were rearrested five or more times.

1,161 individuals had at least one arraignment (31%).⁵ Of the individuals arraigned, 49% had more than one arraignment.⁶

842 individuals were reconvicted (22%), with 168 cases still pending. Of the individuals reconvicted, 38% had more than one conviction during the period.

Graph 3: Subsequent Criminal Justice Contact Rates (All)

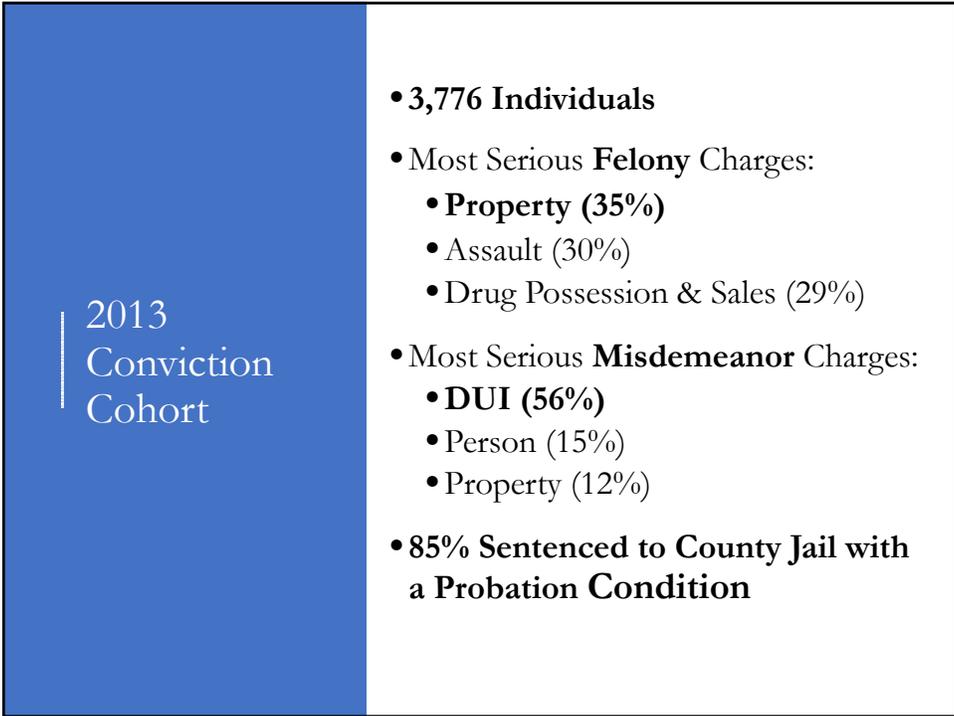


⁴ Please note the methodology for the local San Francisco study differs significantly from those used by state agencies as well as PPIC’s Multi-County Study. Therefore, rates between studies are not directly comparable.

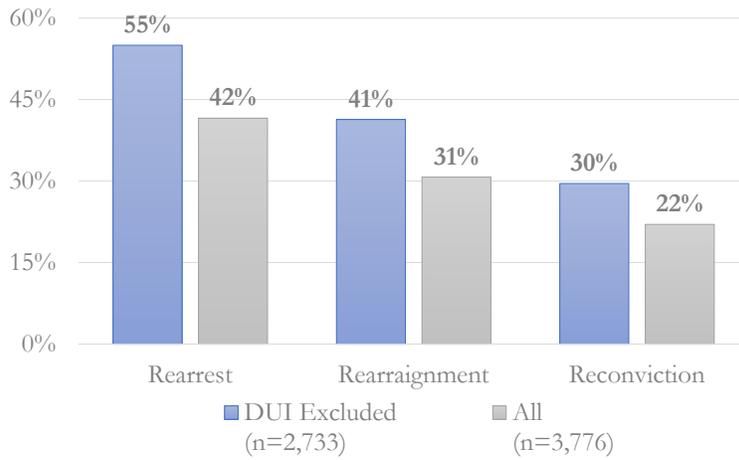
⁵ The arraignment figure includes arraignments on both new felony or misdemeanors (28%), as well as DA & APD MTRs (3%).



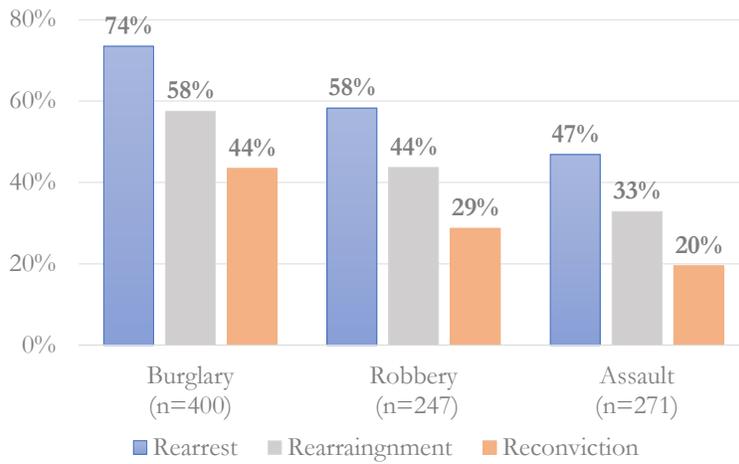
<p>Cohort Definition</p>	<hr/> <p>Convicted of a new felony or misdemeanor in calendar year 2013.</p>
	<hr/> <p>Sentenced to county jail or some form of supervision.</p>
	<hr/> <p>Subsequent criminal justice contact rates reported at points of rearrest, arraignment, and reconviction within three years of release.</p>



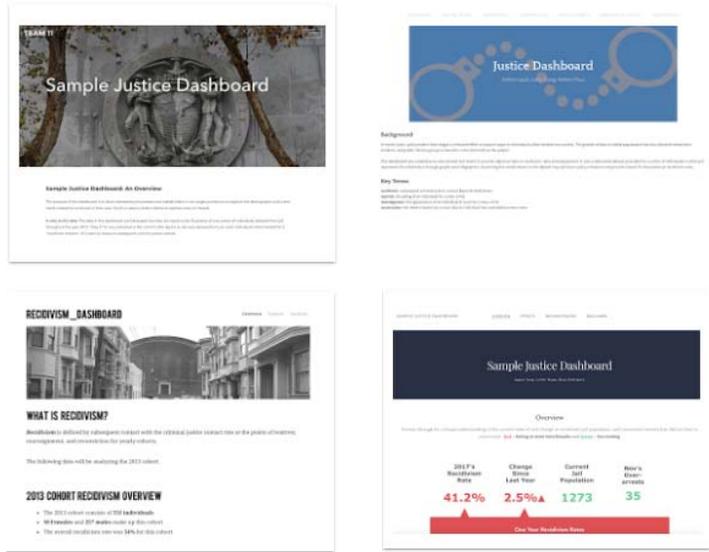
Subsequent Contact, Excluding DUIs



Subsequent Contact, By Select Crime Types



Justice Dashboard Design Sprint



Next Steps

- Additional Analysis
- Results Validation
- MOU
- Dashboard Design & Launch
- Sentencing Commission Presentation 2018



Juvenile Probation 2016 Data Summary

City & County of San Francisco Sentencing Commission
Juvenile Probation Department
Paula Hernandez, Assistant Chief Probation Officer
Dec. 6, 2017

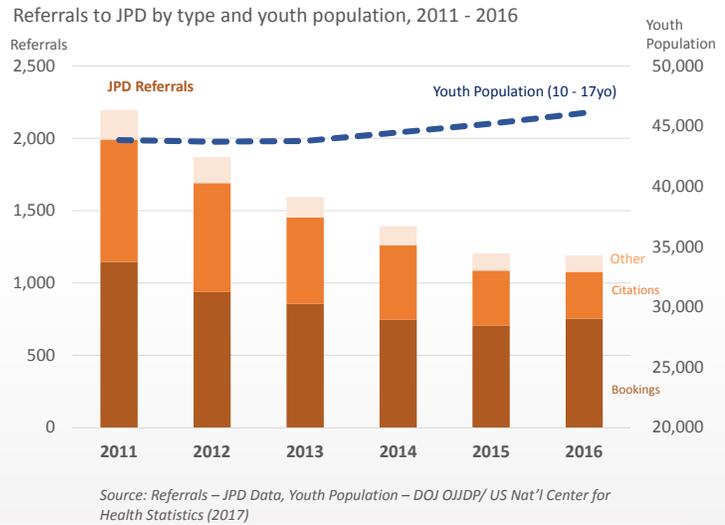
Overview

- Demographics of those referred to the Juvenile Justice System
- Statistics for the Community Assessment and Referral Center (CARC)
- Demographics of those booked into Juvenile Hall
- Average Daily Population and Average Length of Stay for those in Juvenile Hall
- Petitions Filed and Sustained
- Disposition of Youth in the Juvenile Justice System
- Recidivism Data



Referrals to the Juvenile Justice System continue to fall despite a recent increase in SF's youth population

- **1,189 referrals** were made to JPD for **743 youth** in 2016
- The number of youth referred was down 5% in 2015 and down 48% in 2011
- This is despite a 5% increase in the number of 10 – 17 year olds living in SF over this period
- Taking the population change into account, the rate of youth referred to JPD is down by 50% since 2011 to 16 per 1,000 young people.
- However, since 2015, bookings* increased 7% while citations decreased 15% (*including court or probation violations)



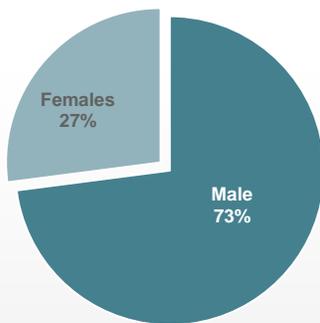
SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

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However, boys, youth of color and certain zip codes are over-represented relative to the wider population

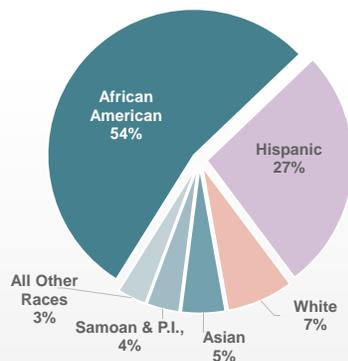
Referrals by Sex

3 in 4 youth referred to JPD were male, despite only making up 2 in 4 young people aged 10 -17 in SF



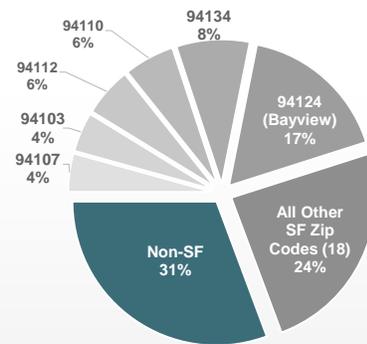
Referrals by Race

1 in 2 youth referred were African American despite only making up 1 in 10 young people in SF



Referrals by Zip Code (residence)

For youth living in SF referred to JPD, 65% came from just 6 zip codes which make up 43% of SF's youth population



SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

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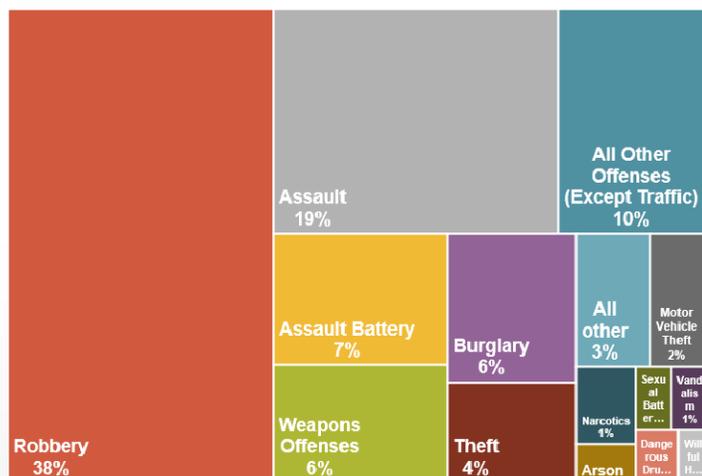
Youth continue to be successfully diverted from the Juvenile Justice system through CARC

- 322 youth served, 219 of which started services in 2016
- 68% male, 31% female
- 37% Hispanic, 30% African American, 16% multiracial, 7% White, and 7% Asian
- Average Age of 15
- 84% of youth referred by arrest
- 73% of CARC youth were not rearrested within a year from closing their CARC case



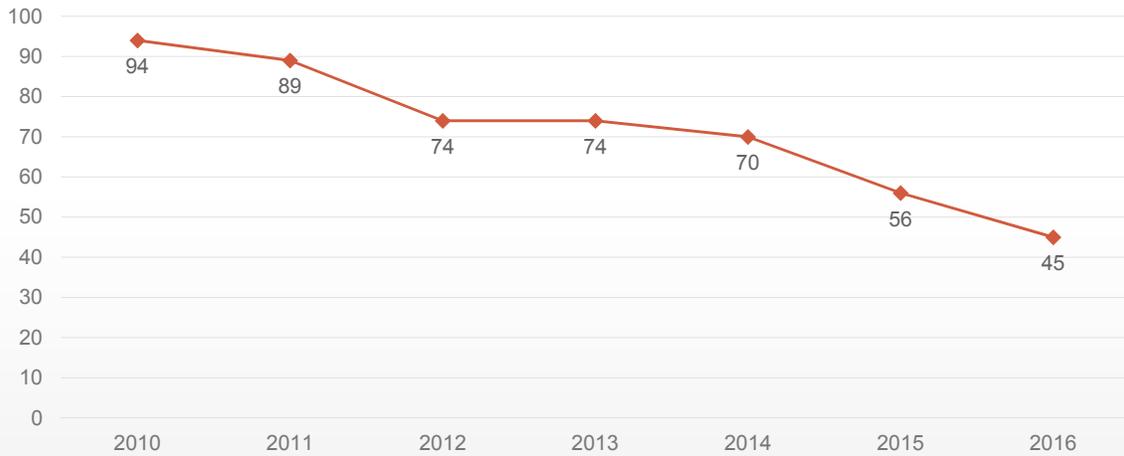
Those booked into Juvenile Hall tend to be for serious offenses: three quarters were for robbery, assault, burglary or theft

- Excluding probation violations, **bookings were up 14% on 2015**
- **This was driven by a 42% increase in assault and robbery bookings**
- The number of youth booked from outside of SF also increased by 33%
- However, bookings for a number of offenses decreased:
 - 40% decrease in Drug Crimes
 - 34% decrease in Burglary offences
 - 25% decrease in Weapon Offences



The average daily population in Juvenile Hall has been falling since 2010

Average Daily Population by year

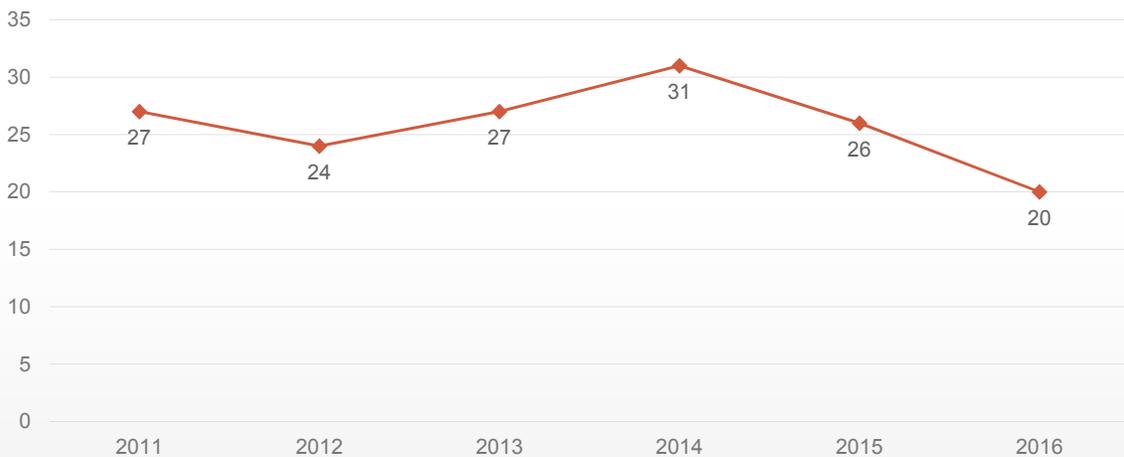


SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

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Average Length of Stay has also been falling over the past three years

Average Length of Stay by year



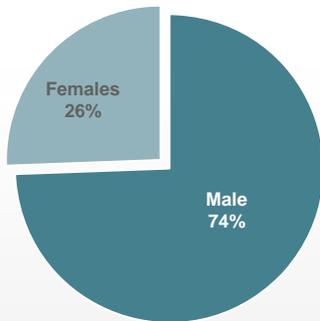
SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

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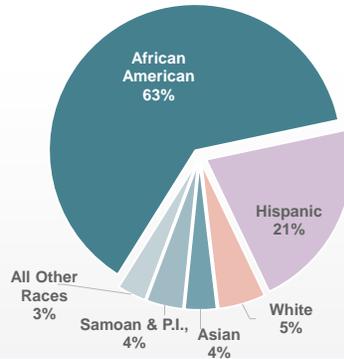
However, there are also disproportionate minority contacts among youth booked into Juvenile Hall

344 unduplicated youth who had at least one booking in 2016, down 71% from 2011

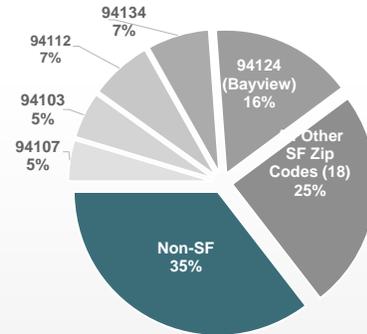
Bookings by Sex



Bookings by Race



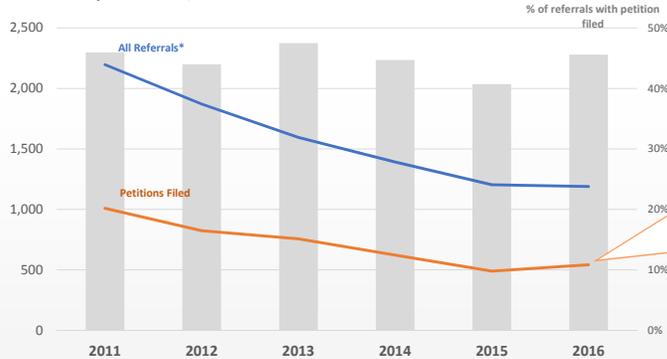
Bookings by Zip Code (residence)



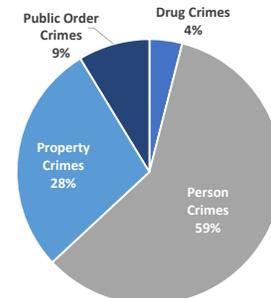
The share of referrals in which a petition filed increased in 2016 – these were mainly for felony person crimes

- 46% of referrals resulted in petition being filed – up 7ppt from 2015 after a steady drop since 2011
- Of the 425 petitions filed, three quarters were for felonies and half were for robbery, assault and burglary

Referrals and petitions filed, 2011 - 2016



Petitions filed by crime type (2016)
76% of petitions filed were for felonies



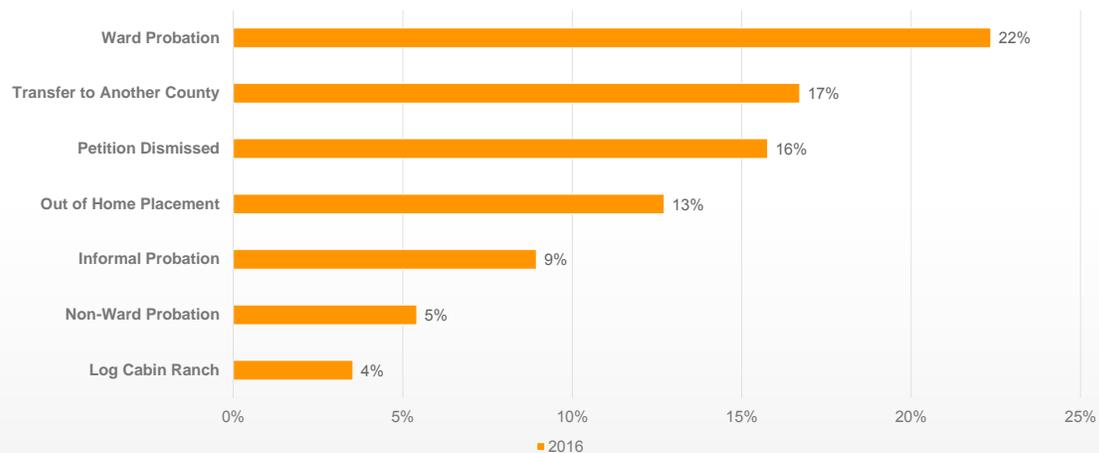
The number of petitions sustained also increased

- There was a 11% increase in the number of petitions sustained (duplicated). However, this may not take into account petitions that were still being adjudicated when the data summary was produced
- 52% of Sustained Petitions were Felonies
- The number of Sustained petitions for females increased 23% (duplicated)



Disposition of petitions filed

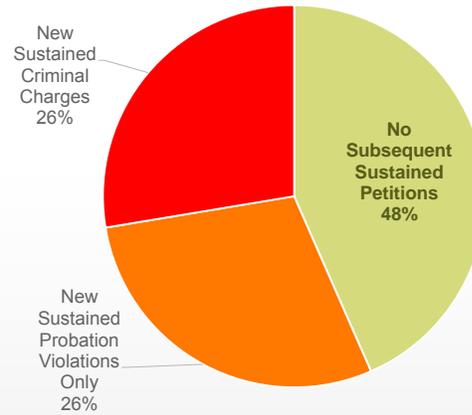
Dispositions of petitions filed, 2016



Recidivism and probation completion for 2015 cases

- 85 Youth were placed on Probation in 2015 (74 Ward Probation, 9 Non-Ward, 2 Informal Probation)*
- **41 youth (48%) had no sustained petitions within 2 years**
- 22 youth (26%) had sustained Probation Violations but no new criminal charges
- 22 youth (26%) had a new sustained criminal offense

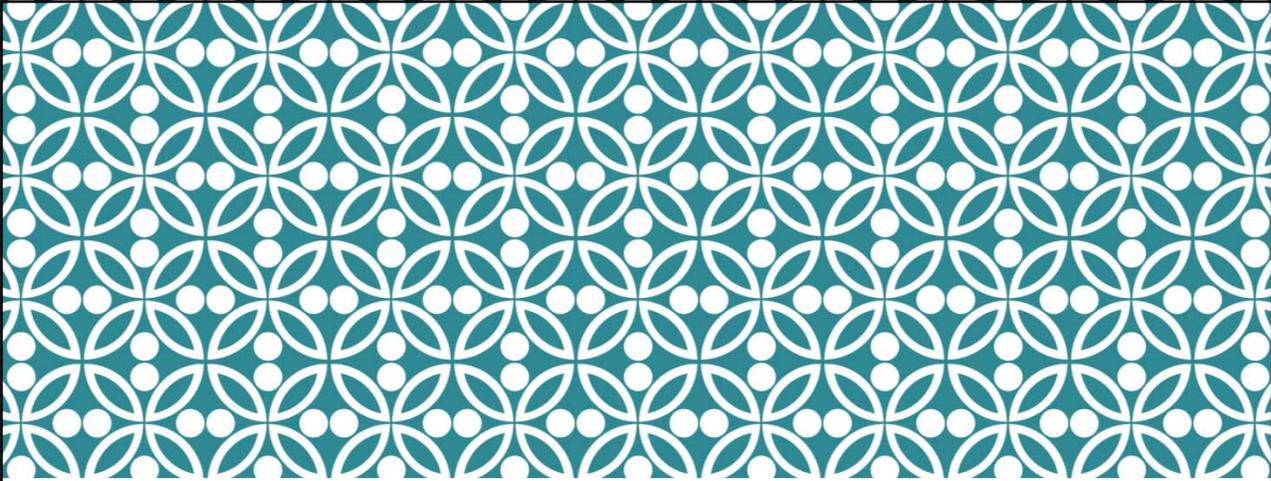
Outcomes for 76 Ward Probationers



*(1) Informal Probation failed and was changed to Ward Probation but there were no sustained petitions

*(1) Non-Ward Probation had a sustained violation, then was changed to Ward Probation and had another sustained violation of the ward probation.





**JUSTICE-INVOLVED YOUNG
ADULTS:
DATA, STRATEGIES AND
REFORM EFFORTS**

Katy Weinstein Miller
Chief of Alternatives & Initiatives
San Francisco District Attorney's
Office

YOUNG ADULT SUSPECTS AND FILINGS, 2012-2016

Year	Felony Suspects			Misdemeanor Suspects			TOTAL Suspects		
	All	TAY	% TAY	All	TAY	% TAY	All	TAY	% TAY
2012	14359	2895	20%	8703	1967	23%	23062	4862	21%
2013	15287	3186	21%	8338	1827	22%	23625	5013	21%
2014	10523	2573	24%	7784	1806	23%	18307	4379	24%
2015	8584	2254	26%	9292	2008	22%	17876	4262	24%
2016	8566	1973	23%	11446	2161	19%	20008	4134	21%

Year	Felony Filings			Misdemeanor Filings			TOTAL Filings		
	All	TAY	% TAY	All	TAY	% TAY	All	TAY	% TAY
2012	3794	996	26%	3758	934	25%	7552	1930	26%
2013	3561	943	26%	3565	805	23%	7126	1748	25%
2014	3264	931	29%	2953	769	26%	6217	1700	27%
2015	3130	943	30%	3285	778	24%	6415	1721	27%
2016	3516	904	26%	3723	704	19%	7239	1608	22%

YOUNG ADULT FELONY FILINGS BY CRIME TYPE, 2016

Felony Crime Types	All Defendants	TAY Defendants	% TAY
Drug	575	178	31%
Robbery	391	168	43%
Assault	385	82	21%
Auto Theft	233	46	20%
Theft	177	39	22%
Gun	166	49	30%
Threat	88	20	23%
Attempted Homicide	62	23	37%
Fraud	54	12	22%
Homicide	52	22	42%
DUI	31	3	10%
Receiving Stolen Property	30	5	17%
Sex Assault	21	3	14%

3

YOUNG ADULT FELONY CONVICTIONS, 2016

Felony Convictions	All Defendants	TAY	% TAY
County Jail w/ Probation	2725	538	20%
State Prison	205	58	28%
1170(h) Split	21	9	43%
1170(h) Straight	57	8	14%
Total	3754	768	20%

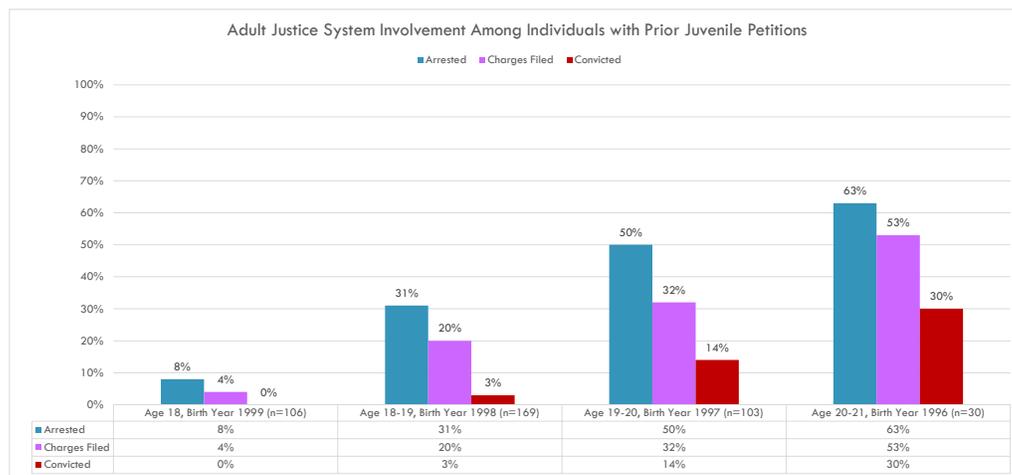
4

RECIDIVISM: JUVENILE TO YOUNG ADULT

- Compiled all petitions filed in San Francisco’s juvenile justice system from January 2015-July 2017
- Identified all individuals who have since turned 18
- Individuals manually queried in SFDA’s case management system (DAMION) to determine whether they had adult arrest, charge, conviction, and conviction of serious/violent offense
- Data limitations:
 - Narrow period of study
 - Limited to juvenile justice-involved youths with a petition filed
 - Adult recidivism data limited to San Francisco county

5

RECIDIVISM: JUVENILE TO YOUNG ADULT



6

SAN FRANCISCO YOUNG ADULT COURT

- Collaborative court serving young adults ages 18-25
- Grounded in young adult development, trauma research, procedural justice
- Launched in August 2015
- Focus on felony offenses
- Program consistently operating at capacity
- Expansion efforts underway
- Broad replication interest



7

YOUNG ADULT COURT: PARTICIPANT DEMOGRAPHICS

YAC Racial/Ethnic Demographics – Current Participants			
	Number	Percentage	Notes
Black	41	60%	6.1% of SF general pop
Latinx	16	24%	15.3% of SF general pop
White	4	6%	
Asian	2	3%	
Multi	1	1%	
Other	4	6%	
TOTAL	68	100%	

YAC Gender Breakdown – Current Participants		
	Number	Percentage
Male	52	76%
Female	15	22%
Transgender	1	1%

YAC Addit'l Demographics – Current Participants		
	Number	Percentage
Parents	14	21%
Homeless	6	9%

8

YOUNG ADULT COURT: CASE TYPES & OUTCOMES

YAC Case Types – Current Participants		
	Number	Percentage
Felonies	66	97%
Misdemeanors	2	3%
Violent Crime	23	34%
Property Crime	32	47%
Drugs	11	16%

YAC Participation Outcomes – All Participants Enrolled to Date		
	Number	Percentage
Active	65	37%
Graduated	34	17%
Terminated – New Offense	30	16%
Terminated – Not Engaged	46	25%
Self-terminated	6	3%
Deceased	1	1%
TOTAL	182	100%

NOTE: an additional 26 referred individuals were not enrolled because they did not want to resolve their cases as required per the guidelines (e.g. they did not want to enter a DEJ or plea for charges that required them).

9

YOUNG ADULT JUSTICE REFORM EFFORTS – SF & BEYOND

- Specialized probation caseloads: *San Francisco, New York*
- Specialized courts: *San Francisco, Idaho, Nebraska, New York, Massachusetts, Texas, UK*
- “Raise the Age” campaigns: *Connecticut, Massachusetts, New York*
- Confidentiality protection: *Michigan, New York*
- YA correctional facilities/units: *Maine, Pennsylvania, Connecticut, DC (possibly)*
- Prosecutorial and judicial choice: *Netherlands*
- Immaturity as sentencing factor: *Austria, Germany*
- Community-based, relentless outreach: *Roca and UTEC, Massachusetts*

10

YOUNG ADULT JUSTICE: WHAT CAN WE LEARN FROM SF'S JUVENILE JUSTICE SYSTEM?

- Restorative Community Conferencing: “Make it Right”
 - Pre-booking diversion for specified felony offenses
 - 31 youths have completed the program; 3 have had subsequent petitions
 - GSPP found an 88% likelihood that the program has a positive effect
 - Impact Justice working with 10 jurisdictions across the county to implement juvenile RCCs
- Juvenile Justice Local Action Plan
 - Initially mandated by legislation as a requirement for state JJCPA funds
 - Updated and approved by Juvenile Justice Coordinating Council
 - Stakeholder input
 - Data and resource analysis
 - Collective values and priorities for both direct service and system level policies

11

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12

IDEAS | DAVID SCHARFENBERG

18-year-olds can barely rent cars. Are they old enough for jail?



GORDON STUDER FOR THE BOSTON GLOBE

By [David Scharfenberg](#) | GLOBE STAFF NOVEMBER 02, 2017

SPRINGFIELD

IN FEBRUARY OF 2012, just a few months after his 18th birthday, Daniel Almodovar got high and, with his stepbrother, made a terrible decision: The two of them attempted a carjacking in a supermarket parking lot.

In the weeks and months that followed, Almodovar's case would take some crucial turns. The judge would set bail high or low, and the lawyers would either work out a plea bargain or go to a jury. But in one crucial respect, the young man's fate had been sealed more than a century before.

In 1899, at the height of the Progressive era, a group of reformers including Jane Addams convinced the state of Illinois to create the world's first juvenile court — built around the notion that young people aren't just smaller adults, but a different class entitled to different treatment.

The idea was to be less punitive and more rehabilitative, and it quickly spread. By 1925, there were family courts in 45 other states, including Massachusetts, and 16 other countries.

The early reformers, though, made one decision that would exclude Almodovar and hundreds of thousands like him. They drew the line for the juvenile justice system at the 18th birthday — or in some states, the 17th or 16th.

They had to draw the line somewhere, of course. But the cut-off was arbitrary, based on the custom of the day and little else. More than a century later, it's still not clear that they got it right. A growing number of social scientists and lawmakers say it's time to raise the age for the juvenile justice system substantially — perhaps as high as 25.

Neuroscience tells us the brain is still maturing into the mid-20s, with the most important changes taking place in the prefrontal cortex and cerebellum, which are involved in planning, reasoning, and emotional control. As the parent of any 18- or 19-year-old can attest, young adults are more impulsive, more susceptible to peer influence, and less future-oriented than full-grown adults.

Moreover, our social expectations for this age group have changed dramatically in recent decades. Marriage, parenthood, and steady work — milestones that correlate with big drops in criminal activity and other reckless behavior — come much later than they once did.

“We have this weird paradox of infantilizing our young people, to some extent, but then dropping the law on them,” says Abigail Baird, a professor of psychology and neuroscience at Vassar College. “It's very strange: ‘we'll let you be kids for a longer time, but then we'll punish you like adults.’ ”

Strange, yes, but also inequitable. In a host of ways — from higher education to the health

insurance market — middle-class Americans have retreated from the idea that a child becomes a fully responsible adult promptly upon turning 18. Advocates say poor kids in the criminal justice system deserve the same benefit of the doubt.

European countries have already embraced the idea. The age of majority in Germany has been 21 for decades, and in the Netherlands, it's 23.

A handful of states are toying with the notion, too. Last year, Vermont [passed a law](#) creating a hybrid juvenile-adult system for offenders up to age 21. Connecticut lawmakers are considering a similar proposal. And in Massachusetts, the state Legislature is deciding whether to add 18-year-olds to its juvenile justice system.

But the Bay State proposal, like others around the country, has met with sharp resistance from prosecutors. And even if it passes, it will be too late for Almodovar, an undeniably bright young man who came undone during his three-year prison bid.

There were searing moments, like the stabbing just across the cell block — blood smearing the floor and trickling into the hallway. But there was constant anxiety, too; he never knew what sort of dangerous prisoner he might encounter.

All of it came on top of the trauma of a childhood spent shuffling between foster parents and camping out in abandoned houses, and the gut-wrenching news, early in his prison term, that his older brother had died on the outside, his bloated body washed up on the shore of a Connecticut river, identifiable only by the tattoos.

Almodovar, brimming with rage and sorrow, brawled his way into solitary confinement — a teenager with no one to talk to about his considerable struggles. “When you walk into the cell, you can hear your echo,” he’d later say, “because there’s nothing there.”

When he finally got out of prison in 2015, he couldn’t be around other people. He hardly spoke. He’d only sleep for three or four hours per night. And after a few months, he seemed poised to return to prison.

Daniel Almodovar was back in court.





WILLIAM WIDMER/NEW YORK TIMES/FILE

Handcuffs inside Lafayette Parish jail in Lafayette, La., in April 2016. Louisiana and some other states with criminal justice systems that treat 17-year-olds as adults appear to be on the verge of raising the cutoff to the more standard age of 18. Now some states are considering going even higher.

THE TRUTH is, we've never had a firm grasp on when adulthood begins. We're kind of all over the place. Baird, the Vassar neuroscientist, has an amusing [riff](#) on the subject, and it goes something like this.

At 16, she says, we trust kids with 4,000 pounds of steel that can travel 100 miles per hour. We let them drive. But they better not have sex in that car. Seventeen is the age of consent in many states. And they better not drive to the polls, either. They've got to be 18 to vote.

At 18, they can enlist in the military, too. But they can't party too hard before deployment. They've got to be 21 to buy a drink.

And while 21 may seem like the final marker of adulthood, it isn't. Not really.

"There's one thing you still can't do at 21 that a lot of 22-, 23-year-olds want to do," Baird says. "Rent a car." You've got to be 25 to do that — or you've got to pay a hefty surcharge if you're underage. "And I'll tell you why," she says. "Insurance companies have a lot more information

than scientists.”

James Lynch is privy to a lot of that information. He’s the chief actuary for an industry group called the Insurance Information Institute. His office is filled with certificates from the Casualty Actuarial Society, right alongside a photograph of his pipe-smoking father, a dead ringer for the author F. Scott Fitzgerald.

He doesn’t put too much stock in the voting or drinking ages. Those are political judgments, he says. But the insurance industry’s decades-old imposition of higher rates on young adult drivers is different, he says. It’s rooted in hard numbers.

The data show a significant decline in the number of accidents for drivers over the age of 25, because they’re more experienced and more mature. And property casualty insurers — more than 2,000 in all — have to retest that proposition year after year, in order to justify the elevated rates to state regulators.

“It’s like, ‘OK, here we are in Arkansas — well, looks like we’re going to be drawing the line at 25, 26 again,’ ” Lynch says. “Now, we’re looking at Massachusetts — oh, there we are again.” The industry, he says, has known for decades what the white coats in the lab are now confirming.

“We were there,” he says, “long before the neuroscientists.”

SO, IN A WAY, was a substantial swath of middle-class and well-to-do America. For generations now, families of means have been providing young adults with a remarkably effective shield against their indiscretions.

“It’s called college,” says Vincent Schiraldi, a former director of juvenile corrections in Washington, D.C., and probation commissioner in New York City. “Forget the education part for a minute. If you just wanted to design something that could keep kids out of trouble during this period, you’d send them to a residential program where people understand their stupid adolescent behavior, they’re productively occupied, and, to the degree they’re hanging out with peers, they’re hanging out with pro-social peers.”

A young man who gets into a fight on a Harlem street corner goes to jail. A young man who gets in a fight in his dorm does not.

“Even the cops are nice” on college campuses, says Schiraldi, now a senior research scientist at Columbia University’s School of Social Work. “They’re not looking to formalize your bad behavior, because the notion is, you’re going to get past this as you age.”

You’re going to get past this as you age. It’s true. And not just for the college kids. A bell-shaped trend line, universal in Western cultures, shows criminality peaking in the late-teens and early-20s and dropping off sharply after that. Many youthful offenders simply “age out” of crime as they mature and take on adult responsibilities.

That’s the big idea behind the push to raise the age for the juvenile justice system to 21, 23, or 25. You can hold young adults accountable by sending them to juvenile lock-ups and keeping them on probation after release. But spare them time in adult prisons, where they’re likely to absorb counterproductive lessons from seasoned criminals. And spare them felony convictions that will haunt them for decades, making it difficult to find work and housing. Together, that could change the trajectory of hundreds of thousands of lives.

“If you can get them out of their 20s without a felony conviction, the chances that they’ll ever have a felony conviction plunge,” Schiraldi says. “They’re less stupid when they’re older. They get more mature.”

LAST MONTH, a group of Massachusetts district attorneys wrote a letter to the president of the state Senate declaring their opposition to much of a sweeping criminal justice reform bill before the Legislature.

They sharply criticized several sections of the legislation. But they held out particular scorn for a provision that would add 18-year-olds to the state’s juvenile justice system — and for the rationale used to justify it.

“There is nothing in the ‘new’ science around juvenile brain development that human beings haven’t understood for millennia, i.e. an 18 or 20 year old does not make decisions as well as a 30 or 40 year old,” they wrote. “But science also shows conclusively that 18 and 19 year olds well understand the difference between right and wrong and can act on them.”

It’s a flawed argument: 13- and 14-year-olds can tell the difference between right and wrong, too,

but we still agree to treat them differently than full-fledged adults. Still, the letter gestured at one indisputable point: 18-, 19-, and 20-year-olds are different from 13- and 14-year-olds. They may not be mature adults, but they're no longer adolescents, either. They're something in between.

Jeffrey Arnett, a professor of psychology at Clark University, has been making that argument for years. When he started interviewing people in their 20s about a quarter-century ago, he thought he might find a sort of extended adolescence. "But gosh, they were so different," he says. "They were so much more self-reflective, and insightful about their own behavior and other peoples' behavior. And yet, they didn't seem fully adult either."

Arnett first explained his theory of "emerging adulthood" in 2000 in the journal *American Psychologist*, and the idea quickly caught on, striking a chord in a culture trying to make sense of all the 21-year-olds coming home after college.

Policymakers have adopted the idea here and there. The Affordable Care Act, for instance, allows young adults stay on their parents' health insurance until 26. And in the last couple of years, the notion has spawned some intriguing experiments in criminal justice.

In 2015, San Francisco's district attorney and probation chief launched a Young Adult Court for 18- to 24-year-olds. It won't take cases involving serious bodily harm or deadly weapons. But offenders charged with robbery or assault can avoid felony convictions if they attend life skills classes, check in with a judge weekly, and keep clean records.

Last year, a National Institute of Justice survey found six such courts around the country, from Bonneville County, Idaho, to Manhattan. Since then, another has sprouted in Chicago.

There's a parallel effort to develop separate prison units for young adults, including a newly launched unit for 18- to 25-year-olds at a tough prison in Cheshire, Conn., known as "The Rock."

It looks like a traditional cell block — 50 cells, spread over two levels, with a blue linoleum floor at the center. But the culture is entirely different. Inmates gather in meeting spaces with names like the "Expression Room" and "Spiritual Space," and thumb through Malcolm Gladwell's "Blink" and Franz Kafka's "The Trial" in a small library that includes books donated by an offender's parent.

Corrections officers trained in brain development sit and chat with offenders. And hand-picked

mentors, many of them lifers plucked from the general population, lead the young men in nuanced conversations about poverty, pain, and second chances.

“A lot of us in this situation, we just want to go back to our 18-, 19-year-old selves and give them some knowledge, give them some foresight,” says Caesar Oneil, 41, a mentor serving time for murder.

One of his mentees, 23-year-old David Concepcion, says the experience has been transformative. Now he talks about taking responsibility for his actions (“I did something wrong”), and repairing his relationship with the mother of his child (“we were just lying to each other”).

“This is something beautiful,” he says of the young adult unit, smiling as he runs his hands through his tightly braided cornrows. “Dudes get soft in here.”

They do. Prison officials say there hasn’t been a single fight between inmates or assault on the guards since the program’s launch in January and a fraction of the disciplinary issues that normally arise among this age group.





The Roca young mothers program, at the Chelsea Roca center.

ALMODOVAR BEAT the charge he picked up shortly after getting out of prison for the carjacking. But he was still struggling.

It took a nonprofit called Roca, aimed at emerging adults, to pull him out of his downward spiral. The program has built a national reputation for its relentless pursuit of the hardest-to-reach young men — staffers knocking on the door and knocking again, sticking with clients through the inevitable relapses, and providing job training.

Almodovar learned carpentry at the group's Springfield offices, gutting and rehabbing a pair of small, detached buildings out back. And eventually, he joined the carpenters union and began building something like a normal life.

He's not in the clear yet. He sliced off a portion of his pointer finger in a work accident. And he still hears the siren of the street. "There's a lot more to be done before I'm completely safe," says Almodovar, now 24. "I still feel like I need to mature. I'm not even a grown man, yet."

But the promise of Roca and the young adult courts and prisons poses some difficult questions: Do we need to create a third criminal justice system, wedged between the juvenile and adult courts? If we recognize a new life stage — emerging adulthood — are we obliged to build institutions around it?

The answer is probably yes. But just because we're obliged doesn't mean we'll do it. Individual programs will continue to sprout here and there. But a whole new bureaucracy is a different matter. Even groups like Roca — partial to a third way — have recognized that, and are lending their full-throated support to raising the age for the juvenile justice system.

It's a system that's firmly entrenched, more than a century old. And expanding it — with some adjustments, perhaps, for its older charges — may represent our best shot at rescuing the next young man who gets high on the streets of Springfield and makes a decision that could leave his life in tatters.

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HEALTH

A California Court for Young Adults Calls on Science

By TIM REQUARTH APRIL 17, 2017

SAN FRANCISCO — On a cloudy afternoon in the Bayview district, Shaquille, 21, was riding in his sister’s 1991 Acura when another car ran a stop sign, narrowly missing them.

Both cars screeched to a halt, and Shaquille and the other driver got out. “I just wanted to talk,” he recalls.

But the talk became an argument, and the argument ended when Shaquille sent the other driver to the pavement with a left hook. Later that day, he was arrested and charged with felony assault.

He already had a misdemeanor assault conviction — for a fight in a laundromat when he was 19. This time he might land in prison.

Instead, Shaquille — who spoke on condition that his full name not be used, lest his record jeopardize his chances of finding a job — wound up in San Francisco’s Young Adult Court, which offered him an alternative.

For about a year, he would go to the court weekly to check in with Judge Bruce E. Chan. Court administrators would coordinate employment, housing and education

support for him. He would attend weekly therapy sessions and life-skills classes.

In return, he would avoid trial and, on successful completion of the program, the felony charge would be reduced to a misdemeanor. This was important, because a felony record would make it nearly impossible for him to get a job.

“These are transitional-age youth,” said Carole McKindley-Alvarez, who oversees case management for the court. “They’re supposed to make some kind of screwed-up choices. We all did. That’s how you learn.”

Surprisingly, this alternative legal philosophy springs not from concerns about overcrowded prisons or overburdened courts, but from neuroscience.

Researchers have long known that the adolescent brain is continually rewiring itself, making new connections and pruning unnecessary neurons as it matures. Only recently has it become clear that the process stretches well into early adulthood.

Buried in that research is an uncomfortable legal question: If their brains have not fully matured, how responsible are adults ages 18 to 24 for their crimes?

Should they be treated more like adolescents, handled in the comparatively lenient juvenile system, or more like hardened 35-year-olds? Should young adults be held fully responsible for certain crimes but not others?

After attending a lecture at Harvard on brain development, George Gascón, the San Francisco district attorney, decided to tackle these questions head on. In 2015, he and Wendy Still, then the city’s probation chief, established Young Adult Court, a hybrid of the adult and juvenile justice systems tailored to the biology and circumstances of offenders 18 to 24.

Mr. Gascón and his colleagues argue that neurological immaturity may contribute to criminal behavior. Adult sentences constitute cruel and unusual punishment, they say, and undermine the possibility of rehabilitation.

Trained by a clinical psychologist in recent neuroscience, members of the court’s staff are trying to apply the scientific findings to prevent lifelong entanglement with the criminal justice system.

“It’s an opportunity demographic, is what it is,” Judge Chan said. “This is a really malleable group of people with tremendous capacity to change.”

The Developing Brain

For most of the past century, scientists assumed brains were fully developed by age 18. Then, in 1999, Dr. Jay N. Giedd of the National Institute of Mental Health published a study in *Nature Neuroscience* that challenged this view.

He used M.R.I. scans to track the brain development of 145 people ages 4 to 22. The study was intended to explore structural changes during the transition from childhood to adolescence, but Dr. Giedd found that neural connections continued to be refined well past age 18.

Over the next decade, other researchers confirmed that the brain seems to undergo a burst of growth and connectivity after age 18, but few experts pursued those observations. In 2012, a comprehensive analysis of brain development omitted data on young adults ages 18 to 21 because so few studies had been done.

But if neuroscientists were not interested in the implications, legal scholars were. A series of Supreme Court rulings — most notably *Roper v. Simmons* in 2005, which abolished the death penalty for juveniles — was partly based on science suggesting that adolescent brains are not fully developed. This continuing process, the justices reasoned, diminished culpability and justified sentencing that was less harsh.

Laurence Steinberg, a psychologist at Temple University, set out to determine when exactly an adolescent becomes an adult.

Dr. Steinberg gave psychological tasks to 935 people ages 10 to 30 to distinguish between cognitive capacity and “psychosocial maturity.” His team reported that people performed as well as older adults on cognitive tasks — such as recalling 13-digit numbers forward and backward — by age 16.

Yet psychosocial maturity — measured by impulsivity, risk perception, thrill-seeking, resistance to peer influence — did not begin until age 18, gathering

momentum through the early 20s.

“It appeared that these two traits might develop on different timelines,” Dr. Steinberg said.

In 2011, the MacArthur Foundation organized a group of legal scholars and scientists, including Dr. Steinberg, to study criminal justice and young-adult brains in more detail. It was no secret that the criminal justice system’s approach to young adults was not working.

Young adults 18 to 24 make up 10 percent of the population, but they account for 28 percent of all arrests (2.1 million in 2015), a rate higher than that of any other age group.

Arrest rates are particularly high among minority males: Nationally, about half of all black men have been arrested by age 23.

Convictions at this age often are the harbingers of derailed lives: 84 percent of young adults released from prison will be rearrested within five years. Few with felony convictions will be able to find jobs.

A court informed by biological research could play a role in bringing down those numbers, Mr. Gascón hopes, even if most of these offenders face considerable economic and racial barriers.

“Science alone can’t solve it, but it can help make for a more equitable justice system,” he said.

New research funded by the MacArthur Foundation’s initiative hints at the developmental challenges of young adults.

In February 2016, Alexandra O. Cohen, a neuroscience graduate student at Weill Cornell Medical College, and other researchers including Dr. Steinberg published one of the initiative’s first papers in *Psychological Science*, linking brain activity to behavior in young adults in emotionally charged situations.

Some 110 subjects ages 13 to 25 were given a simple task to be performed under

one of three conditions: the promise of a \$100 reward, the threat of a loud noise, or neither. Brain scan data collected during the task showed that emotional centers of the brain were in overdrive. But there was less activity in areas like the dorsolateral prefrontal cortex, which contributes to self-control.

Ms. Cohen suggests the data mean that young adults are just as capable of restraint as older adults, except when a threat is present.

Her team's results bolster earlier findings that the brain does not mature all at once. The neural systems governing logical thought, or "cold cognition," reach adult levels of maturity well before those that manage thinking in the heat of the moment.

The teenage brain has been likened to a speeding car with no brakes. In young adults, on the other hand, "there are brakes, but it's more like the brakes might not work when the road is bumpy," Ms. Cohen said.

In a study published in February of this year in *Developmental Cognitive Neuroscience*, Ms. Cohen and her collaborators used the impulse-control test to predict the "emotional brain age" of individual participants. Later, they assessed each person's preference for taking risks.

People with a younger "emotional brain age," regardless of chronological age, tended to prefer riskier behavior. But the variability was highest among young adults.

"If you pick a random 18- to 21-year-old, you have no idea what level of maturity you're going to get," said Dr. Steinberg, a co-author of the study. "So in this period with the most variation, why would the law draw a bright line right there?"

Currently, a few states are considering legislation to move that line by trying anyone under age 21 as a juvenile. San Francisco's experiment in placing young adults into a separate category, neither juvenile nor fully adult, "is a smarter approach, and one that's more consistent with the science," Dr. Steinberg said.

The Court in Session

On a recent Tuesday, staff members at the Young Adult Court huddled in a

small, windowless courtroom, reviewing cases. Judge Chan sat at the head of the weathered wood table; the prosecutor and public defender, adversaries in the regular court, sat so close they could have read each other's files.

Along with three case managers and two probation officers, they discussed how one defendant would pay for clothes for a coming job interview, how another might get a ride home from court that day. Judge Chan decided to issue a warrant for a defendant who had missed his court appointments.

A few minutes before court was to begin, the meeting adjourned. The judge put on his robe, and about 40 young adults filed in through the double doors in the back.

Most of the defendants were charged with felonies, including robberies and assaults. The court does not accept cases involving serious bodily harm, deadly weapons or gang activity.

Like Shaquille, all were judged to be both high-risk and high-needs offenders from backgrounds that included poverty or homelessness. Most had been in court before.

One by one, they stood before Judge Chan and updated him on their progress with employment, education and therapy.

The judge gave children's books to a young woman who was about to "graduate" and had recently had a child. He ordered a young man in an orange jumpsuit, newly admitted to the program, back to jail.

As of this February, 45 percent of participants in the court's first cohort have "graduated," their charges dropped or reduced. Most of the graduates are on an "aftercare" plan but are not actively followed.

Judge Chan calls that a success. "It's a broader view of public safety," he said.

"You get the guy who breaks into the car, and if I incapacitate him for a year, what's he going to do when he gets out? He's going to be the same, a little bit older maybe. But he's going to start breaking into cars again."

Not everyone is sold on the court's approach.

"The reality is that the criminal justice system is littered with well-intentioned programs that sound like great ideas but have not been as effective as originally hoped," said Charles Loeffler, professor of criminology at the University of Pennsylvania.

Until there is more evidence to show the program works, he said, "my attitude is skeptical hope."

Despite the lack of data, young adult courts are gaining traction. Last year, the federal National Institute of Justice tallied six such courts around the nation, in places as diverse as Idaho, Nebraska and New York.

The Center for Justice Innovation, a British charity, is about to start a pilot program of five young adult courts in England and Wales. Staff members visited the San Francisco and New York courts in February to learn more.

The San Francisco court "is the type of model we would want to see," said Brent J. Cohen, a former senior policy adviser at the Department of Justice, now managing director of Public Service Consulting Group. "I think it's probably the first model in the country that really takes into account the neuroscience and does robust training for its staff based on that."

Shaquille is scheduled to graduate in the next few months. He plans to continue pursuing his ambition to become a licensed security guard — a dream that would evaporate with a felony record.

While he regrets impulsively punching the other driver, he said the court's therapy classes had helped him with emotional restraint. "When things get overwhelming," he said, "I can look at things before I react."

A few months ago, after meeting with a case manager to fill out housing applications, Shaquille heard someone yell a racial epithet at him on a street corner. Shaquille felt the anger well up, but this time he kept walking.

"It ain't even worth it," he said.

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A version of this article appears in print on April 18, 2017, on Page D1 of the New York edition with the headline: A Court Calls on Science.

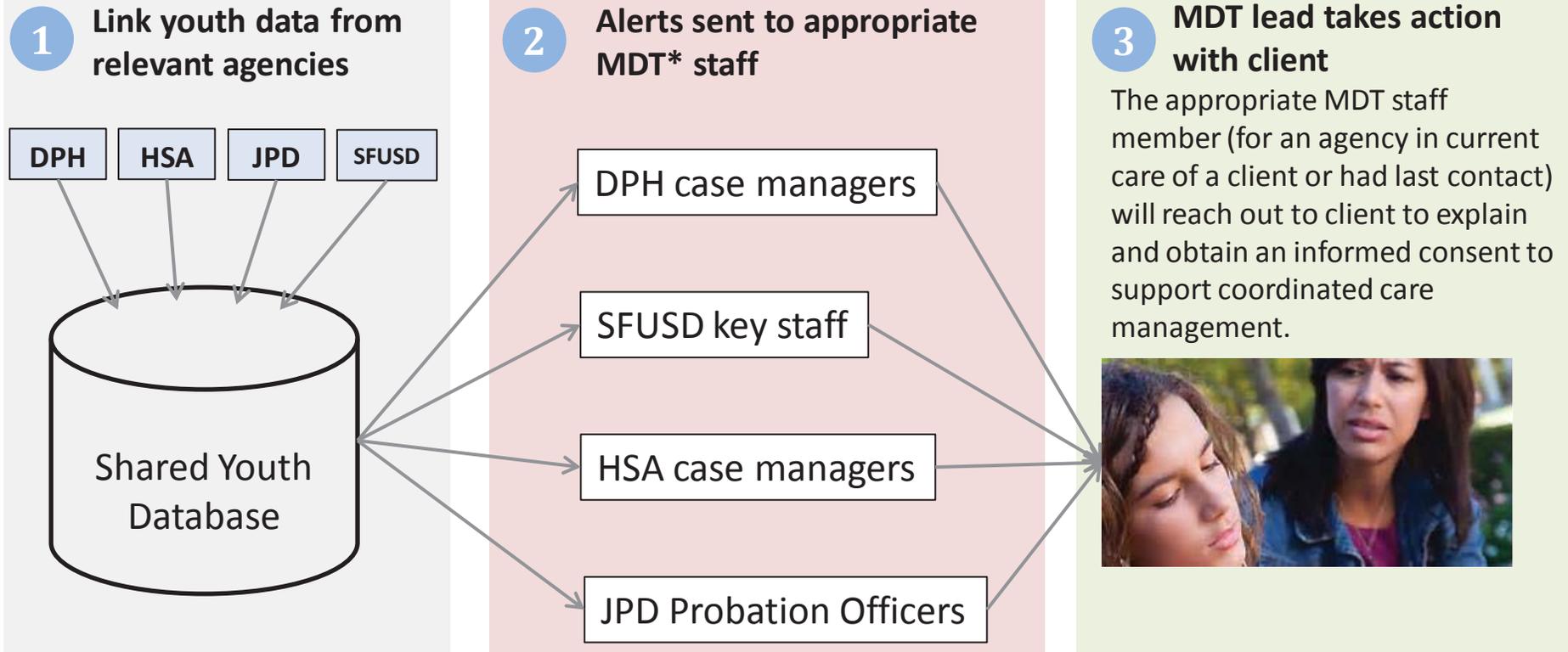
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SYDB Overview: Goals & Process

GOALS

- Use algorithms for identifying prevention and intervention opportunities
- Support MDT* case plans
- Reduce duplication
- Conduct research (future)

PROCESS (CONCEPT)



Building the SYDB: Linking data across HSA, DPH, JPD & SFUSD (1)

AJW has linked data provided by the four agencies on youth who received services from HSA, DPH, JPD or were flagged as 'at risk' by SFUSD*.

In compliance with state law and the MOU signed by the four agencies, each agency provided four pieces of information for matching youth:

- 1) Name, address & contact details for youth and family members
- 2) Agency Case number
- 3) Caseworker/ Probation Officer name & contact details
- 4) Date of contact(s) with agency

This data is then linked and securely stored by AJW who manage the SYDB

**SFUSD defines 'at risk' students as those who were:*

- *Actively involved in School Attendance Review Board or Truancy Court*
- *Chronically absent (>10% absence)*
- *Expelled or suspended*
- *Flagged for academic or attendance risk factors*
- *Homeless or foster youth*



Building the SYDB: Linking data across HSA, DPH, JPD & SFUSD (2)

The data provided by the agencies cover different time periods and populations:

TIME COVERAGE & PARAMETERS FOR DATA PROVIDED FOR SYDB*

AGENCY	CRITERIA	TOTAL NO. of RECORDS	TIME/ YEAR PARAMETERS																																										
			1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017				
DPH	All youth under 25 in contact with DPH since 1979	69,123 records	[Green bar covering all years 1979-2017]																																										
HSA	Substantiated HSA referrals & cases since 1998	19,554 records	[White bar covering 1979-1997]																			[Blue bar covering 1998-2017]																							
JPD	Closed cases for youth <18 since 2011 and active cases	1,040 records	[White bar covering 1979-2010]																																				[White bar covering 2011-2013]			[Orange bar covering 2014-2016]			[White bar covering 2017]
SFUSD (at risk)	SFUSD students enrolled in 2016/17 up to age 19 flagged as "at risk"	10,977 records	[White bar covering 1979-2015]																																				[White bar covering 2016]			[Blue bar covering 2017]			

* NOTE: bars represent time coverage and not the number of records

EXAMPLE MATCHES:

- **SFUSD & DPH:** A youth matched between SFUSD and DPH could mean that an 'at risk' student enrolled in 2016/17 who received services from DPH at any time since birth.
- **SFUSD & HSA:** A match between SFUSD and HSA could mean that an 'at risk' student or his family had a substantiated referral or case at HSA at any time since 1998.
- **DPH & HSA:** A match between DPH and HSA could mean that the client has an HSA substantiated referral or case and at least one service record from HSA or DPH in the last year.
- **JPD & HSA:** A youth with an active JPD case who also had a substantiated referral or case with HSA anytime since birth.
- **JPD & SFUSD:** A youth with an active JPD case or closed case for a youth under 18 matched with a student currently enrolled and identified as 'at-risk.'



Next steps

- Identify key opportunities where alerts could improve care coordination
- Develop and test the alert system with the agencies





The City and County of San Francisco
The San Francisco Sentencing Commission

2017 Annual Report San Francisco Sentencing Commission

December 6, 2017

DRAFT



San Francisco Sentencing Commission 2017 Annual Report

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The activities of the 2017 calendar year of the San Francisco Sentencing Commission are summarized in this annual report as required by County Ordinance 10-12.

I. EXECUTIVE SUMMARY

The San Francisco Sentencing Commission, an initiative of the District Attorney's Office, was created to analyze sentencing patterns, innovative solutions and outcomes; and to provide recommendations to the Mayor and Board of Supervisors that lead to a reduction in incarceration, lower recidivism rates, safer communities, and ensure that victims are made whole.

In 2017, the San Francisco Sentencing Commission held three hearings covering Local Sentencing Trends, Proposition 47 Implementation Outcomes, Impact of Early Childhood Trauma on Risk Taking, 2016 Juvenile Probation Report, Justice-Involved Young Adults, and San Francisco's Shared Youth Database. The San Francisco Sentencing Commission not only facilitates conversations between criminal justice stakeholders about innovative approaches to sentencing and criminal justice reform, but generates action oriented recommendations resulting in successful program and policy implementation. The Sentencing Commission will submit recommendations generated from 2017 this expert testimony and research to the Board of Supervisors and Mayor in winter 2018. The achievements from inception of the Sentencing Commission are highlighted in section III. Accomplishments.

II. BACKGROUND

The San Francisco Sentencing Commission, an initiative of the District Attorney's Office, was created through local legislation to analyze sentencing patterns and outcomes, to advise the Mayor, Board of Supervisors, and other City departments on the best approaches to improve public safety, reduce recidivism, and to make recommendations for sentencing reforms that utilize best practices in criminal justice. Ultimately, the commission will make recommendations that establish a sentencing system that retains meaningful judicial discretion, avoids unwarranted disparity, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options. The mandate of the Sentencing Commission includes the following:

- Evaluate effective and appropriate sentences for the most violent offenders;
- Explore opportunities for drug law reform;
- Examine inconsistencies in the penal code related to realignment sentencing; and
- Identify and define the most important factors that reduce recidivism.

The Sentencing Commission was created by County Ordinance 10-12 which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3. The purpose of the Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco's criminal justice resources. The Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors.

Commission Membership

The San Francisco Sentencing Commission membership was fully formed in July 2012 and subsequently renewed in 2015. At the time of this report additional authorization for a 5 year term to the year 2023 is pending before the Board of Supervisors. A current list of commission members and qualifications is found in Appendix A.

The membership of the Sentencing Commission was developed to ensure representation from City and County partners directly involved in the criminal justice system, and those who come in contact with it. Each seat represents a valuable perspective on criminal justice proceedings; from time of arrest to post release and the critical access points for support services provided to victims and survivors of crime. In

addition to this practical and service experience, the commission includes experts in sentencing and statistical analysis. These are essential components to the commission membership and contribute to the development of data-informed, sustainable improvements to our sentencing practices. While this membership serves as the core of the Sentencing Commission's work, the Commission invites broader participation from practitioners, researchers, and community to inform the proceedings.

List of member seats:

District Attorney's Office (Chair), Public Defender's Office, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Police Department, Department of Public Health, Reentry Council, Superior Court, member of a nonprofit organization serving victims chosen by the Family Violence Council, member of non-profit organization working with ex-offenders chosen by the Reentry Council, sentencing expert chosen by the Board of Supervisors, and an academic researcher with expertise in data analysis appointed by the Mayor. Representatives from BART Police began attending meetings in December 2015, and serve as non-voting members.

III. ACCOMPLISHMENTS

The first meeting of the San Francisco Sentencing Commission convened in summer 2012. During the five years of expert testimony the Commission has developed a proven track record of action oriented recommendations resulting in successful program and policy implementation. Key outcomes of the Sentencing Commission's quarterly hearings and ongoing analysis include:

Young Adult Court: In Summer and Fall of 2014, the San Francisco Sentencing Commission organized hearings focused on educating criminal justice partners and the public about the developmental needs of young adult defendants and the opportunities to adapt the criminal justice system to meet their needs; while maintaining public safety. This period of incubation was essential for generating cross system buy-in and to inform successful program implementation of the Young Adult Court (YAC). In the summer of 2015, the City and County of San Francisco formally established the YAC as the first young adult court in the nation to handle serious and violent cases. The YAC strives to align opportunities for accountability and transformation with the unique needs and developmental stage of 18 to 25 year olds. Participating individuals receive an in-depth assessment, develop individualized goals, and work with their clinical case managers to achieve those goals. In August 2017, YAC celebrated two years of operation. YAC has garnered notable attention in the area of young adult justice reform and many jurisdictions are looking at the program as a model for replication.

Law Enforcement Assisted Diversion: The Sentencing Commission was instrumental in state and local efforts to establish LEAD programming. The Sentencing Commission has heard multiple testimonies from experts affiliated with the Law Enforcement Assisted Diversion program (LEAD), a pre-arrest and pre-arrest diversion programs for drug offenses. The purpose of these testimonies was to explore the possibility of replicating LEAD in San Francisco and to solicit technical assistance in the development of local plans. In 2014 the Sentencing Commission requested UC Berkeley to analyze the feasibility, benefits, and cost of replicating the LEAD program in San Francisco. The researchers concluded that, "San Francisco has the necessary tools and systems to meet the challenge of successfully implementing such a program." Ultimately the research team recommended that San Francisco pursue the adoption of a pre-arrest diversion program. Subsequently in 2015, in summer 2015 the Commission submitted a letter to the Board of Supervisors and the Mayor recommending San Francisco begin a three-year pilot program of LEAD in San Francisco. In 2016, Governor Brown approved \$15 million to support three pilot localities across the state. The Sentencing Commission facilitated much of the necessary groundwork for San Francisco's eligibility and subsequent award of LEAD funds totaling \$5.9 million. LEAD San Francisco was fully operational as of fall 2017.

Statewide Policy Reform: The San Francisco Sentencing Commission recommended California pursue Penal Code reform legislation to change the penalty for drug possession for personal use from a felony to a misdemeanor. Ultimately, this recommendation helped inform the drafting of Proposition 47, The Safe Neighborhoods and Schools Act. The goal of this reform was to help reduce spending on prisons and jails and invest additional resources in drug treatment, mental health, and other community-based services. It would also facilitate reentry and reduce recidivism by removing consequences that result from a felony conviction, including barriers to employment, housing, financial aid and public benefits. During the 2014 California general election, the California citizenry voted to require misdemeanor sentences instead of felony sentences for six types of drug and property offenses through Prop. 47. At the June 2017 meeting of the Sentencing commission, expert testimony was provided indicating that the passage and implementation of California Proposition 47 has narrowed several criminal case disparities, especially for African American suspects.

Data-Driven Policy Decisions: From its inaugural meeting, Sentencing Commission members committed to utilize accessible and credible data to drive the body's decision making and determine its priorities. This commitment not only provides common information for all members to guide prioritization and decision making, but it also provides the opportunity to communicate progress and success; the ability to highlight exceptions; and lastly, the opportunity to educate the public. In January 2017, the San Francisco Sentencing Commission was awarded an Innovation Grant from the MacArthur Foundation Safety and Justice Fund to develop and Implement a web-based justice system recidivism analysis dashboard, integrating data from multiple justice agencies. The dashboard will support the development of data-driven sentencing and supervision policies and further enable San Francisco to assess progress in reducing racial and ethnic disparities in the criminal justice system. Launch of the dashboard is expected in spring 2018.

IV. 2017 MEETING TOPICS & PRESENTERS

The Sentencing Commission held four meetings in 2016. Full details are available on <http://www.sfdistrictattorney.org/>. Meeting dates and selected subject matter presenters are provided below.

March 30, 2017

Review of San Francisco Sentencing Trends

Presenter: Maria McKee, Principal Analyst, San Francisco District Attorney's Office

Review of Realignment Sentencing Trends

Presenter: Tara Agnese, Director of Research, San Francisco Adult Probation Department

Proposition 47 Implementation Outcomes

Presenter: Professor Steven Raphael, Goldman School of Public Policy

June 6, 2017

The Cycle of Violence: The Impact of Early Childhood Trauma on Risk Taking, Chronic Victimization and Criminal Behavior

Presenter: Dr. Gena Castro Rodriguez, Chief of Victim Services and Parallel Justice Programs, San Francisco District Attorney's Office

Blueprint for Shared Safety: Survivor-Centered and Trauma-Informed

Presenter: Anna Cho Fenley, Project Director and Marisa Arrona, Local Safety Solutions Project Director, Californians for Safety and Justice

December 6, 2017

Review of San Francisco Juvenile Probation Department Sentencing Trends

Presenter: Paula Hernandez, Assistant Chief Juvenile Probation, San Francisco Juvenile Probation Department

San Francisco's Justice-Involved Young Adults

Presenter: Katy Miller, Chief of Alternative Programs & Initiatives, District Attorney's Office

San Francisco's Shared Youth Database

Presenter: Andrew Wong, President AJW Inc.

VI. MEMBERSHIP UPDATES

Membership Transitions

In the 2017 calendar year the San Francisco Sentencing Commission experienced transitions for two member seats. In January Chief William Scott was sworn in to serve as Chief of the San Francisco Police Department. In February, the Reentry Council appointed Eric Henderson to serve as the representative for a non-profit organization working with ex-offenders.

Position of Superior Court

The San Francisco Superior Court is an invited member of the San Francisco Sentencing Commission. After repeated invitations to join the proceedings of the Sentencing Commission the San Francisco Superior Court released the following statement:

The Court has stated that it will not participate in the Sentencing Commission because it will present several serious breaches of judicial ethics. In addition, there are concerns about the issue of separation of power.

During the August 2014 meeting of the Sentencing Commission, Senior United States District Judge Charles R. Breyer provided testimony on the Federal Sentencing Commission, where the courts have an active seat. Judge Breyer further recommended that the San Francisco Sentencing Commission solicit representation from the courts stating that judges need to be involved to make meaningful practice changes. Another promising development was the decision by the Superior Court to participate in the Re-envisioning the Jail Workgroup meetings and Reentry Council. The Sentencing Commission hopes this experience will encourage Superior Court participation in other cross-agency criminal justice bodies. In the meantime, the Sentencing Commission will continue to work to inform the Superior Court of the Commission's research and recommendations and explore the potential for revisiting the San Francisco Superior Court's role on the Commission. It is the hope of the San Francisco Sentencing Commission that the Administration Office of the Courts will appoint a representative to the 2018 Sentencing Commission.

VII. FUTURE ACTIVITIES

Looking Forward: 2017 Priorities

The San Francisco Sentencing Commission sunsets on December 31, 2017. The body will request a five-year extension of its mandate to cement the progress made and lay the groundwork for sustainable long-term reform. The San Francisco Sentencing Commission is currently scheduled to conduct four sessions in 2017. Priorities for 2017 include:

Overview of San Francisco Sentencing Trends

2017 Sentencing Policy and Legislative Updates

Re-imagining Justice: Innovations in Defense, Prosecution, and the Courts

Justice Reinvestment Principles: Opportunities for San Francisco

Strategies to Reduce Disparate Impact in Sentencing

Integrating Public Health Principles into Sentencing

Understanding the impact of Sentencing Enhancements

VIII. CONCLUSION

In 2017, the San Francisco Sentencing Commission successfully completed the fifth full year of hearings covering experts discussing Local Sentencing Trends, Proposition 47 Implementation Outcomes, Impact of Early Childhood Trauma on Risk Taking, 2016 Juvenile Probation Report, Justice-Involved Young Adults, and San Francisco's Shared Youth Database. The San Francisco Sentencing Commission has contributed toward significant policy and programmatic reforms directed at reducing recidivism and enhancing public safety. While this policy body is locally mandated, members are confident that the findings and recommendations that will come from the 2018 proceedings will continue to support not only San Franciscans, but all Californians.

Appendix A: San Francisco Sentencing Commission Members

As of December 6, 2017

Agencies & Bodies	Member
District Attorneys' Office	George Gascón, District Attorney
Public Defender	Jeff Adachi, Public Defender
Adult Probation	Karen Fletcher, Adult Probation Chief
Juvenile Probation	Allen Nance, Juvenile Probation Chief
Sheriff	Vicki Hennessy, Sheriff
Police	William Scott, Police Chief
Department of Public Health	Barbara Garcia, Director
Reentry Council	Karen Roye, Director Child Support Services
Superior Court*	Presiding Judge
<i>Member of a nonprofit org serving victims chosen by the</i> Family Violence Council	Jerel McCrary Attorney
<i>Member of non-profit org working with ex-offenders chosen by the</i> Reentry Council	Eric Henderson Policy Associate Ella Baker Center for Human Rights
Sentencing Expert chosen by the Board of Supervisors	Theshia Naidoo Senior Staff Attorney Drug Policy Alliance
Academic Researcher with expertise in data analysis appointed by the Mayor	Steven Raphael PhD Professor Goldman School of Public Policy University of California Berkeley

*Invited