

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

AGENDA

June 15, 2016

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 March 30, 2016 (discussion & possible action).
4. Staff Report on Sentencing Commission Activities (discussion & possible action).
5. Presentation on Project WHAT! by Alisha Murdock, Program Associate at Community Works West (discussion & possible action).
6. Presentation on the “Sentence Unseen” by Katie Kramer, CEO of The Bridging Group and Member of the San Francisco Children of Incarcerated Parents Partnership Steering Committee (discussion & possible action).
7. Presentation on Enhancing Trauma-Informed Practices and the Sentencing Planner by Dr. Gena Castro Rodriguez, Chief of Victim Services and Parallel Justice Programs at Office of District Attorney George Gascón (discussion only).
8. San Francisco Juvenile Probation Department’s 2015 Sentencing Trends, Presentation by Allen Nance, Chief of Juvenile Probation at JPD (discussion & possible action).
9. Members’ Comments, Questions, Requests for Future Agenda Items (discussion & possible action).
10. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
11. Adjournment.

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MEETING MATERIALS

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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, March 30, 2015

10:00 a.m. – 12:00 p.m.

Hall of Justice, Room 322, DA Law Library

850 Bryant Street

San Francisco, CA 94103

Members in Attendance: Family Violence Council appointee Jerel McCrary; Jeff Adachi, San Francisco Public Defender; Sheryl Myers (Reentry Council); George Gascón, San Francisco District Attorney; Lauren Bell (San Francisco Adult Probation); Craig Murdock (Department of Public Health); Commander Robert Moser (San Francisco Police Department); Steve Raphael, UC Berkeley; Joanna Hernandez, Five Keys Charter School; and Paula Hernandez (San Francisco Juvenile Probation Department).

1. Call or Order; Roll Call

At 10:02 a.m., District Attorney George Gascón called the meeting to order and welcomed commission members and members of the public to the San Francisco Sentencing Commission meeting.

2. Public Comment (discussion only)

No public comments received.

3. Review & Adoption of Meeting Minutes from December 9, 2015 (discussion & possible action)

District Attorney Gascón asked commission members to review minutes from the previous commission meeting and asked whether anyone had comments or edits.

District Attorney Gascón noted three corrections. First, he indicated that non-members needed to be removed from the list of Sentencing Commission members in attendance on page one. Second, he corrected a statement on page five, which should state that a BART PD representative—not the Chief—traveled to Seattle. Third, he recommended an edit on page 14 for the vote on agenda item seven to reflect an affirmative vote for the 2015 Annual Report. District Attorney Gascón asked commission members whether anyone had more comments or edits.

There were no more comments. Professor Steven Raphael made a motion to accept the minutes from the December 9, 2015 meeting, seconded by Joanna Hernandez.

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

Tara Anderson provided an update from the District Attorney's office. She explained that one of the biggest developments since the last meeting of the Sentencing Commission was the hiring of Sentencing Commission

Fellow, Alissa Skog, who will serve in this position through December 2016. Skog is currently a graduate student at the Goldman School of Public Policy at the University of California, Berkeley. Prior to joining the Sentencing Commission, and her more recent work in the juvenile justice system, she worked in international affairs, specifically in crisis mitigation and recovery—experience that has proven highly valuable to the Sentencing Commission and will continue to do so over the course of the year.

Anderson also reviewed the outcomes of two staff planning retreats with the National Council on Crime and Delinquency, the technical assistance partner for the Sentencing Commission. Staff set out the meeting plans for 2016 using the subject matter approved during the 2015 Annual Report vote to set the scope of the year's meetings. The first of these meetings was today's meeting in review of sentencing trends. June's meeting will focus on mental and behavioral health, September's meeting will address the usage of risk assessments, and December's meeting will highlight innovations in defense, prosecution, and the courts.

Finally, Anderson described the results of the March 9th meeting of the Policy Insights Conference, hosted by the California Budget and Policy Center, where she represented the Sentencing Commission. The panel session was titled "Sentencing in California: Moving Toward a Smarter, More Cost-Effective Approach." Panelists also included retired Judge George Eskin and Ignacio Hernandez, a lobbyist from the Hernandez Strategy Group. The Sentencing Commission has subsequently received a number of inquiries about its local work, and has been acknowledged as an incubator of good ideas in criminal justice.

Jerel McCrary provided an update on the Family Violence Council, which last met February 17, 2016. The Council was presented with the final report of the Family Violence Council for 2014, which was filed in September 2015. This report provided six recommendations for implementation, which McCrary presented to the Sentencing Commission in the last report he made in 2015. The Family Violence Council noted that two of the recommendations had already been implemented: (1) developing an improved protocol between the San Francisco Police Department and Adult Protective Services for investigations of elder abuse, and (2) adding three inspectors to the Special Victims Unit, one of whom would be specifically assigned to elder financial abuse cases.

In addition, the Mayor's Office requested that the Department on the Status of Women (DoSW) also present a five-year plan to address family violence. The DoSW presented to the Family Violence Council a list of ten specific requests to be included in this five-year plan. The requests included (1) coordinating various violence initiatives in San Francisco, (2) creating a cross-training institute for city agencies, (3) reviewing the cost of doing business for sustainability of non-profits in San Francisco, (4) establishing a gun relinquishment program for family violence offenders, (5) increased screening for child abuse, (6) investing in a sexual assault response team, and (7) increasing services for older adults and adults with disabilities, among still other recommendations. Following this discussion, the Family Violence Council voted to approve the recommendations in principle, but provided for subsequent input from individual members of the Council and from community agencies prior to the final presentation of recommendations to the Mayor's Office.

In closing, McCrary noted that the next meeting of the Family Violence Council will take place on May 18, 2016.

Sheryl Myers had no updates.

Lauren Bell provided updates on the Reentry Council, which met on March 24, 2016 to initiate coordination and alignment between subcommittees and the Council. The leadership in the meeting made a collective commitment to improving alignment. In addition, there was a report on the racial and ethnic disparities community work that has been ongoing in the Western Addition, and will continue in an upcoming meeting on April 18. The Reentry Council will share information through Ms. Anderson and the Sentencing Commission email listserv.

5. Recidivism Work Group Updates (discussion only)

Anderson provided an update on the Recidivism Work Group, which met on March 16, 2016. During that meeting, the Work Group explored questions about measuring subsequent criminal justice contact in San Francisco. For the benefit of the public, the Sentencing Commission has approved moving forward with investigating subsequent criminal justice contact at the points of arrest, re-arraignment, and subsequent conviction.

The Work Group explored three primary questions during the meeting. (1) Are there any departments looking at recidivism, and if so how? (2) What methodologies are used in other jurisdictions and guiding principles for research in this area? (3) How does the San Francisco cohort look different, and what may need to be done to tailor these methodologies to our context? A majority of the conversation focused on the Work Group's data challenges and limitations, and how they might work within the constraints of what information is currently available to answer these important questions.

The Work Group identified key partners they would like to include in future meetings. They have invited Mia Bird, who is currently doing research in partnership with the Adult Probation Department, under the auspices of PPIC, to the upcoming Recidivism Work Group meeting on April 26. During this meeting, the Work Group hopes to explore more deeply what a cohort analysis would look like.

Professor Raphael added that there have been several recent, high profile recidivism studies—including one by the Federal government—that struggle with many of the same issues of how to measure recidivism. In particular, there has been criticism that these studies overemphasize arrests, given that we must be sensitive to the difference between actual, subsequent criminal behavior and outcomes we observe transactionally that may reflect enforcement.

6. LEAD Work Group updates (discussion only)

District Attorney Gascón introduced Laura Thomas, from the Drug Policy Alliance, to provide updates on the LEAD Work Group.

Thomas explained that there has been a great deal of conversation regarding the implementation of assistance before law enforcement, law enforcement-assisted diversion, and pre-booking. The Work Group held a series of local meetings, one of which was attended by a visiting team from Seattle. This team, which helped to develop LEAD, included current Sheriff and former Police Chief Jim Pugel, a representative from the District Attorney's Office, the head of case management services, and Kris Nyrop from the Public Defender Association.

These meetings were attended by many members of the Sentencing Commission and/or by the organizations they represent. The meeting series included a law enforcement-focused meeting, a social services-focused meeting, a stakeholders-focused meeting, and a community-focused meeting that gave community members and local agency staff an opportunity to learn about LEAD.

The visiting team from Seattle was only able to attend one of these meetings because they were on their way to Sacramento, where the LEAD Work Group held an incredibly successful briefing for State legislators. In particular, Senator Loni Hancock and Senator Mark Leno are both very interested in the forward progress of the Work Group, with a proposed bill at the state level to create funding for LEAD pilot programs throughout California. The bill (S.B. 1110) will be on the docket for its first hearing on April 19, under the purview of the Senate Public Safety Committee. The bill has been sponsored by both Senator Hancock, who chairs the committee, and by Senator Anderson, who is the ranking Republican member of that committee. The Work Group anticipates that the bill will move forward, with a goal to push the bill through in time for the June budget process. If passed, the bill would create state-level pilot funding for three to four localities across California. The Work Group believes San Francisco is well-poised for funding eligibility, given the current work being done here.

In closing, Thomas highlighted some national level news, including a recent *Frontline* episode, “Chasing Heroin,” about Seattle’s LEAD efforts, which has generated additional public conversation about the importance of initiating pre-booking diversion as part of reforming how we engage with the criminal justice system.

7. Annual Review of San Francisco Sentencing Trends by Maria McKee, Office of the DA (discussion and possible action)

By way of introduction, District Attorney Gascón explained that one of the responsibilities of the Sentencing Commission set forth in the administrative code is to develop data collection and reporting standards. The last three reports from the Commission include recommendations for the City and County of San Francisco to continue to invest in the improvements of criminal justice data collection, data sharing, and data analysis. Accurate data collection, data sharing, and the subsequent analysis of that data is vital to ensure the equitable and efficient administration of justice. While these goals continue to remain a challenge for us in the City, we continue to work toward improvement.

District Attorney Gascón invited Maria McKee, Principal Analyst in the District Attorney’s Office Crime Strategies Unit to give the Sentencing Commission a presentation regarding the Annual Review of San Francisco Sentencing Trends. In addition, the Juvenile Probation Department Annual Report is due out shortly. As such, the Commission will receive that overview during the June meeting.

McKee noted that the data she will present belongs to the Superior Court, with support from additional data made available by the District Attorney’s Office to provide additional context. This data is regarding felony filings and felony sentencing.

The first chart showed data from the Court’s monthly report from the end of 2015, information retrieved from the court case management system (CMS). The chart counted court numbers, which we can generally think of as defendants. The chart tracked felony filings from 1992 to 2015, and showed an overall decline in felony filings over that time period, with an especially marked decline since 2008. In 2008, there was a little increase in felony filings, but by 2010, we can see the first of the lowest points for this time period. Since 2010, the number of felony filings has decreased steadily—by roughly 46% to their lowest point to date in 2015.

The second chart provided further context, using data from the District Attorney’s Office (through the DA’s case management system DAMION, which pulls data from CMS and combines it with the SFDA’s own data collection, so it is data from the Court and the District Attorney’s Office, but analyzed by the SFDA’s Office). Here, the unit of measurement is incident numbers as opposed to court numbers—referring, therefore, more to the criminal incident than the suspect or the defendant, different from the last slide. This chart showed that felony filings are a function both of the District Attorney’s Office decision to file or not, and also the volume of felony arrests that are presented to the Office for filing. The grey bars represent the volume of felony arrests presented to the Office for 2010 through 2016. Since 2010, when there were 11,500 felony incidents, to 2015, when there were 7,700 such incidents, there has been a 32% decline in that volume of felony arrests that the District Attorney’s Office reviews for charging. The green bars represent what charges the Office ultimately filed from the pool of felony arrest incidents, which has also declined over the same time period by 32%—so the trends are exactly the same. This similarity results from the Office’s relatively consistent filing rate of 47%. Last year, the District Attorney’s Office filed roughly 50% of the felony incidents they received.

Even despite the difference in units of measure between the first and second charts, we see a little discrepancy in the numbers. This is because the second chart shows all filings that result from felony arrests, regardless of whether a charge was filed as a misdemeanor or as a felony. Over this time period, the District Attorney’s Office has been filing an increasing percentage of felony arrests as misdemeanors, which pushes the volume of felony filings down.

The third chart provided additional context regarding why there has been a large decline in felony filings. Previous Sentencing Commission meetings have reviewed these trends, but they are important to highlight in this presentation. This data is from Jim Austin's report, "Eliminating Mass Incarceration: How San Francisco Did It," presented at the December Sentencing Commission meeting. Here, the red line represents total arrests in San Francisco, and the black line represents felony complaints sought. The trends appear to be nearly identical. So, again, it is clear that the District Attorney's filings are a function of arrest patterns in San Francisco. The blue line along the bottom of the graph represents total drug arrests for the same time period. There is a large drop-off for all three lines in 2010, when the drug lab scandal took place, subsequently followed by other drug enforcement scandals in the jurisdiction. In many places, we might have seen drug arrests go back up, but San Francisco used this opportunity to change how we do business here, so we've continued to have much lower drug arrests in the jurisdiction since 2010, which has caused an overall decline in both felony arrests and felony filings.

McKee then turned to the matter of felony sentencing, based on the Superior Court's data and analysis. As demonstrated by the fourth chart in her presentation, felony sentencing reflects the same trends as felony filings, characterized by a decline over time, especially after 2010. The blue line represents felony probation grants, and the pink line represents prison commitments. The highest volume of prison commitments occurred in 1993, with 2,766 prison commitments. By 2010, this volume had fallen to 808 prison sentences. Last year, this number fell to its lowest point in the time period, at 236 prison commitments.

The fifth chart showed the same data as the last slide, but provided more granular information about the percentage of felony sentencings that were probation versus prison. The data indicates that the District Attorney's Office is making a different decision tradeoff. In 1992, 42% of felony sentences were prison and 59% were probation. The highest proportion of prison sentences occurred in 1995, when 44% of felony sentences were to prison. The lowest proportion of prison sentences occurred in 2003, when 18% of felony sentences were prison commitments. In 2015, 22% of felony sentences were prison and 73% were probation. The five percent gap not depicted on the chart is made up of 1170(h) sentences, which appear on the next slide.

The sixth chart showed an adapted representation of the Superior Court's data on felony sentencing outcomes for 2015. Felony probation grants constitute the vast majority of felony outcomes. The 1170 sentences represent a very small portion of felony outcomes—the 5% mentioned previously.

District Attorney Gascón then opened the floor for questions and comments. Seeing none, he offered his own comment that this decline in felony filing really started years ago, before 2010. San Francisco has been decreasing the volume of felony cases referred to state prison, which reflects the commitment by people in criminal justice system here to come up with different solutions. Gascón concluded by sharing commentary he had recently heard regarding San Francisco's treatment of criminal justice: if the entire nation operated the way San Francisco did, we would end mass incarceration in this country. He noted that it was something to be proud of, before introducing the next agenda item.

8. Presentation on the Realignment Sentencing Trends by Leah Rothstein, Adult Probation Department (discussion and possible action)

District Attorney Gascón introduced Leah Rothstein, Research Director for the Reentry Division of the Adult Probation Department. He noted that this presentation would be Rothstein's last before leaving the Department, and presented her with a Certificate of Honor and Appreciation for the work she has done for the Adult Probation Department and the San Francisco District Attorney's Office.

Lauren Bell also made a brief statement in Rothstein's honor, noting that they had joined the Adult Probation Department at roughly the same time about four years prior. Bell remarked that, as one of the last members remaining of that original team, Rothstein brought grace and precision to their work. Bell concluded by saying that the Department will truly miss her, and are excited for the new opportunities in her future.

Rothstein presented sentencing trends in light of the 1170 sentencing structure in San Francisco, established by realignment in 2011. The slides in her presentation showed the trends from 2012 through 2015.

The first slide showed that during the period from 2012 to 2015, there have been a total of 773 sentences under 1170(h), since the beginning of realignment. 59% of these sentences have been split sentences, which are split between a county jail sentence and mandatory supervision sentence under the Adult Probation Department. Over time, the number of 1170(h) sentences since the beginning of realignment annually has decreased by 61% since 2012. In 2012, there were 249 1170(h) sentences. This past year, in 2015, there were only 98. That change reflects the trends that Maria McKee made in her presentation about the decrease in felony filings. County-wide, as the number of 1170 sentences has decreased over time, the percentage of split sentences has increased: beginning in 2012, 53% of the sentences given under 1170 were split sentences, while in 2015, 73% of the sentences were split sentences. In other words, we are increasing the use of split sentences, which is a good thing.

The second slide showed jail sentences under 1170(h) that were not split sentences, but were rather straight jail sentences, during the period since January 2015. The dark bars represent average jail sentences, while the light bar shows time served after sentencing, including credits for time served prior to sentencing, and half-time credits allotted through the 1170(h) sentencing structure. The average time served in 2015 under 1170(h) sentences was five months, which has remained fairly constant. The peak average time served occurred in 2012, which was eight months.

The third slide showed split sentences under 1170(h), inclusive of both the jail and mandatory supervision sentences, and the time served for the jail sentences. These sentences average four months of time served, every year under a split jail sentence. Mandatory supervision sentences tended to be longer than the jail sentences for those splits.

The fourth slide showed demographic information regarding those who had been sentenced under 1170(h). There was a total of 318 individuals sentenced under 1170(h) to a straight jail sentence, while 455 people were sentenced to a split sentence. Those individuals sentenced to split sentences tended to be female, as compared to those sentenced to straight jail sentences. African Americans represented a higher proportion of split sentence than the proportion under straight sentences. These are the general trends evident in the data.

District Attorney Gascón interjected with a question regarding the absence of Hispanic/Latino information in the demographic data.

Rothstein responded that, yes, the data for her presentation was drawn from the Court Management System (CMS), and therefore did not include ethnic labels for Hispanic individuals.

Public Defender Jeff Adachi asked for further clarification about whether the Court tracks race or breaks down the ethnic background of individuals in CMS.

Rothstein referred back to the pie charts on the fourth slide of her presentation to clarify the racial categories the Court uses—Caucasian, African American, Asian, and Unknown. She explained that the Court does not track ethnicity.

Adachi asked why racial/ethnic information was tracked in this fashion. Was it a function of how information is recorded in CMS?

Rothstein explained that the categories she had described previously are what is tracked in CMS. She clarified that sometimes we do have access to more nuanced racial data, but then it is consolidated into broader categories when we input the information into the Court's system. Rothstein noted that this issue is something the Department has been working to improve, and that hopefully, the new Court Management System will improve on its current model.

District Attorney Gascón noted that the skew is most evident in the Caucasian numbers, because Hispanics are generally placed in that category. The African American numbers, by contrast, are probably fairly accurate.

Adachi asked if CMS has a category for Latinos or Hispanics.

Rothstein explained that the Court did not have such a category at this time.

Adachi asked if this model would change going forward.

Rothstein replied that it is her understanding that the new system, to be introduced by the end of this year, will have more robust racial and ethnic labels.

Sheriff Vicky Hennessy pointed out that the jail system tracks both race and ethnicity, and offered to help Rothstein add more detail to her data and analysis.

Adachi asked if there is any explanation as to why the proportion of African Americans sentenced to straight jail time seems to be smaller than the proportion of African Americans receiving split sentences.

Rothstein remarked that the Department does not have an explanation for this phenomenon—they have yet to look deeply into the matter. She invited others to share their thoughts as to why this trend might exist.

Adachi explained that he was merely curious.

District Attorney Gascón opened the floor for questions. Seeing none, he introduced the next agenda item.

9. Annual Review of CA Sentencing Legislation and Policy Update by Selena Teji, Californians for Safety and Justice (discussion only)

District Attorney Gascón introduced Selina Teji, Research Manager for Californians for Safety and Justice to provide an update on Chaptered Sentencing Law from 2015 and updates on items to watch for in the upcoming legislative cycle.

Selina Teji introduced herself, explaining that she was stepping in for John Bauters, the Policy Director of Californians for Safety and Justice. She said that she would provide an update on select sentencing-related bills from last year and this year; an explanation of the current budget debate regarding Proposition 47 savings; and an overview of some major points from the Safety and Rehabilitation Act of 2016, which is still in the stage of gathering signatures to qualify for the ballot.

Last year, several bills related to California sentencing and corrections were passed. S.B. 230 modified the parole process to ensure the release of an individual when the parole board finds that the individual is eligible for parole. This modification serves to address a convoluted calculation that had been in use prior to this change to determine when a person could be released, whereby someone who was deemed safe for release by the parole board remained in prison far beyond their eligibility date.

A.B. 730 ensures that someone cannot be charged for felony drug transportation in addition to simple possession if they are transporting marijuana, mushrooms, or PCP for personal use only. That bill came to address an oddity in California law that allowed someone in possession of a small amount of controlled substances for personal use who moved while carrying these substances to be charged with transporting them. Those codes were originally intended to punish drug traffickers, but they were commonly being used to punish those in possession of drugs for personal use. The 2013 bill addressed only two of several health and safety codes, while this bill last year made conforming changes to additional health and safety codes.

A.B. 1343 requires defense counsel to provide accurate and affirmative advice relating to immigration consequences of certain pleas and charges. It also requires that the prosecutor consider the avoidance of adverse immigration consequences in plea negotiations. It does not require the defendant to disclose immigration status to the court. This bill was intended to codify California case law, and is particularly valuable in California, where one in three people is foreign-born.

S.B. 261 requires the board of parole hearings to conduct youthful offender parole hearings for certain offenders sentenced to state prison who committed specific crimes before the age of 23. This bill is an extension of S.B. 260, passed in 2013, which created a special parole process for people who are incarcerated for crimes they committed when they were youths. It specified some different criteria particular to young people in considering whether they would be eligible for parole once they served 15 years of their original sentence. S.B. 261 just makes that law commensurate with the maximum age set by the Department of Juvenile Justice, which is 23. Since the original law, S.B. 260, was passed, prison guards have reported that the new parole process has provided an incentive system for engaging people in rehabilitative programs and has increased safety within prisons. Anecdotal evidence suggests recidivism rates are extremely low among the population released under that parole process, but there is not much data on this relatively new process. There are an estimated 14,000 people who might be eligible for the new parole process under S.B. 261.

A.B. 1156 is a realignment cleanup bill, which takes various provisions of law relating to persons convicted of a felony and sentenced to state prison, and applies them to individuals convicted of a felony and sentenced to county jail under realignment. For example, the bill extended the right of people to rehabilitation for people serving jail sentences.

Teji explained that she would next highlight three bills coming up this year that are still in the early stages of the legislative process—some of them have yet to undergo their first hearings, so she had less information about the particular language of the bills.

S.B. 1110, which Laura Thomas mentioned during her presentation, would establish three pilot programs in California modeled after Seattle's LEAD program. It is coming up for hearings soon.

A.B. 2765 would remove the time limit for petitioning for eligibility under Proposition 47, regarding resentencing or reclassification. Prop 47 requires that eligible individuals apply for resentencing or reclassification before November 4, 2017; or, if they plan to apply later than that date, they must have a showing of good cause. This bill removes that provision. There are an estimated one million people eligible for Prop 47 relief, but as of December 31, 2015, the courts have received just over 200,000 applications. Because the bill is amending a vote on a past initiative, it requires a two-thirds vote of the legislature to pass.

S.B. 966 would repeal the three-year sentencing enhancement for prior drug sales convictions. The enhancement is currently applied consecutively, three years for every prior conviction for drug possession for sale. Since realignment, this resulted in hundreds of people being sentenced to county jails for more than five, or even ten, years. Longer sentences for drug crimes have failed to reduce recidivism, to limit drug availability, and to protect people in the illicit drug market. It has also created racial disparities in the criminal justice system. By repealing this enhancement, the bill is expected to reduce racial disparity in the justice system and free up funds spent on over-incarceration to invest in more effective safety strategies.

There are also a number of bills this year that could increase penalties for certain crimes that are very similar to bills that were unsuccessful last year. A couple of bills could make theft of firearm a felony, and buying or receiving a stolen firearm a more severe crime. These laws are likely redundant because the law already provides numerous codes that allow for felony prosecution of anyone stealing or in possession of a stolen firearm, but they are being proposed again this year.

The other bill to look out for is S.B. 1182, which would create a new felony crime for possession of ketamine, rohypnol, or other substances with the intent to commit sexual assault. Proof of intent would typically involve the

defendant's admission of such intent or prior convictions and arrests for similar conduct. Last year, this same bill language successfully passed out of the legislature and was ultimately vetoed by the Governor. Along with a number of other bills, this bill sought to create new crimes. In his veto message, the Governor indicated that he would prefer a more comprehensive assessment of California sentencing laws rather than a piecemeal approach that increases the complexity of the law without commensurate benefit.

Teji moved, then, to the budget update. The Governor's initial budget, released in January, projected an estimated savings as a result of Proposition 47 of \$29.3 million, which was significantly less than estimate put to the voters in 2014, which had projected savings in the lower hundreds of millions of dollars annually. The Legislative Analyst's Office (LAO) released a report analyzing that proposal, pointing out the calculation was far below what it should have been. The LAO believed the formula to calculate state savings should be different. In particular, the LAO pointed out that any reduction in prison numbers reduces needs for out-of-state prison beds, which are more expensive. Therefore, the savings should be calculated using that higher for an out-of-state bed rather than the lower marginal cost of a California Department of Corrections and Rehabilitation (CDCR) bed. The LAO also found that the initial budget projection greatly exaggerates how much implementing Prop 47 would cost the state court system. Under the LAO analysis, the change in formula would result in \$100 million more in state savings than the Governor had proposed.

That budget item was heard on March 9, 2016 in the Assembly Budget Subcommittee on Public Safety and Corrections. At that hearing, the committee heard from the Department of Finance and the Legislative Analyst's Office, which emphasized the approach they had taken to calculate savings resulting from Prop 47. A panel of witnesses including LA City Council members, the LA Chamber of Commerce, some legal aid and community groups who were invited to speak, all testified in support of the LAO analysis and approach. The Senate Budget Subcommittee will hear the matter next on April 7. Once both chambers have heard the matter and the Governor releases his revised budget in late May, then the legislature will decide whether to allocate additional funding to make other changes to the formula as part of the budget process.

The Board of State and Community Corrections, the body responsible for issuing Proposition 47 grants to support drug and mental health treatment, will tentatively announce appointments to the Executive Steering Committee that will craft the grant guidelines for expending the funds in April. That body will work on program guidelines and Request for Proposal (RFP), which will go out after a final net savings allocation is certified in August by the State Comptroller.

Teji concluded with a few comments on the Public Safety and Rehabilitation Act. It is a proposed ballot measure that, broadly speaking, would do two things. (1) It would authorize parole considerations for people with nonviolent convictions who complete the full sentence of their primary offense. (2) It would require judges, rather than prosecutors, to decide whether a youth should be transferred to adult court. To put the second point in a national and historic context, in the 1980s and 1990s, nearly every state expanded transfer laws allowing prosecutors to make a decision to transfer youth to adult court. As of 2009, the most recent national comparison Teji could find, almost all states had an option for courts to make that determination, which in California is a fitness hearing. 15 states had some sort of prosecutorial transfer law in place. Since 2009, at least one state—Colorado—has repealed its direct file law. Many states use a judicial hearing to determine whether a youth should be transferred to adult court, and some states exclusively use this procedure. As for the first point, the reform has strong support from the California Department of Corrections and Rehabilitation (CDCR), which anticipates that the measure would do something very similar to the youthful offender parole hearings, in that they would be able to maintain a safer prison environment by engaging people in rehabilitation and giving hope to people who are incarcerated. The CDCR also hopes that this ballot measure would create a culture shift in prisons toward rehabilitation among not just people incarcerated, but also the custodial staff. There are an estimated 75,000 people who would be eligible for parole consideration under the measure. Teji noted that this population is most similar to the current "second striker" population, which is being paroled at about 40% of the cases that are being considered. That would equate to about 3,000 people being immediately paroled under the ballot measure.

District Attorney Gascón opened the floor for questions. Seeing none, he invited Erica Webster from the Center on Juvenile and Criminal Justice (CJCJ) to talk about Proposition 47 in greater depth.

Webster explained that CJCJ published a report this month examining Prop 47's effect on crime statewide by reviewing the counties home to the populations released under the Proposition and tracking the change in crime rates in the largest cities within those counties.

CJCJ compared changes in crime rates from the FBI Urban Crime Report between the first half of 2014 and the first half of 2015, the most recent information available. The report examined the idea that Prop 47 is releasing more people into major cities, and therefore crime may go up. What CJCJ would expect to find, if that were the case, is that the more people who were released from prisons and jails into major cities, these cities would experience higher crime rates. However, examining each jurisdiction statewide, CJCJ found no obvious correlation between these factors.

Webster made copies of the CJCJ report available to members of the Sentencing Commission and the general public, and then opened the floor for questions.

Adachi asked what CJCJ used to draw a causal connection between crime rates and release. He referenced a Public Policy Institute of California study, noting that it examined changes in the rearrest and re-incarceration rates among the released population under Prop 47.

Webster responded that the CJCJ report did not investigate rearrest, and noted that they only used available data regarding Prop 47-specific releases from prison. At the county level, CJCJ examined the general population decreases that could be attributed to Prop 47 releases.

Adachi then asked what the best measure of Prop 47 releases' effect on crime rates.

Webster replied that the best measure would be to review the petitions that were made for resentencing under Prop 47 and tracking those individuals for rearrest.

District Attorney Gascón asked if there were any other questions. Seeing none, he requested that Webster share copies of the report before moving on to the next agenda item.

10. Members' Comments, Questions, and Requests for Future Agenda Items

District Attorney Gascón asked if any members would like to add future agenda items. Seeing none, he proceeded to the next agenda item.

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

District Attorney Gascón opened the floor for public comment.

Johanna Lacoë, a researcher from Mathematica Policy Research introduced herself and her colleague Esa Eslami. She indicated that they had attended to learn about the Sentencing Commission and its projects, and introduce themselves. Mathematica is a policy research firm that is national—but has an office in Oakland, with a growing group of researchers who are interested in criminal and juvenile justice. Lacoë wanted to let the Commission know that Mathematica researchers are conducting evaluations of criminal justice systems, including some that involve collaboration with Commission member Steve Raphael. Mathematica has a growing group of people doing this kind of work and has a new data analytics division, which specializes in helping people maximize administrative databases. This new division has been particularly dedicated to addressing large-scale database issues. Lacoë noted that Mathematica is hoping to partner with the Commission in ways that may be helpful to the Commission, or simply to make itself known as a resource.

District Attorney Gascón asked about what current projects Mathematica currently has underway.

Lacoe described a couple projects she is personally working on. One is an evaluation for the Department of Labor of a project called "Linking to Employment Pre-Release." It is placing American job centers, which the Department provides in the community right now as one-stop-shops to provide employment and retraining services for individuals, within jails to serve the sentenced population prior to their release. They then link those same inmates, once they are released into the community, to the community-based services in an attempt to create a cohesive system pre- and post-release to improve employment outcomes.

Lacoe described another evaluation she is working on, a randomized control trial to evaluate the impact of programs that provide employment, training, education, and expungement services to youth with juvenile records in an attempt to improve their outcomes in the above domains. This project is also a national evaluation funded by the Department of Labor.

District Attorney Gascón asked how someone could engage with Mathematica's work.

Lacoe explained that Mathematica typically responds to work by responding to a Request for Proposal (RFP) and writing a proposal. However, they do a lot of work with agencies at the Federal, State, and local levels to develop what those ideas and RFPs might look like at the front-end as well. She noted that she would be happy to talk about that process in greater depth and that she would leave her business cards for whoever would like to take one and reach out.

District Attorney Gascón asked if Mathematica was funded through agencies or foundations, or some other source.

Lacoe explained that Mathematica's projects are funded by both. Sometimes, especially for big Federal projects, there will be a grant program that is required by law to have an evaluation, so there will be funds set aside for it. She described a current project to evaluate a bail program in New York that they are trying to get foundation funding for. She explained that Mathematica does a mixed funding scheme, and noted that she is very interested in coming to the Sentencing Commission meeting because she wishes to take advantage of funding opportunities as they arise to advance great research ideas in partnership with bodies like the Commission.

District Attorney Gascón opened the floor for any further comments or questions from the public. Seeing none, he moved to the next agenda item.

12. Adjournment

Adachi moved to adjourn the meeting at 10:58 am; Hernandez seconded. Meeting adjourned.



PROJECT WHAT!

a program of  communityworks

We are Project WHAT! Youth Advocates. All of us have had a parent incarcerated either currently or in the past. We have a vision for a better San Francisco, one where our cities' youth with incarcerated parents are able to live free of judgment and blame. We have a vision where our city prioritizes supporting vulnerable populations, rather than punishing them. As youth who have the most direct experience of what it's like to grow up with a parent behind bars, we have made it our top priority to make this vision a reality.

We conducted a survey of 100 youth ages 12-25 in San Francisco who have experienced parental incarceration. We then hosted eight focus groups with service providers. Finally we held a hearing sponsored by SF Supervisor Malia Cohen to understand the resources currently available and to identify gaps in services. Here are a few important findings from our youth survey:

43%

witnessed their parent's arrest, and of those, over half witnessed violence or abuse by an officer against their parent

89%

felt that support with re-entry would have improved their relationship with their incarcerated parent

92%

were not informed when their parent was transferred or released from prison

Based on the data we gathered, we identified four primary categories of challenges children with incarcerated parents face:

- maintaining family unity
- access to visitation
- parent's re-entry
- access to support services.

We created the following policy recommendations that we know will improve the lives of San Francisco's children and youth with incarcerated parents.

#WereHereAndTalking @CWProjectWHAT

www.communityworkswest.org

Policy Recommendations

- WIN** All SF Police Department officers should be trained and required to follow protocol on how to reduce trauma to children when arresting a parent.
- WIN** The SF Sheriff's Department should make their "inmate locator" user friendly and accessible online so that children and youth can find out where their parent is located and how to contact them.
 - Phone calls should be free between children and their incarcerated parents at SF County Jail.
- WIN** When youth are 16 years old they should be able to visit their parent by themselves in SF County Jail without another parent or guardian present for their visit (consistent with the U.S. Federal Prison System visiting age).
- WIN** When a parent is transferred from SF county jail to the CA state prison system, children should be offered a private contact visit to say good-bye to their parent.
 - When a parent is transferred from SF County Jail to state prison, the city of SF should provide funding to the family to cover transportation costs for a minimum of six visits per year.
 - Re-entry support services should be offered to all children and their parents who are being released from SF county jail.
 - When a parent has been incarcerated for more than one year, restorative justice services should be offered to all children whose parents are being released from SF County Jail both pre and post release.
 - Teachers and counselors in the San Francisco Unified School District (SFUSD) should all be trained on trauma-informed practices in supporting children and youth with incarcerated parents.
 - Free therapy and/or counseling should be offered to all children and youth with incarcerated parents.

The full research report will be available in August, 2015.



PROJECT WHAT!

A program of Community Works

Project WHAT! Policy Platform June 2015

We are Project WHAT! Youth Advocates. All of us have had a parent incarcerated either currently or in the past. We have a vision for a better San Francisco, one where our cities' youth with incarcerated parents are able to live free of judgment and blame. We have a vision where our city prioritizes supporting vulnerable populations, rather than punishing them. As youth who have the most direct experience of what it's like to grow up with a parent behind bars, we have made it our top priority to make this vision a reality.

We started by reaching out to our communities to find out what challenges families with incarcerated loved ones face. Then we reached out to the direct service providers: teachers, social workers, police officers, guardians, caregivers, and judicial decision makers who are involved in our lives in the absence of our parents. Based on our personal experiences and the data we gathered from our youth-led participatory action research project (including 100 surveys and ten focus groups), we created our policy platform. The following policy recommendations are what we know will improve the lives of San Francisco's children and youth with incarcerated parents.

Policy Recommendations

Challenge 1: Maintaining Family Unity– From the moment a parent is arrested children are traumatized by the separation from their parent. Many children don't know where their incarcerated parent is and it affects their ability to initiate contact with them. Once that bond is broken, children and parents face challenges trying to keep a relationship with each other due to communication barriers in phone calls, letters, and visits.

Our Recommendations:

- a. All SF Police Department officers should be trained and required to follow protocol regarding children of incarcerated parents on how to reduce trauma to children when arresting a parent.
- b. The SF Sheriff's Department should make their "inmate locator" user friendly and accessible online so that children and youth can find out where their parent is located and how to contact them.
- c. Phone calls should be free between incarcerated parents at SF County Jail and their children.



PROJECT WHAT!

A program of Community Works

Challenge 2: Access to Visitation—While visiting is one of the most important ways children have contact with their incarcerated parent, consistent access to visitation is rare.

Our Recommendations:

- a. When youth are 16 years old they should be able to visit their parents by themselves in SF County Jail without another parent or guardian present for their visit (which is consistent with the Federal Prison System's visiting age).
- b. When a parent is transferred from SF county jail to the CA state prison system, children should be offered a private contact visit to say good-bye to their parent.
- c. When a parent is transferred from SF County Jail to state prison, the city of SF should provide funding to the family to cover the child's transportation costs for a minimum of six visits per year.

Challenge 3: Parents Re-Entry – When a parent is released from prison, their transition back home can be tough on their children. Families often encounter emotional, physical and financial challenges as they work to rebuild their lives.

Our Recommendations:

- a. Re-entry support services should be offered to all children and their parents who are being released from SF county jail.
- b. When a parent has been incarcerated for more than one year, restorative justice services should be offered to all children whose parents are being released from SF County Jail both pre and post release.

Challenge 4: Lack of Support Services— Children of incarcerated parents have unmet emotional needs and are socially stigmatized. Current service providers are not adequately trained on the unique set of issues children of incarcerated parents are dealing with.

Our Recommendation:

- a. Teachers and counselors in the San Francisco Unified School District (SFUSD) should all be trained on trauma-informed practices in supporting children and youth with incarcerated parents.
- b. Free therapy and/or counseling should be offered to all children and youth with incarcerated parents.

Children, Parents, and Incarceration

Descriptive Overview of Data from San Francisco Jails

Katie Kramer, MSW/MPH

May 12, 2016



Partners

- San Francisco Children of Incarcerated Parents Partnership (SFCIPP)
- San Francisco Sheriff's Department

San Francisco Children of Incarcerated Parents Partnership (SFCIPP)

- Formed in 2000
- Funded by the Zellerbach Family Foundation
- Responsible for creating the Children of Incarcerated Parents Bill of Rights
- Leading coalition in the County and City of San Francisco that brings together public and private sector organizations to create policies and practices that improve the lives of children with incarcerated parents
- Strong partnership between government agencies and community based organizations

Project Overview

- All adult county jail facilities within Alameda and San Francisco Counties
- October and November 2014
- Eligible to participant:
 - All who were present in housing unit at time of survey distribution
- Ineligible
 - Solitary confinement
 - Disciplinary housing units
 - Individuals with severe mental illness
- Survey in either English or Spanish
- Completed anonymously
- Upon completion
 - Small snack
 - Resource list
 - "Tips for incarcerated parents" information sheet



"She may be too young to understand or know what jail is, but she understands daddy is not there!"

Survey Outcomes

- ▶ Identify who within the Alameda and San Francisco County Jail Systems is a parent of children 25 years old or younger;
- ▶ Gather basic information about locally incarcerated parents and their child(ren);
- ▶ Better understand how children are affected by their parents' incarceration;
- ▶ Identify what types of resources children might need to maintain contact and/or relationships with their parents during their parents' incarceration and after release.

Survey Collection Summary

Summary of Survey Collection		
	San Francisco	
Total Number of People Offered Survey*	991	
Total Number of People Completed Survey	907	
Survey Completion Rate**	91%	
Distribution of Surveys Per Jail	CJ2	18%
	CJ4	32%
	CJ5	50%
Total Number of Parents/Primary Caregivers for Children ≤ 25 years	536	
Percent (%) of Individuals Surveyed Who are Parents for Children ≤ 25 Years	59%	
Total Number of Children Identified Age ≤ 25 Years	1,110	

*Total number of people in housing units on day and time of survey distribution.
 **In San Francisco, survey participation was 'opt-out' where individuals had to actively choose not to take the survey.

Parent Demographics

San Francisco
(N=536)

Median age of parents and caregivers			34 years
Age range at first incarceration			8-63 years
Gender	%	Languages Spoken	%
Male	87%	English	94%
Female	13%	Spanish	14%
Transgender	1%	Mandarin/Cantonese	2%
		Other	5%
Ethnicity	%	Education Level	%
African American	50%	Some high school or less	29%
Latino	14%	High school graduate/GED	47%
Caucasian	13%	Some college or more	25%
Asian or Pacific Islander	9%		
American Indian/Alaska Native	1%		
Multi-racial/Other	13%		

*percentages may not add to 100% due to rounding

Child Demographics

	San Francisco (N=1,110)
Average age of children (range)	9 yrs (0-25 yrs)
0-5 years old	32%
6-10 years old	24%
11-18 years old	28%
19-25 years old	15%
Gender	
Male	52%
Female	48%
Transgender	0%
Ethnicity	
African American	47%
Latino	12%
Caucasian	10%
Asian or Pacific Islander	8%
American Indian/Alaska Native	0.2%
Multi-racial/Other	22%
Primary Language**	
English	94%
Spanish	5%
Other	1%

*percentages may not add to 100% due to rounding
**children 2 years or older



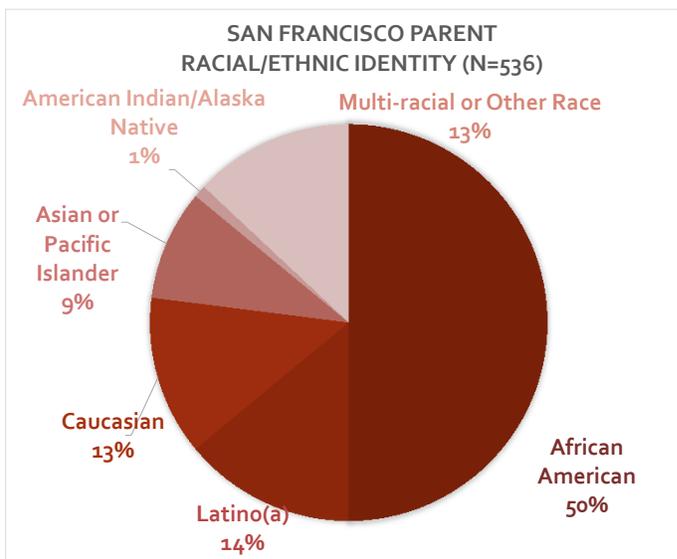
Key Findings

The majority of incarcerated individuals in San Francisco jails are parents or primary caregivers.

59% of participants reported being a **parent or primary caregiver** for at least one child 25 years old or younger



Incarcerated parents and caregivers are disproportionately people of color.



There are thousands of Bay Area children on any given day who have a parent incarcerated in a San Francisco jail.

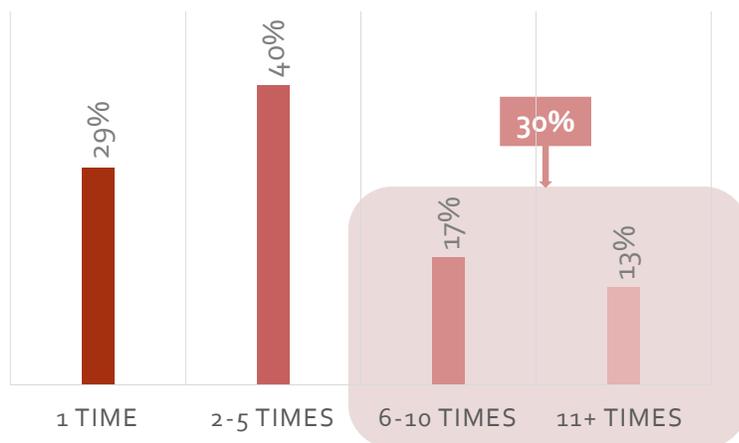
- **San Francisco** parents indicated they had 1,110 children aged 25 years or younger.
- **Plus** individuals not surveyed including:
 - Not in the housing unit during survey due to court appearance, medical appointment, lawyer visit, family visit, etc.
 - In units not offered the survey



Over 1,200 children under the age of 25 have a parent in San Francisco Jails **ON any given day**

Children experience multiple cycles of parental incarceration that may exacerbate the isolation, stigma and disruptions that occur in their lives.

Total Times Incarcerated Since Becoming a Parent

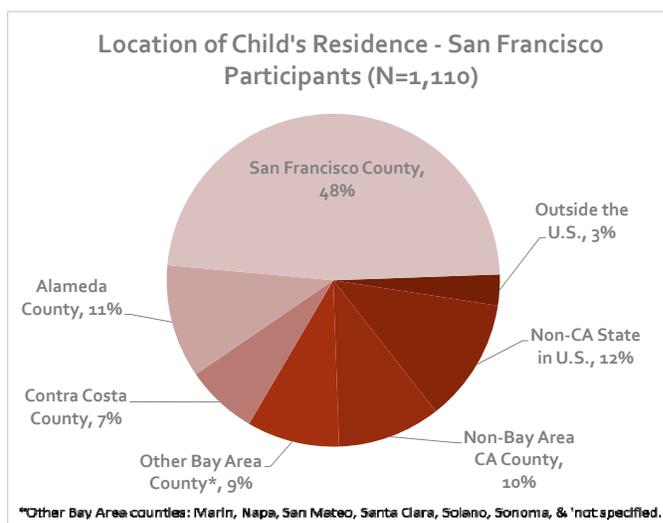


44% of SF participants reported their own parents have been incarcerated

Children live in the counties where their parents are in jail providing important opportunities to preserve family relationships....



75% of children live in San Francisco or close neighboring Bay Area County



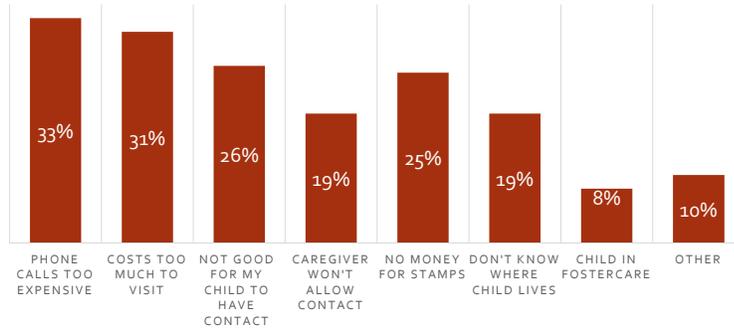
.... yet there are barriers to maintaining contact.



31% of young children (0-5 years old) had parents report that it was not good for their children to have contact with them in jail

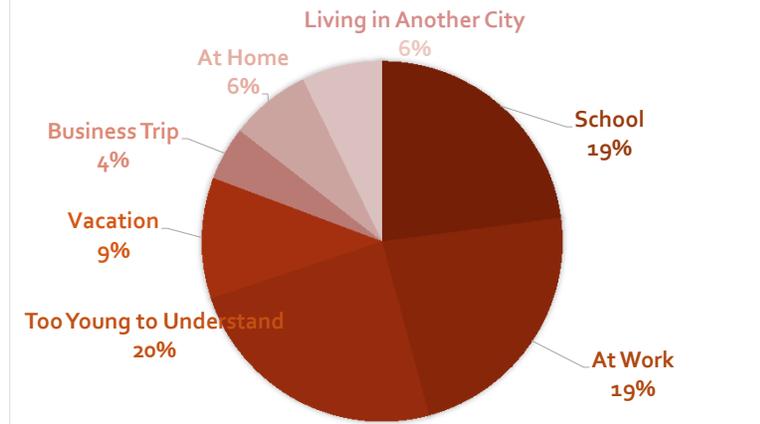
Barriers To Contact By County

■ San Francisco (N=536)



Children's Understanding of Parent's Location

Location of Parent - San Francisco Jail (N=536)



Jail Visits

"Contact visits are so important. A hug means the world, especially when you don't know what is going to happen [during court or in sentencing]"

- Incarcerated Father

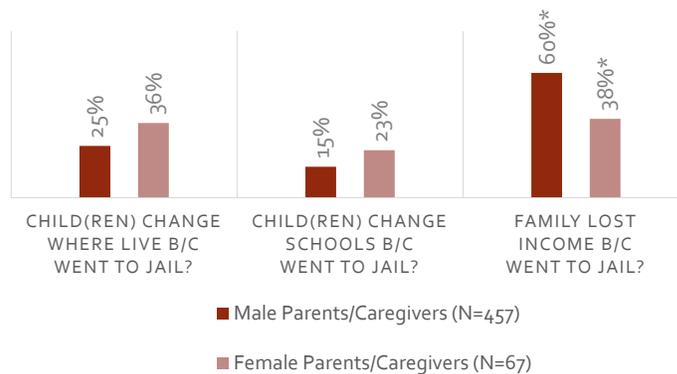
34% of participants reported having jail visits with at least one children



56% of visits were contact visits where children had the opportunity to touch and hug their parents

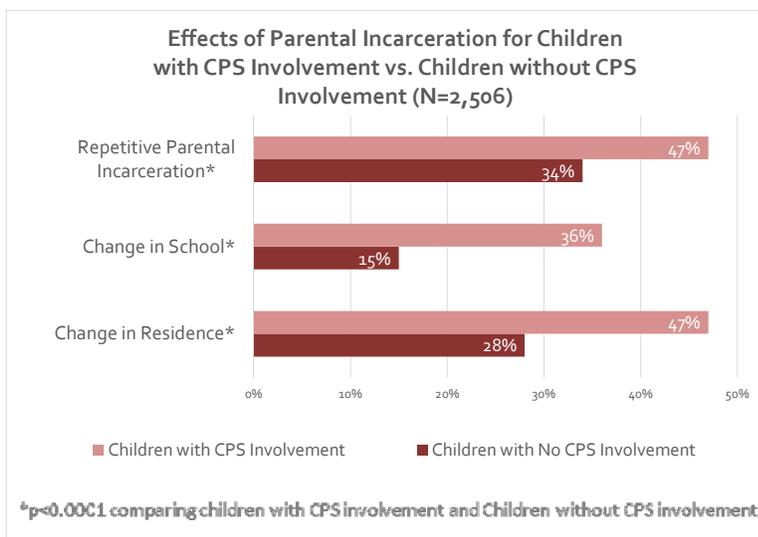
Children feel the burden of significant disruptions when their parents become incarcerated.

Changes In Residence, School & Income San Francisco



* p=0.004 comparing male and female parents/caregivers

For children involved in both child welfare system and have incarcerated parent, disruptions can be more complicated.



Parents intend to be a part of their children's lives after incarceration...

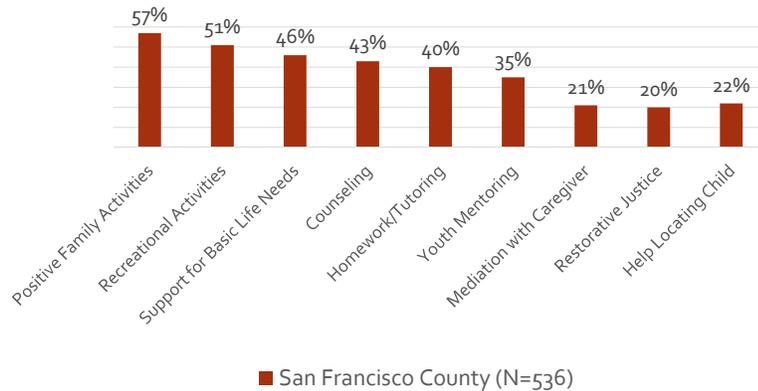


94% of parents plan to reconnect with at least one child after their release from jail

...thus it is important to support children, their parents, and their caregivers to help ensure a healthy reconnection.



Support Services For Children By County



Intersect
Between
Children and
the Sentencing
Commission

2. **Invest in the improvements of criminal justice data collection, data sharing, and data analysis**
 - **Request:** Consider adding data points related to parental status and the affects of CJ decision making on children (such as pretrial detention). Ensure that any process to add data points is informed by incarcerated parents and their children.
3. **Expand the Sentencing Commission membership**
 - **Request:** In the re-authorization of the Sentencing Commission, consider adding a seat for a youth or adult with an incarcerated parent.

Children and
Sentencing
Commission
Intersect , *cont.*

4. Incorporate trauma informed approaches

A) Sheriff Department Good-bye Visits (help support families during transition from jail to prison)

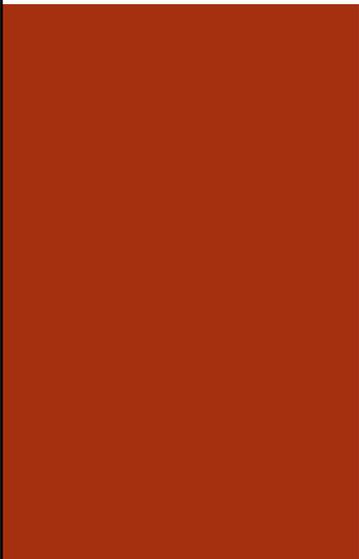
Request: Ensure continued department support and identify funding/resources to formalize this support.

B) Police Department and DA Time of Arrest Protocols

Request: Ensure in that ongoing training and QA data collection continues throughout implementation.



*“At the end of the day,
we all want to do better
for our kids...even us
dads in jail.”*



Katie Kramer, MSW/MPH

katie@thebridginggroup.com



THE BRIDGING GROUP



CHILDREN, PARENTS, AND INCARCERATION

*Descriptive Overview of Data from
Alameda and San Francisco County Jails*

EXECUTIVE SUMMARY

March 2016

Official Citation *(for publication or distribution of any or all data contained in this summary)*

Kramer, K. and the Children of Incarcerated Parents Jail Survey Teams. *Descriptive Overview of Parents, Children and Incarceration in Alameda and San Francisco County Jails*. Alameda County Children of Incarcerated Parents Partnership & San Francisco Children of Incarcerated Parents Partnership. Zellerbach Family Foundation, (March 2016).

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Acknowledgements

This study was made possible through the generous support of the Zellerbach Family Foundation. Katie Kramer, CEO and Principal Consultant for The Bridging Group served as the Principal Investigator/Project Director and worked closely with an extensive team of staff and volunteers to complete this project including Carol F. Burton, Jeweld Legacy Group CEO, who served as Senior Consultant.

Community Works served as the lead agency lending numerous staff and volunteers to support this project including Ruth Morgan, Mailee Wang (currently at the City of Oakland), Zoe Willmott, Jamie Gerber, Sarah Carson, Reginald Daniels, Nadiyah Shereff, Erica Rice, Rachelle Aiello, Arielle Reisman, Rahkii Hollman, Sandra K. Machado, Richard Martin, Will Roy, Amanda Sadler and Sam Maull. Centerforce and UCSF Benioff Children's Hospital, Oakland lent many staff hours to survey collection including Dolores Lyles, Daniel Perez, Mady Willie, Ashley Malone, Alicia Cardona, Barbara Ivins, Ayannakai Nalo, Jackie Schalit, Carlos Guerrero, and Marie Chavez. Acknowledgements also to the staff of the Center for Juvenile and Criminal Justice-- Dinky Enty, Delmin Vargas, and Maire Larkin-- for their support of survey collection, and to key advisors from ACCIPP including Alicia Canal and Michael Shaw. Thank you as well to Jessica Flintoft, Criminal Justice Reform Consultant, Amy Price from Zellerbach Family Foundation, and Barry Zack from The Bridging Group.

A special thank you to Alameda County Assistant Sheriff Brett Keteles and San Francisco Sheriff Ross Mirkarimi who made this project possible. Additional key staff from the Alameda County Sheriff's Office (ACSO) include Commander Carla Kennedy, Captain Melanie Ditzenberger, Captain Dave Brady, Sergeant Daniel Dixon, Deputy Roberto Martinez and Deputy Olga Lacey. Additional key staff from the San Francisco Sheriff's Department (SFSD) include, Captain Michelle Fisher, Captain Marty Ideta, Captain Lizette Adams, Alissa Riker, Lieutenant John Ramirez, Marcella Espino and Sergeant Raymond Winters.

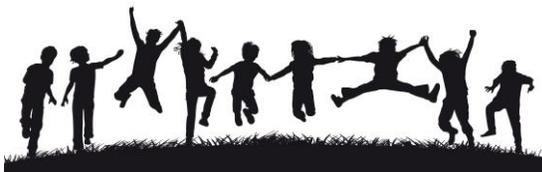
Finally, we give deep appreciation to the many incarcerated mothers and fathers within the Alameda and San Francisco County Jails who participated in this survey in hopes of improving policies and programs to better support children during their parents' involvement in the criminal justice system.

Cover Photo

From Sense and Sensibility Blog: *"Collateral Damage: Children and Prison Reform in California,"* written by Karin Drucker, January 20, 2012.

Overview of Issues, Needs and Assets

There are more than 2.7 million children in the United States who have an incarcerated parent and approximately 10 million children who have experienced parental incarceration at some point in their lives.¹ Nearly half of all U.S. children have a parent with a criminal record.² The story for each child affected by his/her parent’s incarceration can vary greatly and depend on diverse factors, including the quality of the parent-child relationship prior to incarceration, the degree of household stability both before and following incarceration, and the child’s age, developmental level, and individual personality.³



Nearly $\frac{1}{2}$ of all U.S. children have a parent with a criminal record.

children of incarcerated parents experience may be related to parental substance use, mental health, inadequate education, or other challenges associated with incarceration, having an incarcerated parent increases the risk of children living in poverty or experiencing household instability independent of these other challenges.⁴ Furthermore, while separation due to a parent’s incarceration can be as painful as other forms of parental loss (such as death or divorce), it can be even more complicated because of the stigma, ambiguity, and lack of social support and compassion that accompanies it.^{5,6}

There is also a misperception that children of incarcerated parents are six times more likely to be incarcerated than their peers, and are predisposed to criminal activity; yet there is little basis for this conclusion in existing research.^{7,8} In fact the data that have been cited to support this misconception are based on two small studies, one with a sample size of 20 participants and the other examining a subset of children involved in the juvenile justice system.⁹

There has been a significant increased interest in the issues, needs and assets of children of incarcerated parents throughout the county. While the increase in interest is encouraging and brings much needed attention to this issue, there is still a void in reliable local data on how many children are impacted by incarceration and what unique needs, assets and challenges they might have that may vary among communities, especially those communities more disproportionately impacted by high rates of incarceration. ***This vital information can help to promote data driven culture change and justify the need for increased resources within local government services systems.***

Project Overview

In Fall 2014, The Alameda County Children of Incarcerated Parents Partnership (ACCIPP) partnered with the Alameda County Sheriff's Office (ACSO) to develop, distribute, collect and analyze a brief survey about issues related to children of incarcerated parents to all individuals incarcerated within the adult county jail system. Based on the successful efforts of ACCIPP to gain approval for this ground breaking data collection, the San Francisco Children of Incarcerated Parents Partnership (SFCIPP) approached the San Francisco Sheriff's Department (SFSD) and successfully gained approval to conduct the survey throughout this neighboring adult jail system as well. ***This extensive data collection effort gathered some of the most comprehensive local level information about children of incarcerated parents ever collected in the United States.***

The survey was structured to gather information to inform program and policy decisions in consideration of the children's well-being when their parents become incarcerated in local jails. The following are the main outcomes of the survey.

Survey Outcomes

- ▶ Identify who within the Alameda and San Francisco County Jail Systems is a parent of children 25 years old or younger;
- ▶ Gather basic information about locally incarcerated parents and their child(ren);
- ▶ Better understand how children are affected by their parents' incarceration;
- ▶ Identify what types of resources families might need for parents and children to maintain contact and/or relationships with their parents during their parents' incarceration and after release.

The survey was administered at all adult county run jail facilities within Alameda and San Francisco Counties. This included jail facilities housing adult male, female and transgender individuals and at all security levels. Surveys were administered over a series of multiple days in October and November 2014. Times for survey distribution were selected based on when the majority of incarcerated individuals would be in their housing units. Individuals housed in solitary confinement, disciplinary housing units and/or housing units for individuals with severe mental illness were not eligible to participate. All individuals who were present in the approved housing units on the day and time of the survey distribution were eligible to participate. Individuals that indicated they wanted to participate in the survey were given a consent information sheet with a survey in either English or Spanish, depending on their preference. The survey was completed anonymously with no identifying information collected from individual participants. Any individual who completed and returned a survey received a small

snack, a resource list of in-jail and community services, and a “tips for incarcerated parents” information sheet. The following is a summary of survey collection efforts.

Summary of Survey Collection by County				
	Alameda County		San Francisco	
Total Number of People Offered Survey*	2,007		991	
Total Number of People Completed Survey	1,134		907	
Survey Completion Rate**	57%		91%	
Distribution of Surveys Per Jail	Santa Rita Jail	88%	County Jail #2	18%
	Glen Dyer Jail	12%	County Jail #4	32%
			County Jail #5	50%
Total Number of Parents/Primary Caregivers for Children ≤ 25 years	878		536	
Percent (%) of Individuals Surveyed Who are Parents for Children ≤ 25 Years	77%		59%	
Total Number of Children Identified Age ≤ 25 Years	1,781		1,110	
TOTAL NUMBER OF CHILDREN AGE ≤ 25 YEARS	2,891			

*Total number of people in housing units on day and time of survey distribution.

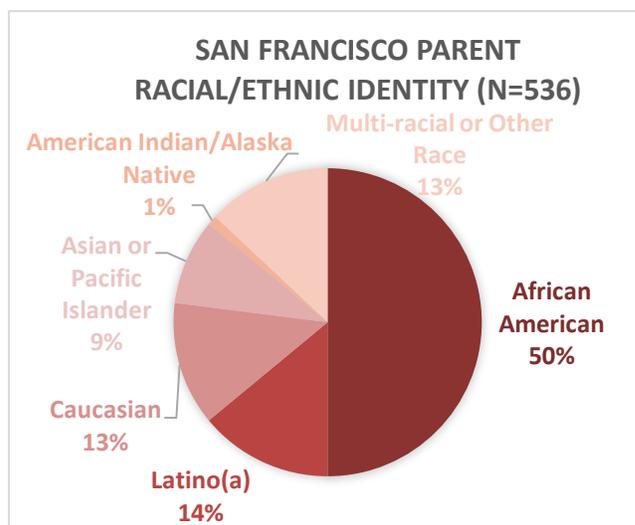
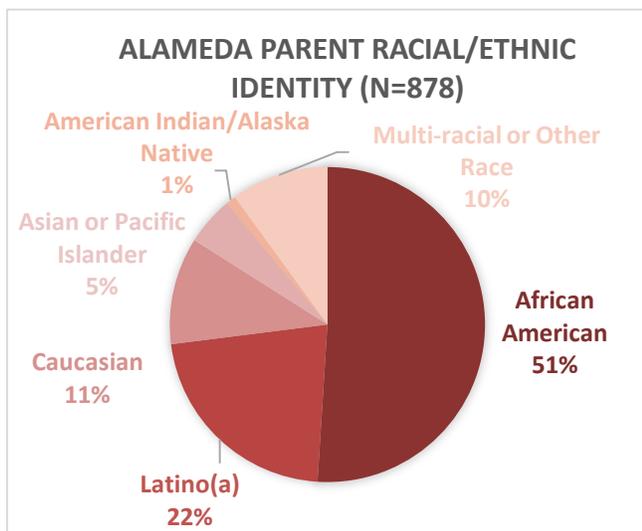
**In Alameda County, survey participation was ‘opt-in’ where individuals had to actively choose to take the survey. In San Francisco, survey participation was ‘opt-out’ where individuals had to actively choose to not take survey.

Data Analysis

Participant demographic characteristics and survey responses were summarized with frequencies and averages for the two counties combined and for each county separately. All data points were assessed for male and female participants combined and separately to assess differences by participant gender. A special note on gender; participants were asked to self-identify their gender as female, male, trans-male or trans-female. The number of individuals who self-identified as trans-male (N=6) or trans-female (N=7) were too low to be representative or have significance and thus were excluded from gender difference analysis but were included in all other analyses. Specific data points were also assessed both for child age groups combined and separately to assess differences by age. Finally, specific data points were assessed combined and separately for racial ethnic groups to assess differences by racial/ethnic group. Summaries of all data collected in each county can be found in Appendix 1 (Alameda County) and Appendix 2 (San Francisco).

Key Findings

The majority of incarcerated individuals in San Francisco and Alameda County jails are parents or caregivers and are disproportionately people of color. Overall, 69% of survey participants reported that they were a parent or primary caregiver for at least one child 25 years old or younger. The following is a comparison of racial/ethnic identity as reported by parents/caregivers in Alameda and San Francisco County jails.



There are thousands of Bay Area children on any given day who have a parent incarcerated in an Alameda County or San Francisco County jail.

Alameda County participants reported being a parent or primary caregiver for a total of 1,781 children aged 25 years or younger. **San Francisco** participants reported being a parent or primary caregiver to a total of 1,110 children aged 25 years or younger. Considering the individuals who were not surveyed in these jails for various reasons (not present in the housing unit during survey due to court appearance, medical appointment, lawyer visit, family visit or in units not offered the survey), it can be conservatively estimated that, **on any given day, there are more than 3,000 children aged 25 years or younger with parents in Alameda or San Francisco County Jails.** It is important to note, that this number does not include children of young parents incarcerated in local juvenile detention facilities.

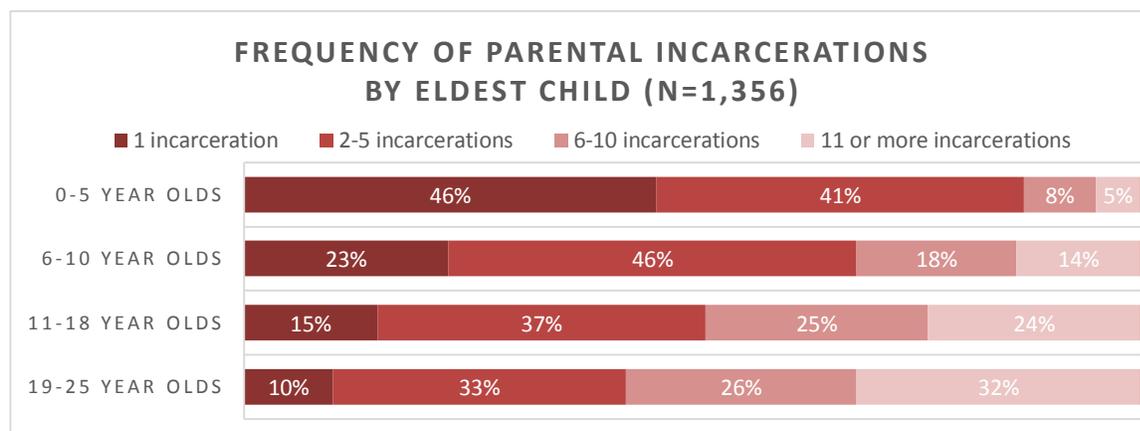
Over 3,000



children

under the age of 25 have parents in Alameda and San Francisco County Jails ON any given day.

Children experience multiple cycles of parental incarceration that may exacerbate the isolation, stigma and disruptions that occur in their lives. 36% of parents or caregivers reporting being incarcerated 6 or more times since becoming a parent. Older children were more heavily affected by multiple parental incarcerations. 49% of parents with first or eldest children who were 11-18 years old and 58% of parents with first or eldest children 19-25 years old reported being incarcerated 6 or more times. Yet younger children with parents in jail also experienced multiple parental incarcerations; **32% of parents with first or eldest child who were 6-10 years old, and 13% of parents with first or eldest child who were 0-5 years old reported being incarcerated 6 or more times since becoming a parent.** The following is a summary of frequency of incarcerations by eldest children.



Children live in the counties where their parents are incarcerated providing important opportunities to preserve family relationships – yet there are barriers to maintaining contact.

The vast majority (74%) of children live in either the same county where their parents are in jail or in a close neighboring county and nearly three quarters (73%) of parents reported having some type of current contact with their children.

Yet many parents reported barriers to contact including the high cost of phone calls (43%) and the high costs of visiting (35%).

Only 35% of incarcerated parents or caregivers reported having jail visits with at least one of their children, and **81% of these visits were “non-contact” meaning they were held behind glass windows where the parents and children had no physical contact with each other.**

“Contact visits are so important. A hug means the world, especially when you don’t know what is going to happen [during court or in sentencing]”

- Incarcerated Father

Furthermore, while many believe it is better for children to know the truth about their parent’s incarceration status, incarcerated parents and/or “outside” community caregivers may decide not to tell children about their parent’s current incarceration in an effort to protect the children from the truth. Most parents in the jail survey reported that their children knew they were incarcerated, yet **30% of parents reported that their children did not know they were in jail right now and another 11% of parents stated they did not know if their children knew they were in jail.**

26% of young children (0-5 years old) had parents reported that it was not good for their children to have contact with them in jail.



Children feel the burden of significant disruptions when their parents become incarcerated including changes in residences, schools and family income. 27% of parents reported that their children had to change their residence because of their parent’s incarceration. 17% of

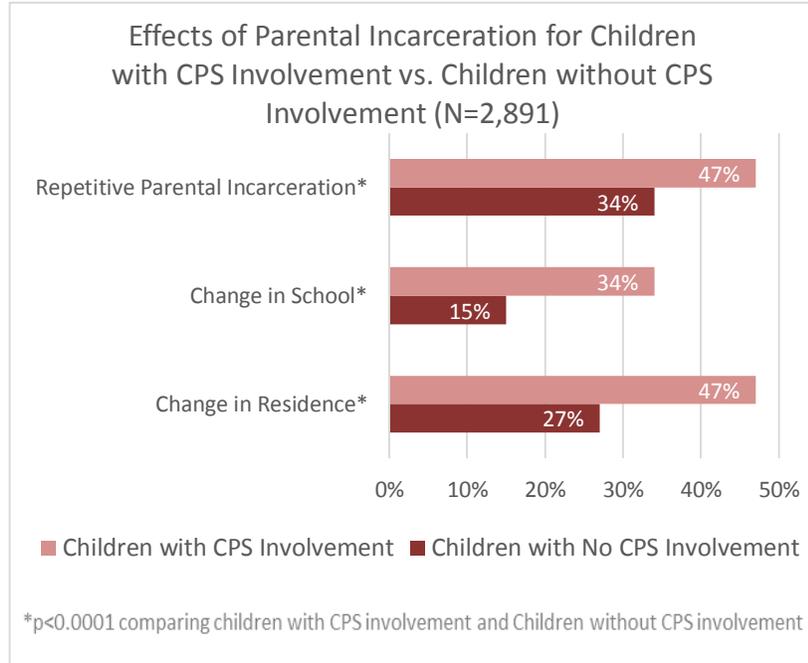
27% parents reported



that their children had to change homes because their parents went to jail.

parents reported that their children had to change schools because of their parent’s incarceration. And, 63% of parents reported that their family had lost income because of their incarceration.

For children who are involved in both the child welfare system and have an incarcerated parent, the disruptions in their lives can be more complicated. Children with CPS involvement were significantly more likely to have a change in their living arrangement (47% vs. 27%, $p < 0.0001$) and to have a change in their school placement (34% vs. 15%, $p < 0.0001$). Children with CPS involvement also experienced significantly higher rates of repetitive parental incarceration, i.e., a parent who had been incarcerated 11+ times (47% vs. 34%, $p < 0.0001$). Furthermore, children of parents or caregivers whose other parent was (also) currently incarcerated were three times more likely to be involved with Child Welfare or CPS compared to those whose other parent was not incarcerated (23% vs. 8%, $p < 0.0001$).



Parents intend to be a part of their children’s lives after incarceration – thus it is important to support children, their parents, and their caregivers to help ensure a healthy reconnection.

The vast majority (95%) of incarcerated parents and caregivers reported that they plan to



95% of parents

plan to reconnect with at least one child after their release from jail.



reconnect with at least one child after their release from jail. When asked what additional supports incarcerated parents and caregivers thought their children would benefit from both while they were incarcerated and after they were released, the most common answers were **positive family activities (56%), recreational activities (49%), support for basic life needs (43%), counseling/ therapy (38%), and homework/tutoring (37%).**

Conclusion and Recommendations

This survey project was a major step in gathering local system-wide information about the number and nature of children with locally incarcerated parents, and the effects of parental incarceration on them. Yet without action, gathering information does nothing to improve the lives of children when their parents go to jail. The following are data driven recommendations of changes in policies and practices to strengthen the level of support and connectivity for children of incarcerated parents that help to ensure healthy family systems after release.

Policy Recommendations

1. ***Include the voice of children and youth of all ages, including youth involved in the criminal justice system, when gathering information and making policy and programmatic decisions related to the effects of parental involvement in the criminal justice system;***
2. ***Include the voice of caregivers, as well as incarcerated and formerly incarcerated parents, when gathering information and making policy and programmatic decisions related to the effects of parental involvement in the criminal justice system;***
3. ***Examine strategies and opportunities to increase contact visiting between children and their parents at local jails that give children the opportunity to touch and hug their parents;***
4. ***Decrease the cost of phone calls between incarcerated parents and their children;***
5. ***Provide transportation support or public transportation vouchers (if applicable) for children and “outside” community caregivers to decrease the financial burden on the families associated with jail visits;***
6. ***Work with local police districts and other arresting agencies to develop and implement time of arrest protocols that, whenever possible, decreases the level of trauma for children who may be present during their parent’s arrest;***
7. ***Create funding streams to support preventive and treatment services for those children most impacted by incarceration;***
8. ***Ensure that family issues are assessed and addressed during jail or prison intake and during reentry planning processes throughout a parent’s involvement in the criminal justice system;***
9. ***Ensure that data points related to parental incarceration are added to intake and service planning assessments for all child and youth-based service delivery systems;***

Program Recommendations

1. *Develop more reentry programs and/or integrate strategies into existing reentry programs that specifically address healthy reconnection strategies for both parents and their children as parents return to the community and into the lives of their children after incarceration;*
2. *Provide more support for “outside” community caregivers within the children’s homes so they can better support their children;*
3. *Recognize the differential effects of incarceration for children with incarcerated mothers vs. incarcerated fathers and develop differing policies and practices that address their unique needs;*
4. *Develop age appropriate programs to provide psycho-social support for children at different development ages while parents are involved in the criminal justice system;*
5. *Provide support and education for incarcerated parents to help them parent their children while incarcerated and prepare for reunification after their release including the distribution of family-focused community resources.*

Training Recommendations

1. *Provide training for local service providers on trauma and stigma as they relate specifically to children with criminal justice involved parents.*
2. *Work with local child welfare departments to improve their understanding of the compounding effects of both parental incarceration and child welfare involvement;*
3. *Work with local service and law enforcement systems to improve their understanding of the unique needs, challenges and assets of children of incarcerated parents and encourage them to assess existing policies and practices to better support children throughout their parents’ involvement in the criminal justice system including:*
 - *Schools districts*
 - *Reentry service agencies*
 - *Government social service departments*
 - *Health departments*
 - *Park and recreation departments*
 - *Probation departments*
 - *Sheriff departments*
 - *Police departments*



“At the end of the day, we all want to do better for our kids...even us dads in jail.”

- Incarcerated Father

Appendix 2: Data Summary – San Francisco

Table 1: Parent Participant Demographics – San Francisco (N=536)			
Total number of people who completed the survey		907	
Total number of parents or primary caregivers for children ≤ 25 years of those who completed survey		536	59%
Total number of children age ≤ 25 years		1,110	Avg = 2
Median age of parents		34 years	
Gender	%	Languages Spoken	%
Male	87%	English	94%
Female	13%	Spanish	14%
Transgender	1%	Mandarin/Cantonese	2%
		Other	5%
Ethnicity	%		
African American	50%	Education Level	%
Latino	14%	Some high school or less	29%
Caucasian	13%	High school graduate/GED	47%
Asian or Pacific Islander	9%	Some college or more	25%
American Indian/Alaska Native	1%		
Multi-racial/Other	13%		
Total # of Incarcerations	%	Total # of Incarcerations as Parent	
1 time	11%	1 time	19%
2-5 times	28%	2-5 times	37%
6-10 times	21%	6-10 times	19%
11 times or more	40%	11 times or more	24%
Average Age at 1st Incarceration	18yrs	Had Parent Incarcerated	46%
Range of age at 1 st incarceration	8-63yrs		

Table 2: Child Demographics – San Francisco (N=1,110)			
Average age of children			9 yrs
Age range of children			0-25 yrs
Gender	%	Primary Language	%
Male	52%	English	94%
Female	48%	Spanish	5%
Transgender	0%	Multi-lingual/Other	1%
Ethnicity	%	Currently Living With	%
African American	47%	Other parent	68%
Latino	12%	Grandparent	10%
Caucasian	10%	Other relative	11%
Asian or Pacific Islander	8%	Self (independent)	5%
American Indian/Alaska Native	0.2%	Other	5%
Multi-racial/Other	22%		
County of Residence	%	Other Important Parent/Child Demographics (N=536)	%
San Francisco	48%	At least 1 child living with parent before incarceration	54%
Alameda	11%	At least 1 child involved in CPS	14%
Contra Costa	7%	At least 1 child involved in justice system	4%
Other Bay Area County	9%	At least 1 child has other parent currently in custody (jail/prison)	10%
Non Bay Area CA County	10%	Incarcerated parent has custody of at least 1 child	49%
Outside CA in US	12%		
Outside US	3%		
Child lives in same county as parent's jail location	48%		

Table 3: Child’s Experience with Parental Incarceration – San Francisco (N=536)			
Child(ren) present at time of arrest			16%
Child(ren) don’t know their parent is currently in jail (<i>school, work, or “too young to understand” are most common places children think parents are</i>)			26%
Child(ren) have had to <u>change where they live</u> at least once because of parent’s incarceration			26%
Child(ren) have had to <u>change schools</u> at least once because of parent’s incarceration			16%
Family household has lost income because of parent’s incarceration			57%
Currently have any contact with children	74%	Barriers to Contact	%
Through phone calls	82%	Phones calls too expensive	33%
Through letters	55%	Cost too much to visit	31%
Through jail visits	44%	Not good for child to have contact	26%
		No money for stamps	25%
Currently have jail visits with child(ren)	34%	Conflict with caregiver	19%
Noncontact visits	59%	Don’t know where child(ren) lives	19%
Contact visits	56%	Child(ren) in foster care	8%
Video visits	0.7%		
Frequency of jail visits	%	Who brings child(ren) for visits	%
At least weekly	57%	Other parent	63%
Monthly	19%	Grandparent	23%
Several times a year or rarely	25%	Other relative	21%
		Self (independent)	7%
		Non-relative	7%
How to better support visits	%		
Extend visiting hours and/or add more days	33%		
Allow more contact visits	28%		
Help with navigating visiting system/policies	10%		
Transportation support	9%		
Improve visiting environment	5%		
Barriers/Concerns about reconnecting with children after release	%	Resources/additional support to help reconnect	%
Not enough resources to reconnect	30%	Positive family activities	57%
Geographic limitations	12%	Recreational activities	51%
Don’t know where child lives	10%	Support for basic life needs	46%
Parole/probation conditions that prevent contact with child	8%	Counseling/therapy	43%
CPS involvement that doesn’t allow contact with child	4%	Homework/tutoring support	40%
		Youth mentoring	35%
		Help locating child(ren)	22%
		Mediation with child’s caregiver	21%
		Restorative justice work	20%



**ENGAGING
COMMUNITIES**
**EMPOWERING
VICTIMS**

Victim Services Division
Office of District Attorney George Gascón
San Francisco, California



PARALLEL  JUSTICE
 JUSTICE
for victims of crime

Parallel Justice

‣ Underscores need for two separate paths to justice

‣ Goes beyond responding to the crime and court process

Parallel Justice

‣ Response to incident

‣ Apprehension

‣ Prosecution

‣ Incarceration

‣ Reentry

Current Justice System

A graphic with a dark blue background and a teal top section. It features two overlapping light blue circles. The text is centered within the circles.

& Ensure Safety
& Recovery
& Resources
& Future

Victim Justice System

A graphic with a dark blue background and a teal top section. It features two overlapping light blue circles. The text is centered within the circles.

& Lean In- defend, comfort, protect
& Responsive Systems- informed,
prepared and effective
& Go beyond Restorative Justice
& Prevent future victimization
& Involve community and society

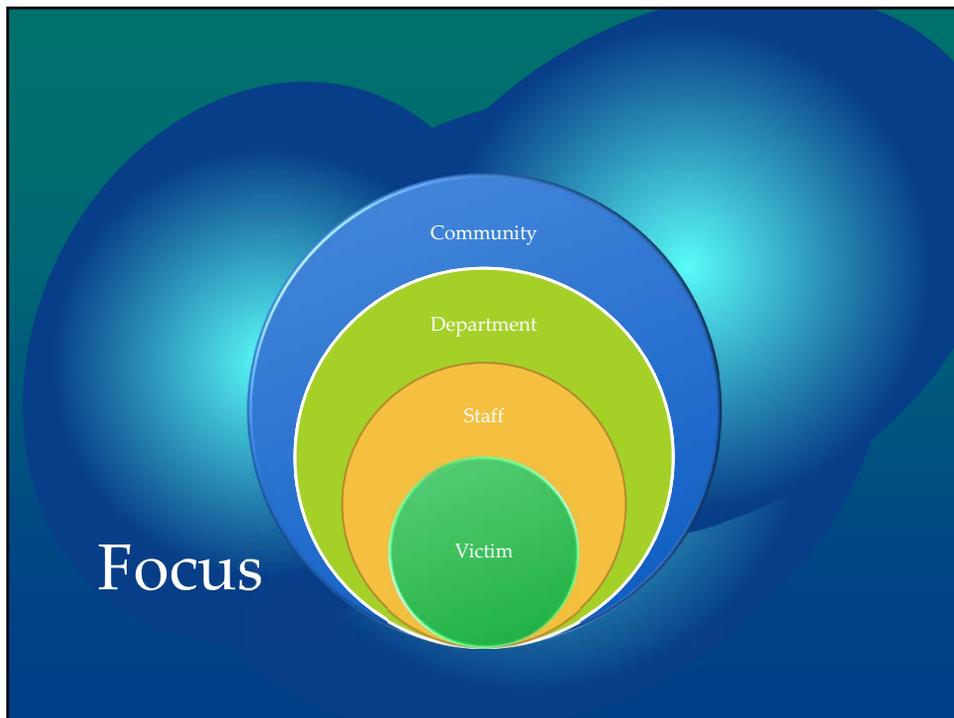
Key Factor in
Implementation

& SFDA Victim Services Division

- ∅ Focus
- ∅ Priorities
- ∅ Data



Providing support, restoring lives, and rebuilding futures





Who Victims Are

- ⌘ In 2014
 - ⌀ 61% of our victims were between the ages of 25-55
 - ⌀ 31% Caucasian, 27% Latino, 20% African American, 15% Asian and 7% unknown or other
 - ⌀ 54% female, 46% male
 - ⌀ 81% of all cases were either Assaults, Robberies or Domestic Violence related

What We Do

- ⌘ In 2014, VSU served 6,300 clients
- ⌘ We have an active case load of approximately 1350 cases (new and ongoing) each month
- ⌘ About 50% of cases are charged & 50% uncharged
- ⌘ Each Advocate manages between 600-700 cases per year with an average case load of 65

⌘ Ten zip codes account for 61% of the cases

- ⌘ 94124: Bayview
- ⌘ 94112: Ingleside
- ⌘ 94110: Mission, Ingleside
- ⌘ 94102: Ingleside
- ⌘ 94109: Northern, Central
- ⌘ 94103: Southern, Mission, Bayview
- ⌘ 94134: Ingleside, Bayview
- ⌘ 94115: Park
- ⌘ 94114: Park, Mission
- ⌘ 94116: Taraval

Where Victims Live

- ⌘ Overview of Services
- ⌘ What is an Advocate?
- ⌘ What is a Claims Specialist?
- ⌘ Marsy's Law
- ⌘ Brady Ruling
- ⌘ Victim Impact Statements

Overview

Our goal is to help victims of crime mitigate the trauma, navigate the criminal justice system and rebuild their lives.

- ⌘ Crisis support services and counseling
- ⌘ Information on rights as a crime victim
- ⌘ Guidance in navigating the criminal justice system
- ⌘ Emergency assistance: relocation, transportation, safety planning
- ⌘ Referral to local resources and services- employment, housing, medical/dental, mental health, education, childcare
- ⌘ Crime prevention information
- ⌘ Assistance in filling out/submitting/processing applications for the California Victim Compensation Program (CalVCP)
- ⌘ Restitution
- ⌘ Funeral Arrangement
- ⌘ Witness Protection

Overview of Services





Intake



General Litigation



Special Victims

ELDER ABUSE
→ Hiding in Plain Sight

Elderly



Juvenile



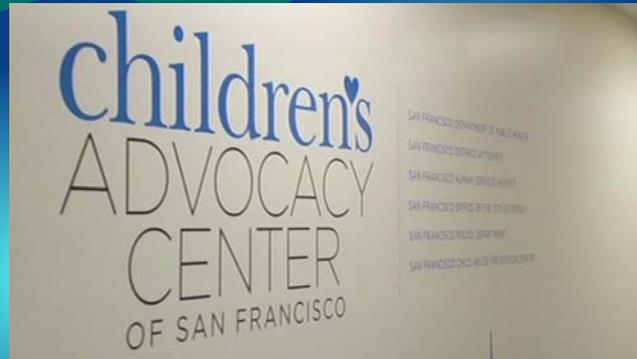
Restitution



Cal VCP/Claims



Cal Wrap



Child Advocacy Center



Internships

San Francisco District Attorney's Office
Victim Services Division
850 Bryant Street, Room 320
San Francisco, CA 94103
Tel: 415-553-9044 Fax: 415-553-1034
Email: victimservices@sfgov.org
Website: <http://www.sfdistrictattorney.org/>

Contact Information



2015 ANNUAL REPORT

City and County of San Francisco Sentencing Commission
Juvenile Probation Department
Allen A. Nance, Chief Probation Officer
June 15, 2016

Discussion Points



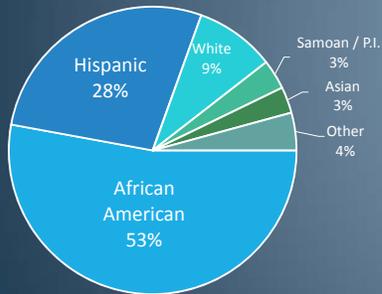
- Demographics of those referred to the Juvenile Justice System
- Petitions Filed and Sustained
- Average Daily Population
- Disposition of Youth in the Juvenile Justice System
- Priorities for 2016 and Beyond

Demographics of Justice Involved Youth

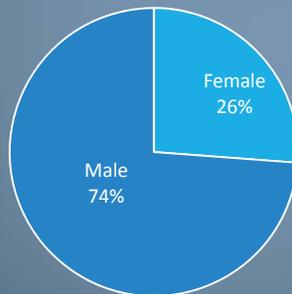


779 Unduplicated Referrals in 2015, down 55% from 2010

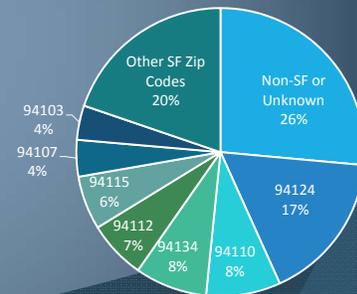
Referrals by Race



Referrals by Gender



Referrals by Zip Code

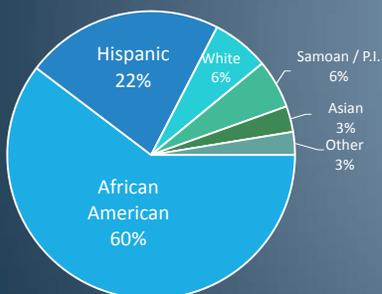


Demographics of Justice Involved Youth

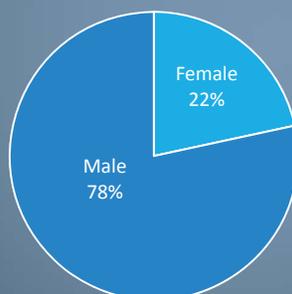


380 Unduplicated Bookings in 2015, down 44% from 2010

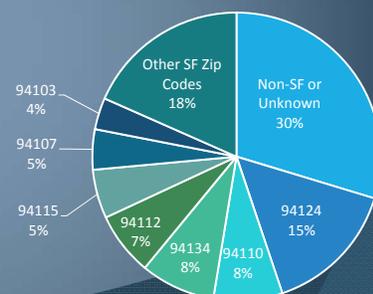
Referrals by Race



Referrals by Gender



Number of Unduplicated Bookings



Petitions Filed



- 77% of petitions filed were felonies (79% for males, 63% for females)
- 80% of the females with felony petitions filed were African American while 60% of the males with felony petitions filed were African American
- 24% of the males with felony petitions filed were Hispanic while 12% of the females with felony petitions filed were Hispanic
- There were no other significant differences between gender or race in petitions being filed*

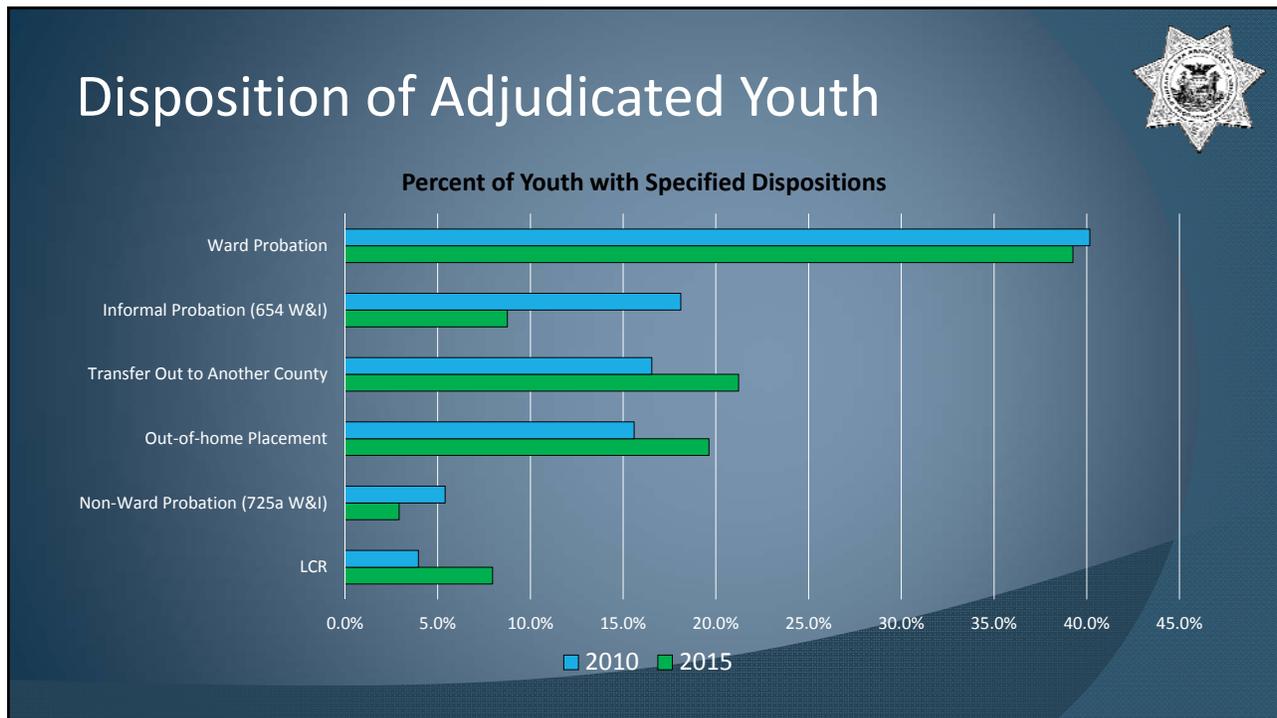
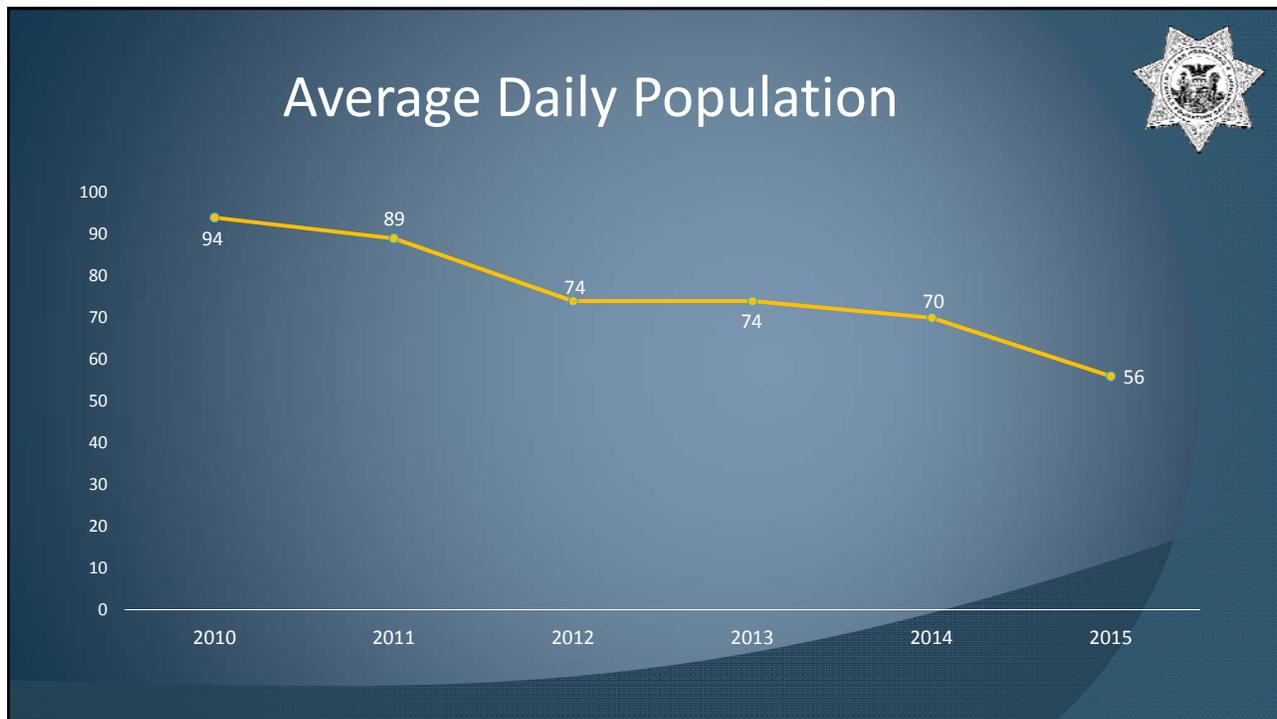
*Due to the low numbers of White females, Asian females, and Other females in the system, some rates could not be adequately compared

Petitions Sustained



- 71.5% of all petitions filed were sustained.
- Females had a higher rate of sustained petitions (77%) compared to males (70%)
- There was minimal difference in sustained petitions between races
- Males had 50% of felony petitions sustained (as felonies) while females had 47% of felony petitions sustained (some would be plead down to a misdemeanor)
- African American females had only 39% of felony petitions sustained as felonies

*Due to the low numbers of Asian males, White females, Asian females, and Other females in the system, some rates could not be adequately compared



Priorities for 2016 and Beyond



- New Risk Assessment and Case Management System
- Vocational Training with enhanced on the job training
- Merit Center development within Juvenile Hall
- Implementation of Continuum of Care Reform
- Update the Local Action Plan with Juvenile Justice Coordinating Council

Questions?

