

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

San Francisco Sentencing Commission

AGENDA

Wednesday December 9, 2020, 10:00 am

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/99702098377>

Meeting ID: 997 0209 8377

Public Comment Call-In: 877 853 5247 US Toll-free

In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

The Sentencing Commission meetings held through videoconferencing will allow remote public comment via the videoconference or through the number noted above. Members of the public are encouraged to participate remotely by submitting written comments electronically to josie.halpern-finnerty@sfgov.org. These comments will be made part of the official public record in these matters and shall be brought to the attention of the members of the Subcommittee. Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfdistrictattorney.org/sentencing-commission-relevant-documents>

1. Call to Order; Roll call.
2. Public Comment on Any Item Listed Below (discussion only).
3. Review and Adoption of Meeting Minutes from October 7, 2020 (discussion & possible action).
4. Staff Report on Sentencing Commission Activities (discussion & possible action).
5. Staff Report on Criminal Justice Racial Equity Workgroup (discussion & possible action).
6. Safety and Justice Challenge Updates by Josie Halpern-Finnerty, Safety and Justice Challenge Director (discussion & possible action).
7. Presentation on Jail Population Trends (discussion & possible action).
8. Presentation on 2020 Legislation Chaptered into Law and Update on the Committee on Revision of the Penal Code (discussion & possible action).
9. Presentation on Sentencing Commission Annual Report by Tara Anderson, Director of Policy, San Francisco District Attorney’s Office (discussion & possible action).

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10. Members' Comments, Questions, Requests for Future Agenda Items (discussion & possible action).
11. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
12. Adjournment.

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SUBMITTING WRITTEN PUBLIC COMMENT TO THE SAN FRANCISCO SAFETY AND JUSTICE SUBCOMMITTEE

Persons who are unable to attend the public meeting may submit to the San Francisco Safety and Justice Challenge Subcommittee, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record and brought to the attention of the Subcommittee. Written comments should be submitted to: Josie Halpern-Finnerty, San Francisco District Attorney's Office, via email: josie.halpern-finnerty@sfgov.org

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Sentencing Commission website at <http://www.sfdistrictattorney.org> or by emailing josie.halpern-finnerty@sfgov.org. The material can be faxed or mailed to you upon request.

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TRANSLATION

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MEETING MINUTES

October 7, 2020

10:00 am – 12:00 pm

REMOTE MEETING VIA VIDEOCONFERENCE

Members in Attendance (All members present):

San Francisco District Attorney Chesa Boudin; Public Defender Raju representative Carolyn Goossen; Chief Adult Probation Fletcher (arrived: 10:30 am) representative Tara Agnese, Adult Probation Department; Chief Miller (arrived 10:30 am) representative Assistant Chief Paula Hernandez, Juvenile Probation; Sheriff Miyamoto representative Chief Catherine Johnson, San Francisco Sheriff's Department; Chief Scott representative Deputy Chief David Lazar (left: 11:00 am) and Captain Ahern (arrived: 11:00 am), San Francisco Police Department; Director Colfax representative Deputy Director Naveena Bobba (left: 11:00 am), Department of Public Health; Reentry Council Appointee: Child Protective Services Director Roy representative Freda Glen; Superior Court representative Mark Culkins; Family Violence Council Appointee Jerel McCrary; Re-Entry Council's Non-Profit Organization Appointee Jose Bernal; Board of Supervisors Appointee Theshia Naidoo; and Mayoral Appointee Steven Raphael.

1. Call to Order; Roll call.

San Francisco District Attorney Chesa Boudin welcomes everyone to the 31st Sentencing Commission Meeting and calls the meeting to order.

Tara Anderson, San Francisco District Attorney's Office Director of Policy calls the roll for attendance and all members were present (see above details).

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

There was no public comment provided.

3. Review and Adoption of Meeting Minutes from July 15th, 2020 (discussion & possible action).

District Attorney Boudin asked Commission members to review minutes from the previous Sentencing Commission meeting. Theshia Naidoo moved to accept the minutes, Tara Agnese from Adult Probation seconded the motion. Minutes from July 15, 2020 were approved unanimously in a Roll Call vote.

No Public Comments received.

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

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Tara Anderson provided an update on Commission activities and meeting schedule. Tara Anderson stated the majority of activities continue to center around the Safety and Justice Challenge objectives, including convening the Racial Equity Workgroup which was also discussed later in the meeting. Adapting resources in a time of COVID was identified as the main topic for this particular meeting.

Tara Anderson invited the Family Violence Council and the Re-Entry Council to provide updates.

Jerel McCrary provided an update on behalf of the Family Violence Council. This Council met on August the 26th and heard a presentation from the Homelessness and Supportive Housing Department on Coordinated Entry. The Department is developing specific protocols for coordinated entry for survivors of domestic violence, but the pandemic has delayed implementation. Beverly Upton from DVC indicated that all systems serving survivors of domestic violence were continuing to collaborate and that survivors were being housed in Shelter In Place hotels to increase shelter capacity. The Elder Abuse Consortium reported an increase in financial abuse and were working on developing safety measures around COVID-19 scams. The child abuse arm of the Council has seen an increase in reports of child abuse during the pandemic and a 50% increase in the Medical Examiner's office doing autopsies related to child death. Next meeting will be November 18th, 3:00-5:00pm.

Karen Roye, Director of Child Support Services, provided a report related to the Re-Entry Council., which met July 23rd, 2020. The Council voted to send a letter supporting investments in reentry services for African Americans in San Francisco with respect to the re-allocation of funds from the SF Police Department. The next meeting of the Reentry Council will be October 22nd.

No questions or Public Comments received.

5. Staff Report on Criminal Justice Racial Equity Workgroup (discussion & possible action).

Tara Anderson provided an update on the Criminal Justice Racial Equity Workgroup activities. The last meeting took place on Friday, September 24 and there was representation from all key Departments. There was a new Co-Chair assigned, Victoria Westbrook. Tara Anderson reported she stepped down as Co-Chair representing the District Attorney's office and announced the new Co-Chair as Arcelia Hurtado. Both of the new Co-Chairs introduced themselves.

Tara Anderson reported what the Workgroup discussed during this past meeting. There was a discussion on how to hold a multi-departmental convening in a virtual environment, and a new effort to develop a Safety and Justice Challenge Fellowship.

Dr Jones, who leads Black is Beautiful, presented on a framework to root out racism in direct service provision targeted to Black women. The new Co-Chairs thanked Tara Anderson for

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bringing this important presentation to the Workgroup, particularly because of recognizing the intersectionality for Black women in our criminal justice system is really important.

No questions or Public Comments received.

6. Safety and Justice Challenge Updates by Josie Halpern-Finnerty, Safety and Justice Challenge Director (discussion & possible action).

Josie Halpern-Finnerty provided an update on the Safety and Justice Challenge (SJC). Halpern-Finnerty provided an overview of the main strategies of the Safety and Justice Challenge in San Francisco. Halpern-Finnerty informed the members that in May of 2020, the Board of Supervisors passed legislation regarding the closure of County Jail #4 (CJ4) and assigned responsibility for the closure to the Safety and Justice Challenge Subcommittee, a newly formed subcommittee of the Sentencing Commission. Sheriff Miyamoto announced on September 4th, 2020, that CJ4 was no longer being used to house or hold people – functionally closing the jail two months ahead of schedule. The kitchen will continue being used and staffed by people incarcerated in County Jail #2 until the remodel in CJ2 is complete. The estimated timeline to finalize renovations is March 2021. This closure was permitted by many years of work by community advocates and system partners, who together reduced the jail population to under 800 people. Despite these significant reductions, racial disparities persist and need to be addressed.

The report to the Board of Supervisors was submitted in August and is available in the District Attorney's website under the Sentencing Commission. The report outlines strategies and next steps to sustain reduction and address racial disparities. Strategies include developing a fellowship for people with lived experience to inform training and program development. Partners also identified the need for stronger collaboration to address the needs of high utilizers particularly around behavioral health and housing needs.

DA invited questions or actions from members; then invited public comment.

Member expressed sentiments of gratitude to the team that put the report together, particularly to Halpern-Finnerty.

Kathy Johnson from Sherriff's Office expressed that as the team moves forward a key factor will be case processing.

DA Boudin asked for clarification to see if there was a request for action at this time and Johnson responded that it was only a general comment.

Carolyn Goossen from Public Defender's office expressed gratitude to community advocates and partners working on the issue.

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Halpern-Finnerty mentioned that she posted a link to the report in the chat and reminded that it is also published on the DA website.

No additional questions or Public Comments were received.

7. Presentation on “Toward Shared Safety: The First-Ever National Survey of America’s Safety Gaps” by Tinish Hollins, Associate Director and Marisa Arrona, Local Safety Solutions Project Director, Californians for Safety and Justice (discussion & possible action).

No questions or Public Comments were received before the item was heard.

DA Boudin explained that in 2017, the San Francisco Sentencing Commission heard from Californians for Safety and Justice about the shared blueprint for safety, a comprehensive model centered around survivor/ victim experience. Boudin invited Tinish Hollins and Marisa Arrona to present on the continued advancement on this work and the concept of shared safety.

Tinish Hollins describes herself as native of San Francisco from Bayview Hunters Point and identifies as a survivor. She explains this is the first national survey providing findings around America’s safety gaps or lack of safety that many feel today. The report offers some concrete recommendations that the majority of voters agree with and that include funding community-based solutions. She briefly describes that Californians for Safety and Justice (CSJ) is a project with Tides Center that seeks to replace prison spending with common sense solutions that center survivors and people impacted who receive the least amount of support. CSJ is the flagship organization for Californians for Safety and Justice – founded in 2013 - that developed safety initiatives such as Prop 47 and 57 campaigns. Through the Alliance with Safety and Justice that started in 2015, they are doing work in about 10 states with the highest rates of incarceration.

Marisa Arrona begins explaining what Shared Safety is and the principles that define it – visioning safety from a strengthens-based perspective, and a survivor and healing-centered strategy. Shared Safety asks impacted individuals what they need rather than how systems have failed them. This invites a shift to public health lens that stops the cycle of harm. This necessarily means taking a joined responsibility between community members, law enforcement, system actors and leaders such as the members of this commission.

Hollins and Arrona presented on the results of surveying over 4,000 individuals across the country. The full report can be found here: <http://wesharesafety.us/>

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Presenters offered technical assistance to reassess how each organization defines safety, and other recommendations that are easy to operationalize. Hollins stated that there are many opportunities to continue building relationships to change policies and visioning for San Francisco.

The presenters invited questions and comments.

DA Boudin thanked the presenters for a great report.

Kathy Johnson, Sheriff Department, said her office has worked to offer trauma informed care and provide some measure of housing. These topics are not new to the office. She added that local victims were frightened that batterers are being released too often. There needs to be a look into system failures. In addition, she wonders, what can we do to address repeat offenders? When do we say enough is enough when offenders violate the conditions of their release?

DA Boudin responded that the DA's office has conducted a survey of local victims to assess some of the points raised by Chief Johnson. DA invited additional responses from the members.

Karen Roye, Reentry Council, appreciated moving away from the bifurcated conversation of victims on one side and perpetrators on another. Roye wonders how we can address systemic challenges so we can prevent the behavior. She raised a question around data gathering and the impact of evidence-based practices on resource allocations.

Arrona responded that the Shared Safety Visioning focus groups are offered to respond to unique needs, facilitating conversations between community members in that locality to design what safety looks like. The needs of the Sheriff Department are critical. Law enforcement partners she has worked with continue to say that law enforcement officers are being deployed to incidents that are not relevant to their jobs.

Hollins responded that the survey information presented also comes from independent polling, not only from the membership of the organization. They can share more information on their methods. She added that there are important conversations happening nationally and at the state level on domestic violence prevention and intervention that challenges traditional responses.

Roye commented that some of the approaches to human trafficking work and the experiences of survivors of sex trafficking who spend time in jail can be relevant for the points being discussed.

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Arrona mentioned that it is important to get involved in equity discussions around domestic violence and sexual assault such as transgender issues and other matters that broaden the approach to responses to violence.

Karen Fletcher, Adult Probation Chief, commented that system partners work diligently to serve survivors of violence. This is motivation to step out of silos and have a more seamless response to these victims.

McCrary said it is important to engage with organizations that work directly with survivors. He encouraged the presenters to work with the Family Violence Council because it is comprised of organizations that are on the ground working with survivors.

DA Boudin thanked everyone for the comments and questions. He shared his experience this year when submitting his initial budget. The only increase in funding that he requested was for the victim services team and restitution funds for victims but when the pandemic hit, this budget request was discarded. During the next round of process with the Board of Supervisors, he made the same request, but the need was again not filled. It is unacceptable that there is no money for most crime victims coming from our city or state government but mostly from grants. He says it is not fair for crime victims or the staff in his office to not have resources from the City to support victims. He would love to hear about concrete actions this body can take to ensure that government is investing in victim services rather than simply using the suffering of crime victims to advance policies for particular interest groups.

Royce, Reentry Council, agrees with DA Boudin and thinks that education is key. Conversations on equity need to permeate all other conversations on gender and race equity rather than remain in silos.

DA Boudin asks the Commission, how can this Commission demand more funding for victims of crime so we are meeting the real, unmet needs that result from their victimization? Should we revisit this at the next meeting or is there something anyone would like to share?

No additional comments were received from the public or members of the Commission.

8. CA 2020 Victim Impact Survey Update by Paige Allmendinger, Acting Deputy Chief, Victim Services Division, San Francisco District Attorney's Office (discussion).

DA Boudin introduces Paige Allmendinger and the work she has been conducting on a first of its kind victim impact survey.

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Allmendinger begins by contextualizing that the vast majority of victim services funding comes from grants and one of the requirements is that survivors respond to satisfaction surveys. Historically, the office does not receive many completed surveys.

This venture began when thinking about the satisfaction surveys and wondering what the gaps are in services in order to go beyond the scope of satisfaction. The survey was launched the prior month and is open until the end of October. She requested help from Sentencing Commission members to ensure the office receives meaningful feedback. The survey is dynamic, and it populates more questions according to the responses. It is fully voluntary and anonymous. The survey was sent to over 10,500 victims that the SFDA office has served, to Californians for Safety and Justice, the Domestic Violence Consortium, and to the Department on the Status of Women to forward to their grantees, amongst other partners. The survey is being shared throughout California because there are victims who do not reside in San Francisco, but they have experienced crime in the city.

DA Boudin thanks Paige and asks members if they have any questions.

Jose Bernal, Reentry Council, thanks the presenter. He adds that he shares frustration with the DA regarding funding priorities, particularly with his work in the Tenderloin. It is important to also invest in the community-based organizations that have built community trust. He asked if the survey engages with survivors who are unsheltered because many people who are unhoused experience victimization.

Allmendinger responded there is at least one question regarding housing status and another question regarding crime resulting in losing housing.

DA Boudin mentions that demographic data indicates that some communities are underrepresented as respondents such as transgender and API survivors. Please provide any suggestions or recommendations to Allmendinger.

No public comment received.

9. Presentation on Victim Services During COVID-19 by Dr. Gena Castro-Rodriguez, Chief of Victim Services Division, San Francisco District Attorney's Office (discussion & possible action).

Dr. Gena Castro-Rodriguez, Chief of the Victim Services Division presents an overview of the San Francisco District Attorney's Office Victim Service Division.

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DA Boudin apologized for running out of time for this presentation as there are only 10 minutes left to the meeting. He introduced Dr. Castro-Rodriguez and mentioned that she just received an important award and that she is truly an internationally recognized trauma expert. He further acknowledges that the office is very lucky to have her.

Dr. Castro Rodriguez affirms that the Victim Services Division centers the needs of survivors in the development of and delivery of programs. They work with people who may be victims in one case and accused in another case. The division produces a robust annual report that helps inform their work. The office is organized by crime type and the goal is to train staff members to be very responsive to the victims at different stages of trauma and understand important community partners.

During COVID-19, services are being provided by text, phone, email. The division obtained technology for the staff to be able to provide these services remotely and they helped victims access technology through multi-lingual videos and other tools. They also partnered with private entities to provide emergency resources to survivors such as transportation and housing. They worked with the City and County of San Francisco partners to manage hotel rooms for survivors as well. In order to address elder abuse, they created a series of multi-lingual videos to expose the most common scams during the Shelter In Place (SIP). Dr. Castro-Rodriguez further shared that to address hate crimes, they have also created a series of videos to educate the community on what constitutes a hate crime and how to access resources to report and receive support.

No questions or Public Comments received.

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

No comments and no Public Comments recieved.

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

No Public Comments received.

12. Adjournment.

Chief Fletcher made a motion to adjourn the 31st meeting of the Sentencing Commission. Chief Miller seconded the motion. Motion passed unanimously in a Roll Call vote.

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Next meeting will take place on December 9th, 2020.

Adjourned at 12:01 pm.



Safety and Justice Challenge

Strategies and Next Steps in 2021

On September 4, 2020, San Francisco celebrated a milestone – closing a jail and reducing the jail population by nearly 40%. Over the next year, San Francisco’s Safety and Justice Challenge (SJC) partners will implement the five strategies outlined below to reduce racial disparities, maintain reductions or make further reductions if needed amidst the ongoing pandemic.

- 1) **Lead with Race.** SJC partners have taken critical steps to lead with race across SJC strategies and ensure focus on reducing disparities. We recognize that we need to do much more. Priorities and next steps include:
 - ▶ Launch an SJC Fellowship to support ongoing engagement with communities of color and training for system partners to improve effectiveness in serving these communities.
 - ▶ Stay engaged with and support broader citywide conversations on justice reinvestment that support alternatives to incarceration and expand community-based supports and opportunities for communities of color.
 - ▶ Explore expansion of restorative justice options designed to address the disproportionate representation of black people in jail.
- 2) **Sustain Shared Focus.** Jail reductions and disparities reduction can only be accomplished through shared focus by local partners. SJC partners launched a Jail Population Review (JPR) team composed of system stakeholders and community partners who meet on a regular basis to discuss the jail population and methods to safely reduce it, with a focus on reducing racial disparities. Priorities and next steps include:
 - ▶ The JPR team will meet bimonthly and focus review on cases where black people are overrepresented, such as burglaries and robberies. The JPR team will also seek to address the needs of high utilizers with short stays.
 - ▶ Continue to monitor implementation of the *Buffin* settlement and changes to bail and pretrial processes to understand their impact on the jail population.
- 3) **Improve Case Processing.** San Francisco must improve case processing and address lengthy stays in jail to sustain reductions to the jail population. As partners adjust to the new reality of COVID-19, addressing systems and structures to reduce delay and coordinate criminal case priorities is more important than ever. Priorities and next steps include:
 - ▶ Develop a series of dashboards for judges to monitor caseloads and for the Court to track case management progress.
 - ▶ Explore concrete changes to administrative policy and decision-making tools to address case processing challenges.
 - ▶ Explore processes and practices related to when people are placed on different types of “holds” in the jail to understand how they influence the population.

- 4) Increase Healthy Connections.** Addressing behavioral health needs of people in custody remains an urgent priority for San Francisco, where over 75% of people in jail are estimated to have either serious mental illness and/or a history of substance use. Priorities and next steps include:
- ▶ Address recommendations from the SIM Process; including the need for stronger planning coordination across local criminal justice, public health, and housing systems. Planning will be informed by the forthcoming analysis of high utilizers across each system conducted by the CA Policy Lab at University of CA, Berkeley.
 - ▶ Determine if and how pilot bridge housing investments need to be sustained or expanded to best serve justice-involved people, and identify appropriate ongoing funding streams focused on justice-involved people.
 - ▶ Develop new workflows and protocols to serve people who touch multiple systems, starting with individuals identified as “shared priority” who come in contact with the jail.
 - ▶ Participate in the citywide effort to build out a coordinated crisis response system for people with behavioral health needs that does not rely primarily on law enforcement.
- 5) Drive with Data.** Change is only possible when you understand what is happening. SJC partners will continue to play a central role in building a more transparent, data-driven justice system in San Francisco. Priorities and next steps include:
- ▶ Continue to convene the SJC Data Team to discuss jail trends, data-sharing needs, and collaborative analysis with a focus on reducing racial disparities.
 - ▶ Finalize a cross-agency agreement to guide data-sharing through the JUSTIS hub. Reciprocal data-sharing of appropriate local criminal justice data is necessary to improve planning and coordination related to sustaining jail reductions.
 - ▶ Finalize the draft key performance indicators for San Francisco’s criminal justice system developed by the JUSTIS partners; develop a plan to regularly share with City leadership and the public.

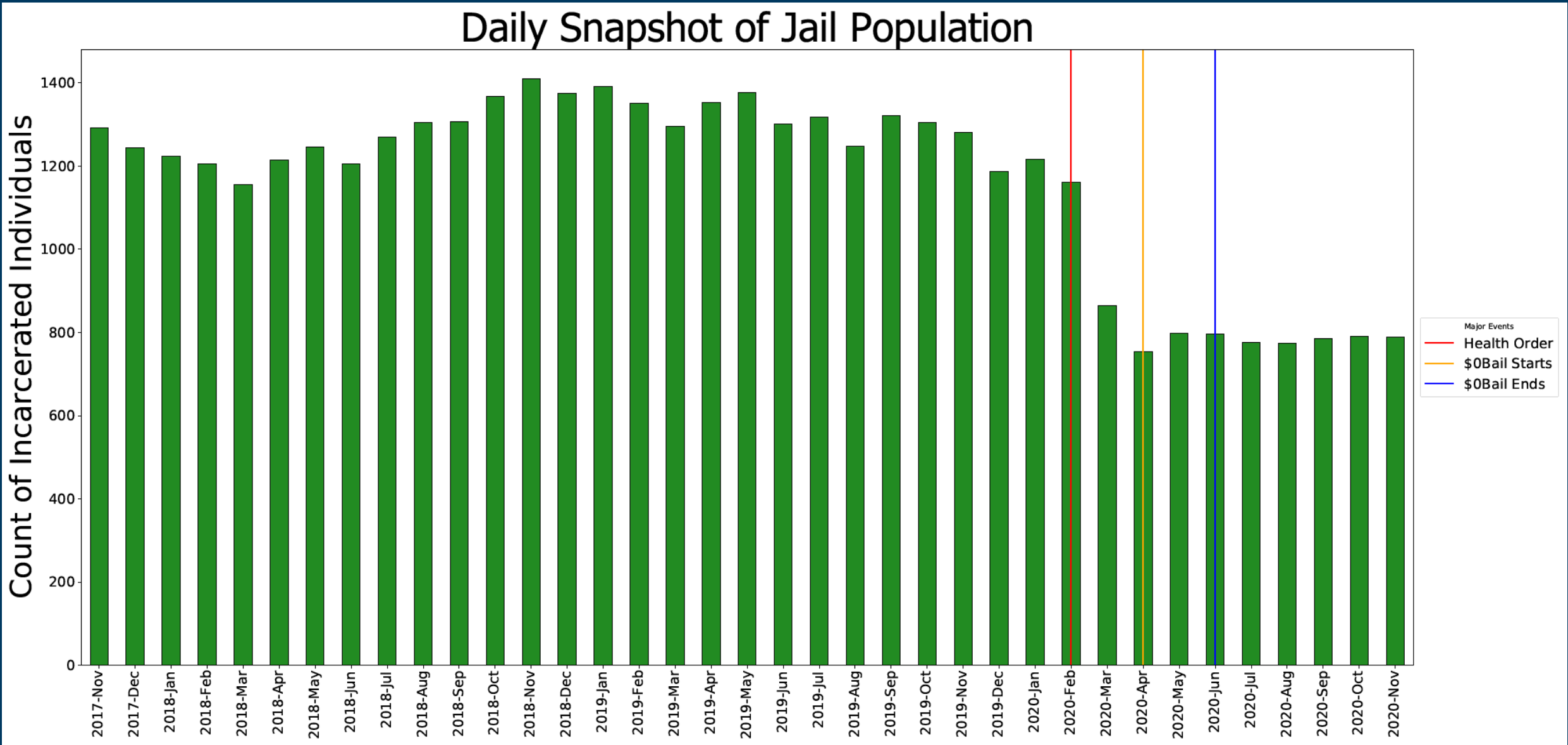
SENTENCING COMMISSION MEETING

December 9th, 2020



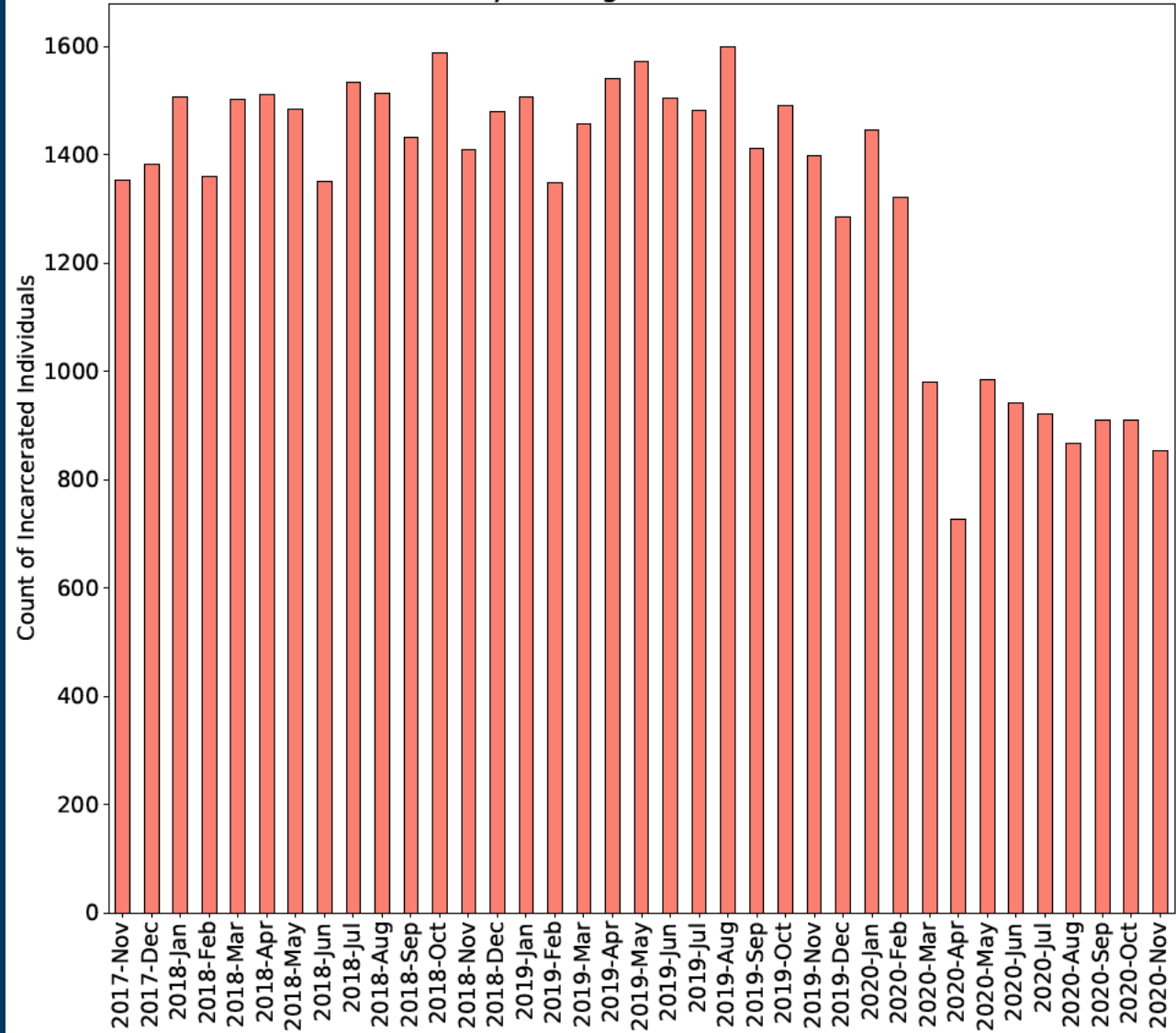
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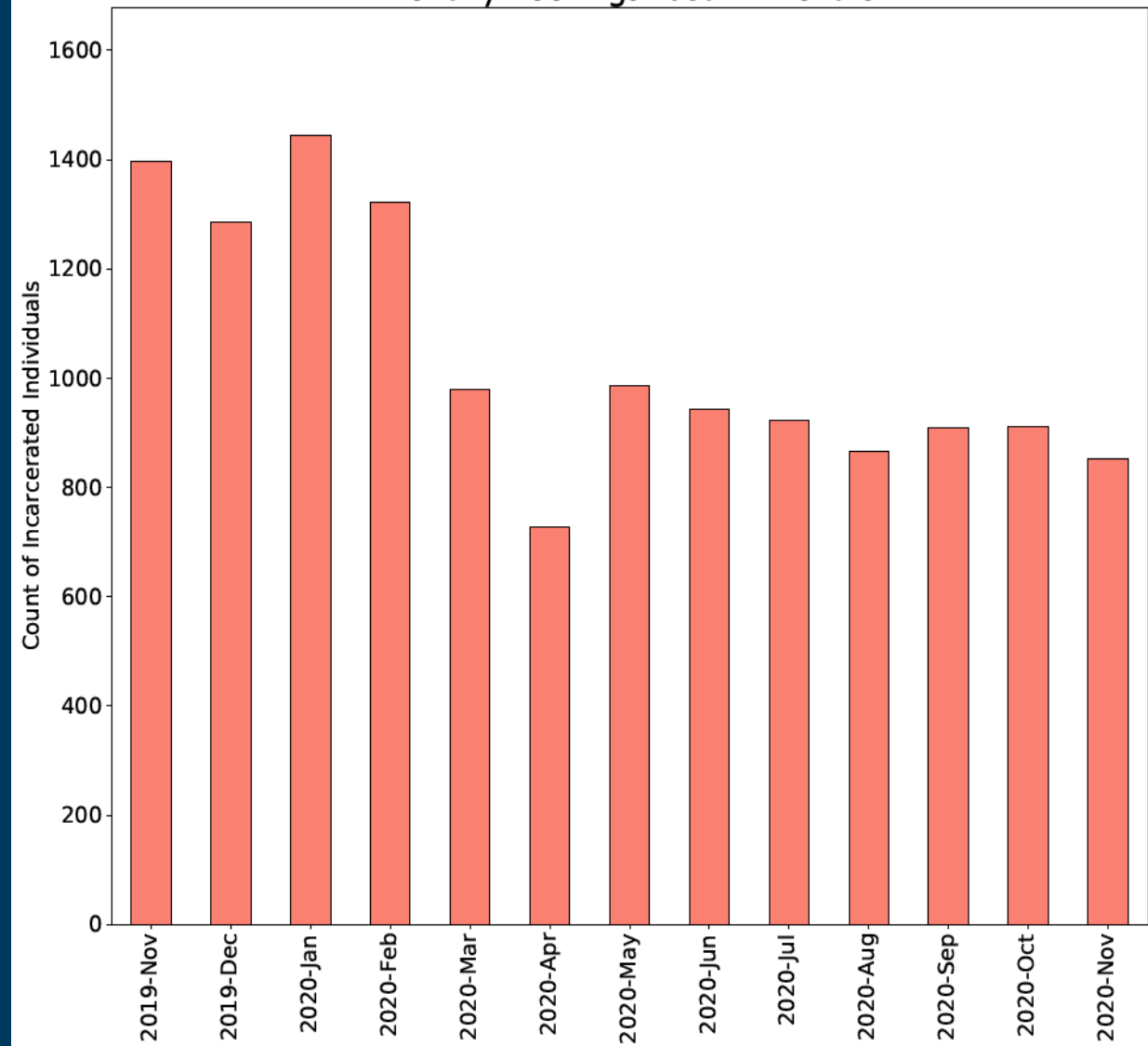


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Monthly Bookings since SJC Baseline

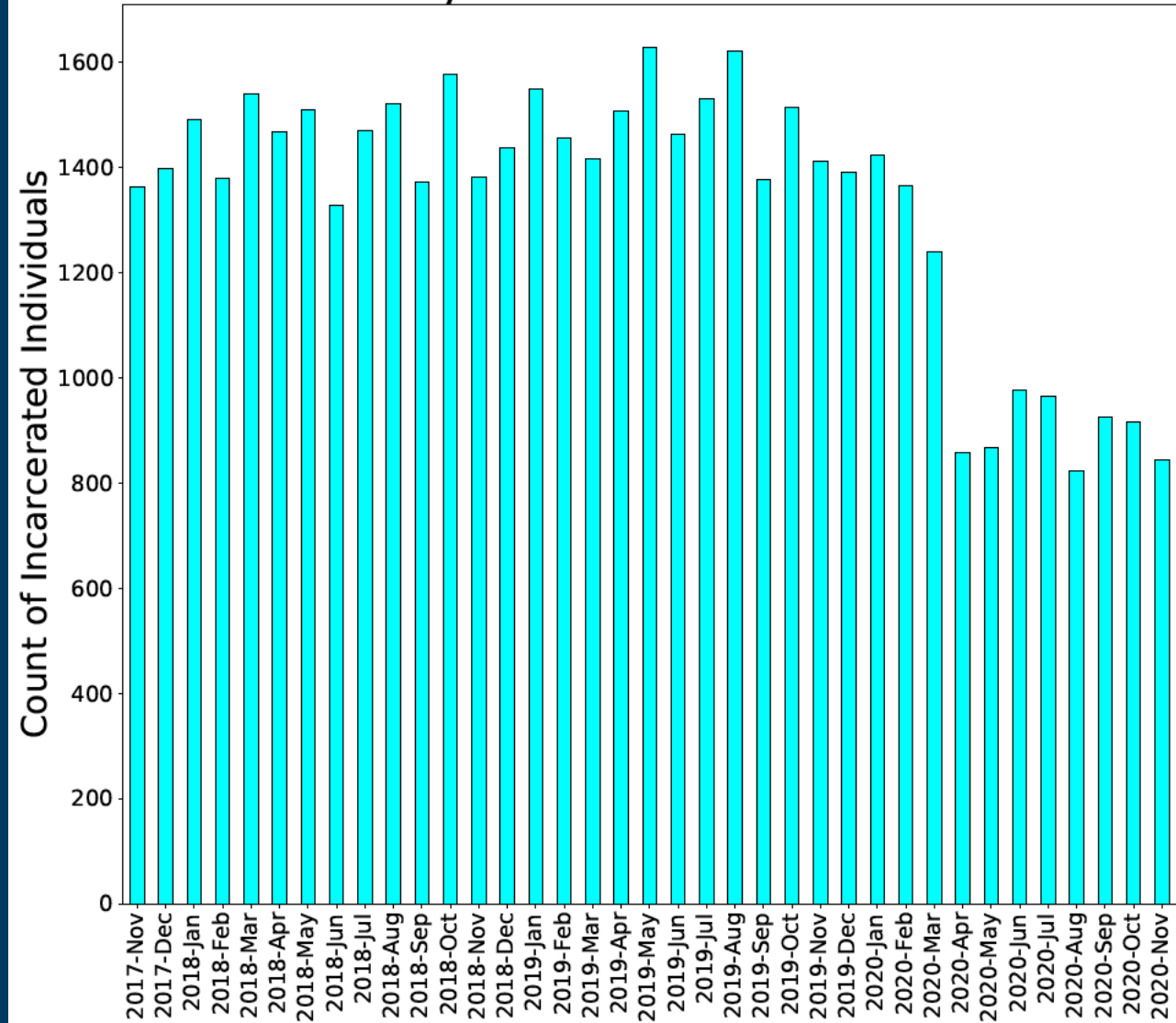


Monthly Bookings Last 12 Months

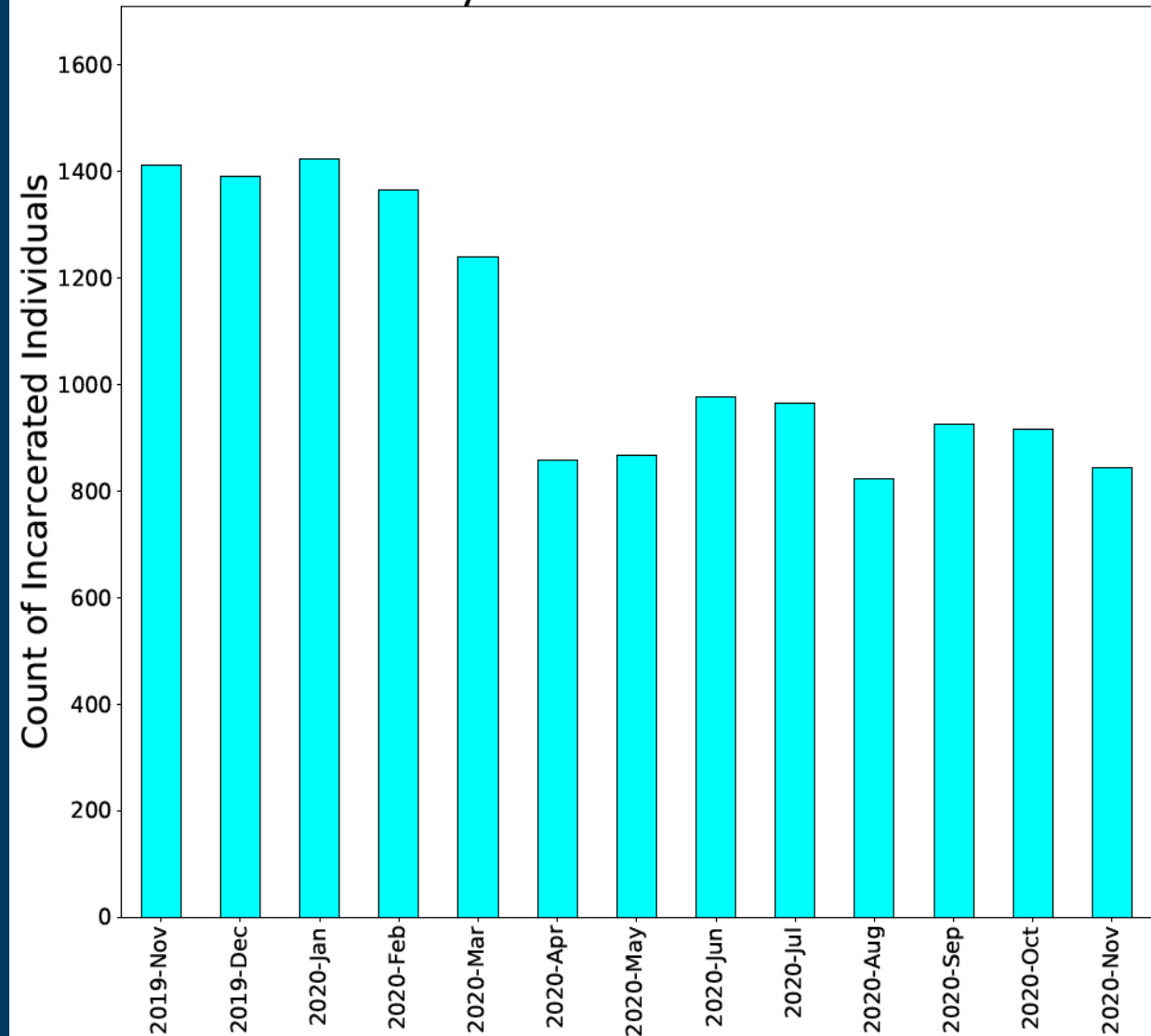


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Monthly Releases since SJC Baseline

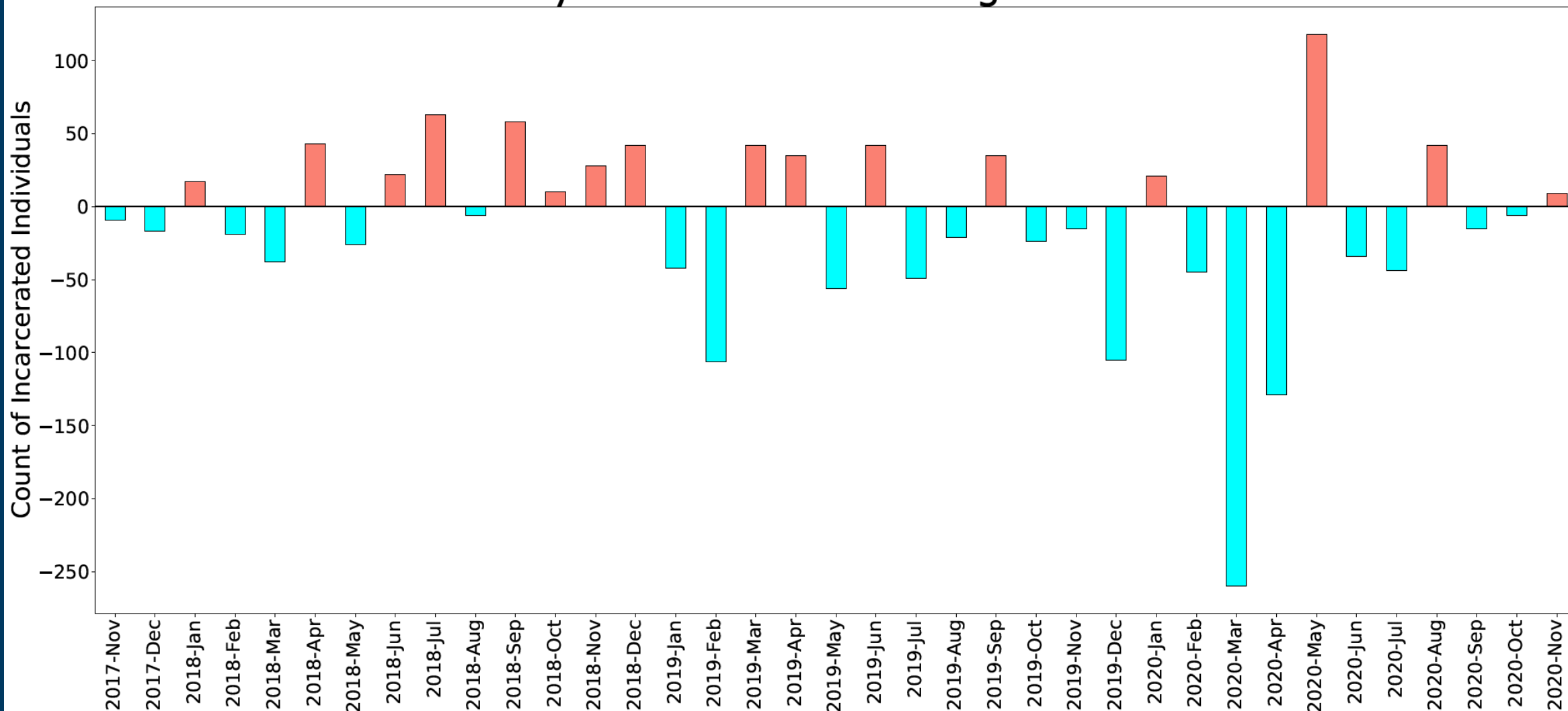


Monthly Releases Last 12 Months



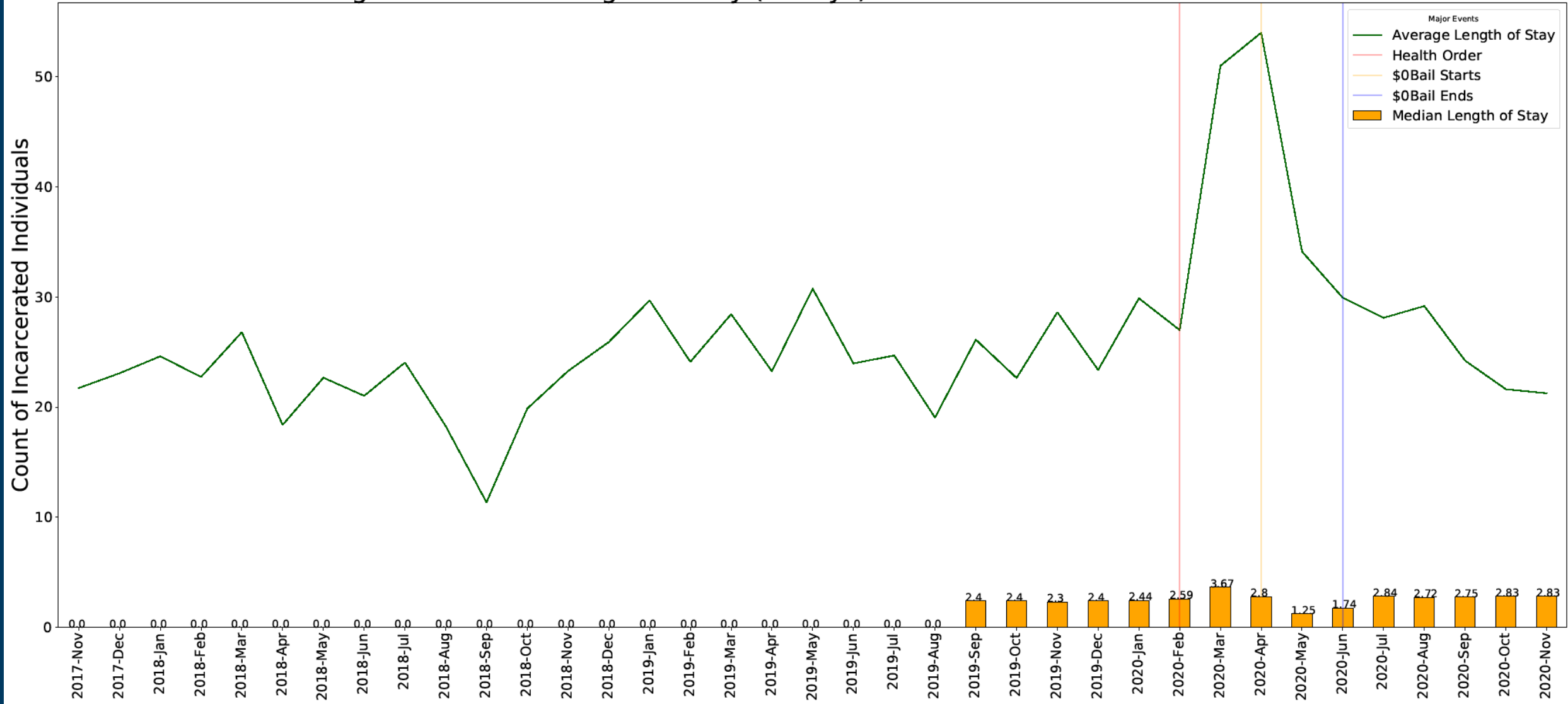
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Monthly Differences in Bookings vs Releases



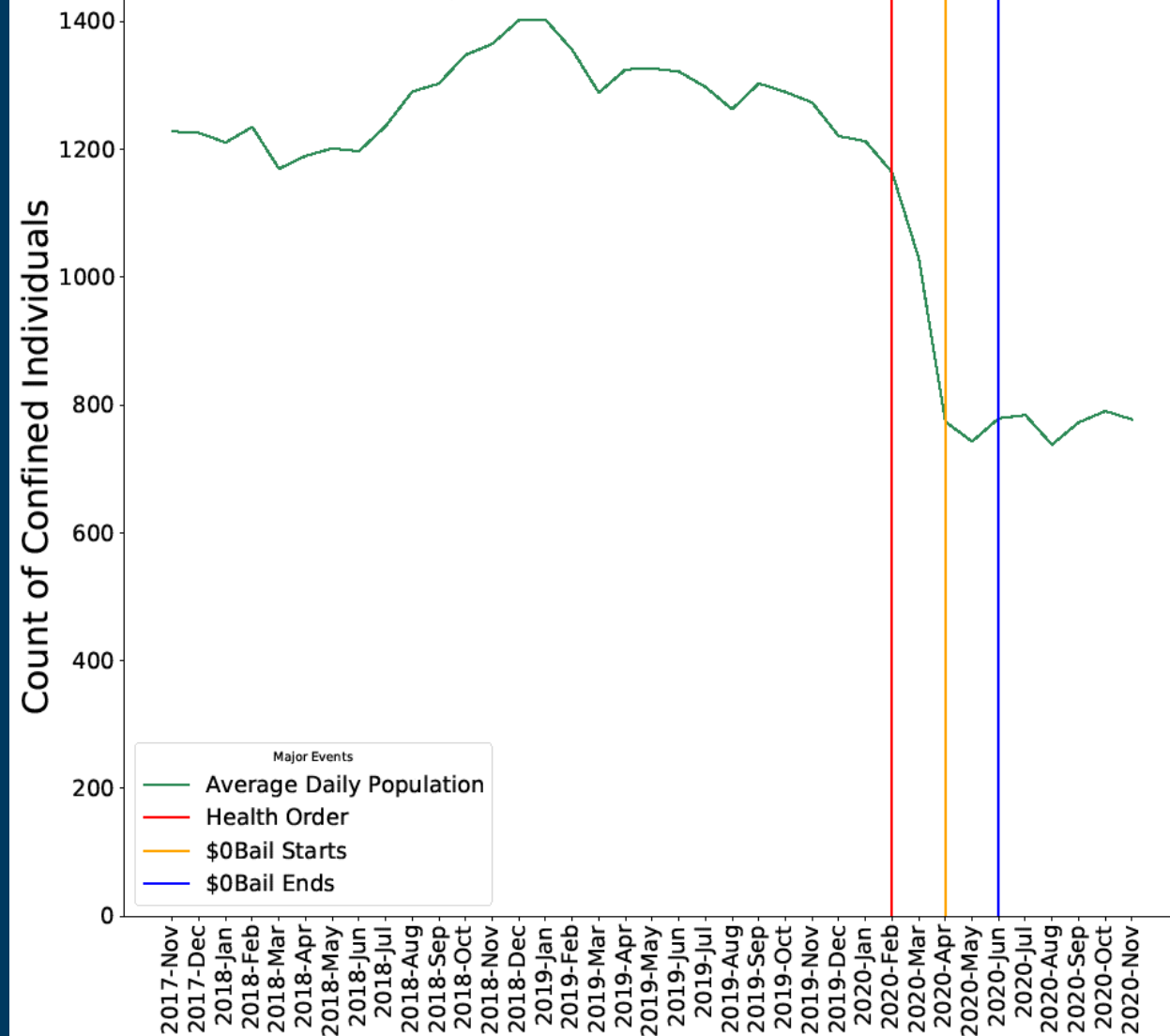
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Average and Median Length of Stay (in days) of Individuals Released in the Month

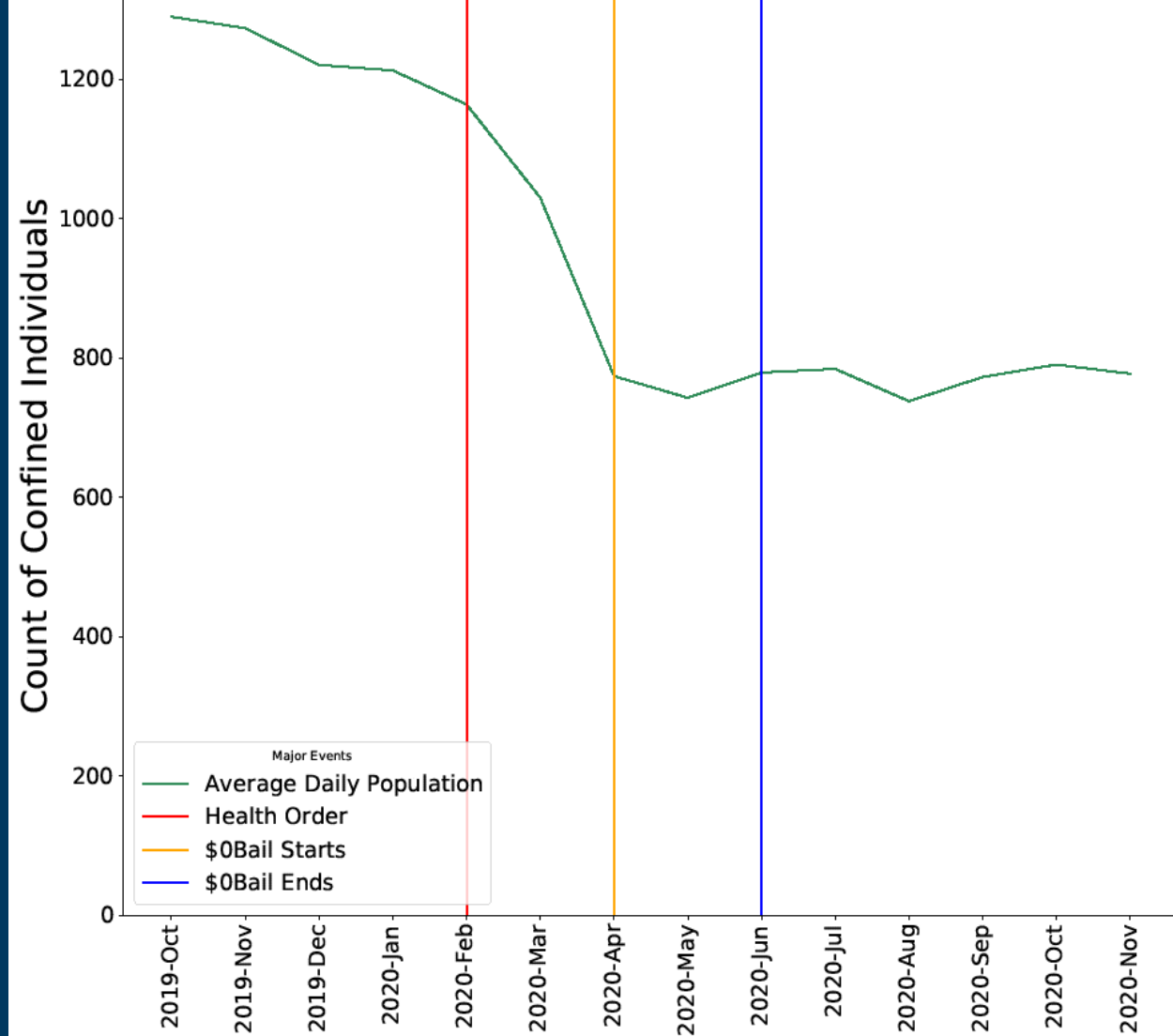


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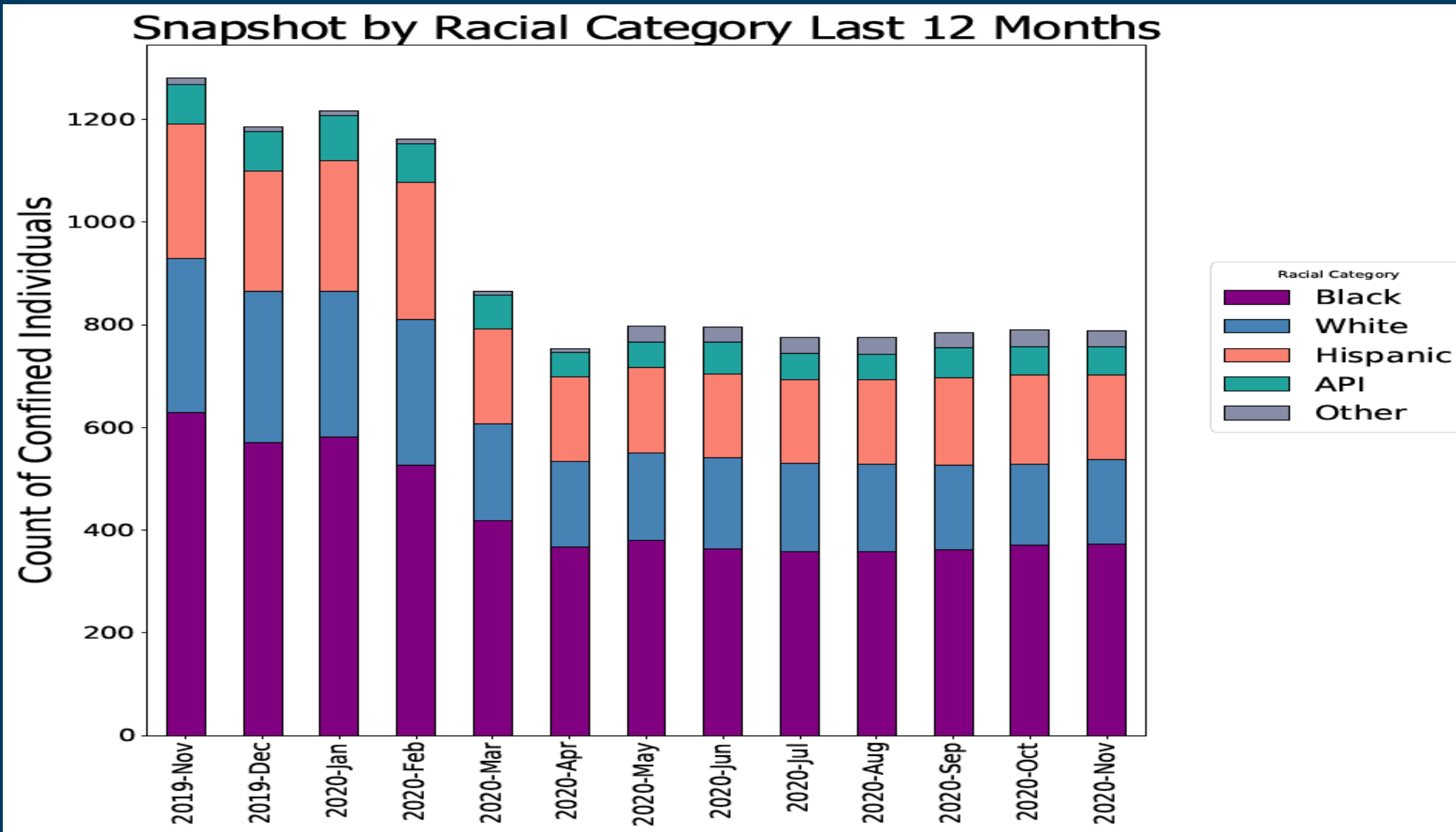
Average Daily Confined Population



Average Daily Confined Population Last 12 Months

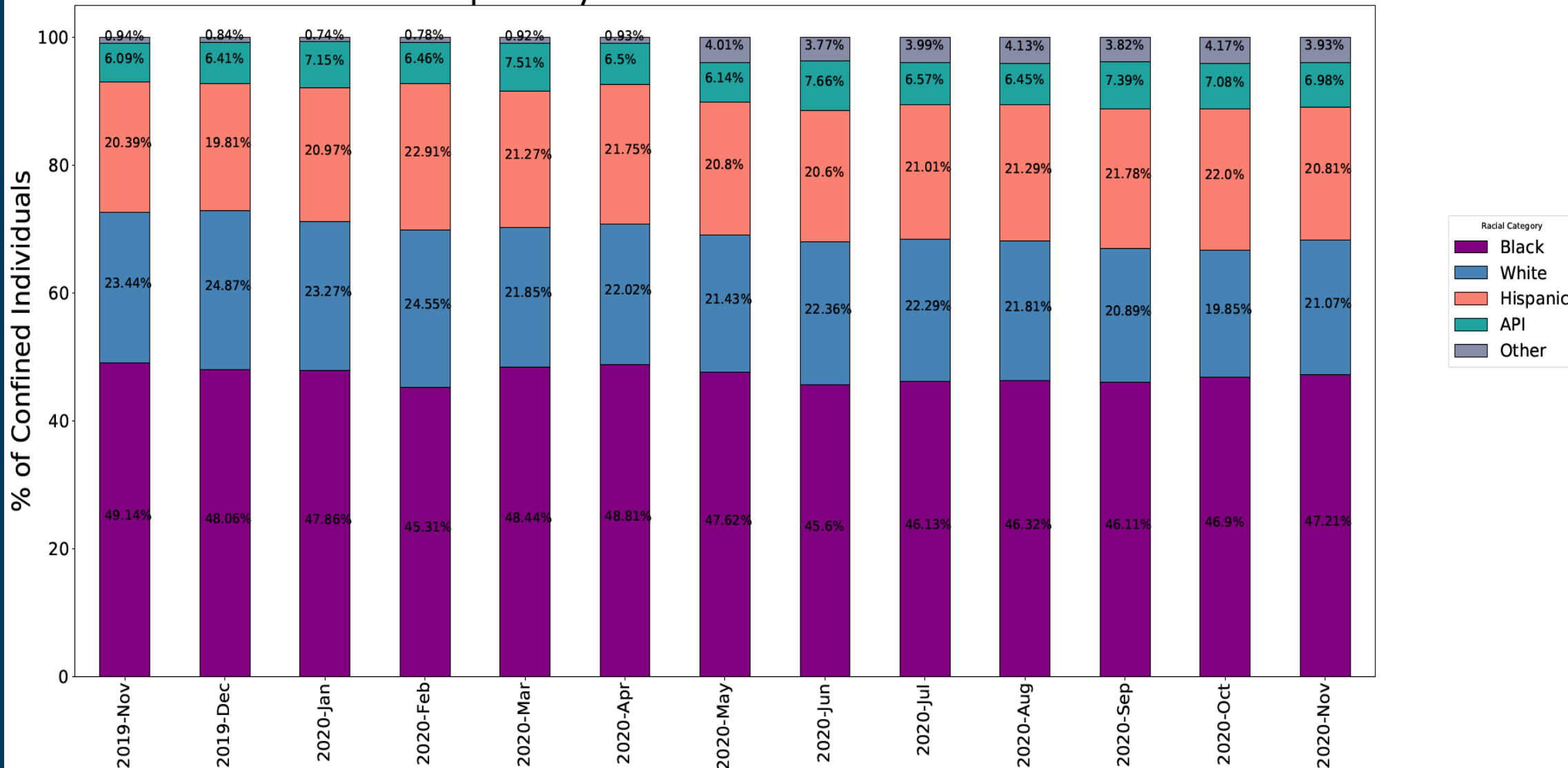


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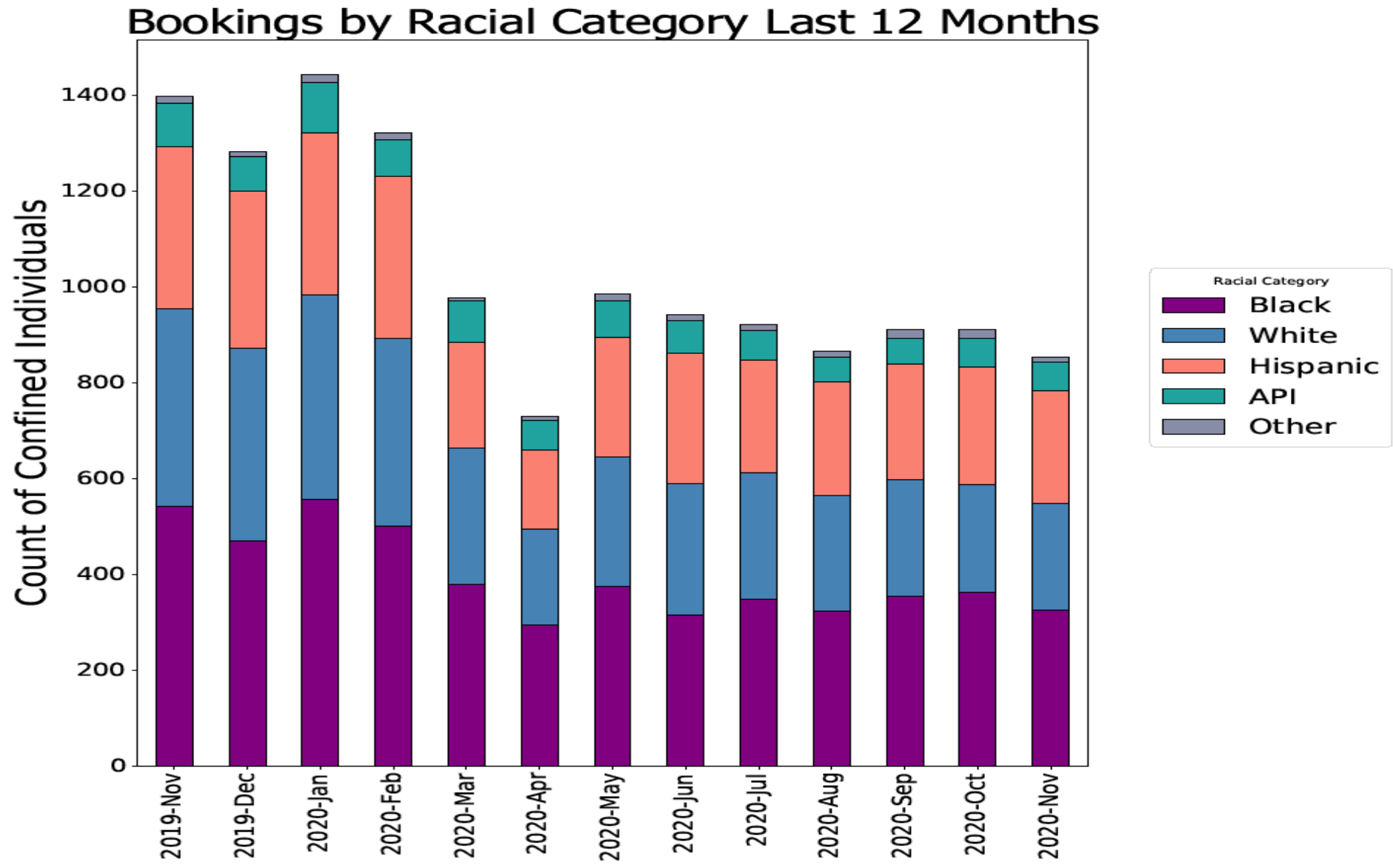


November Safety and Justice MacArthur Report

Snapshot by Racial Percent Last 12 Months

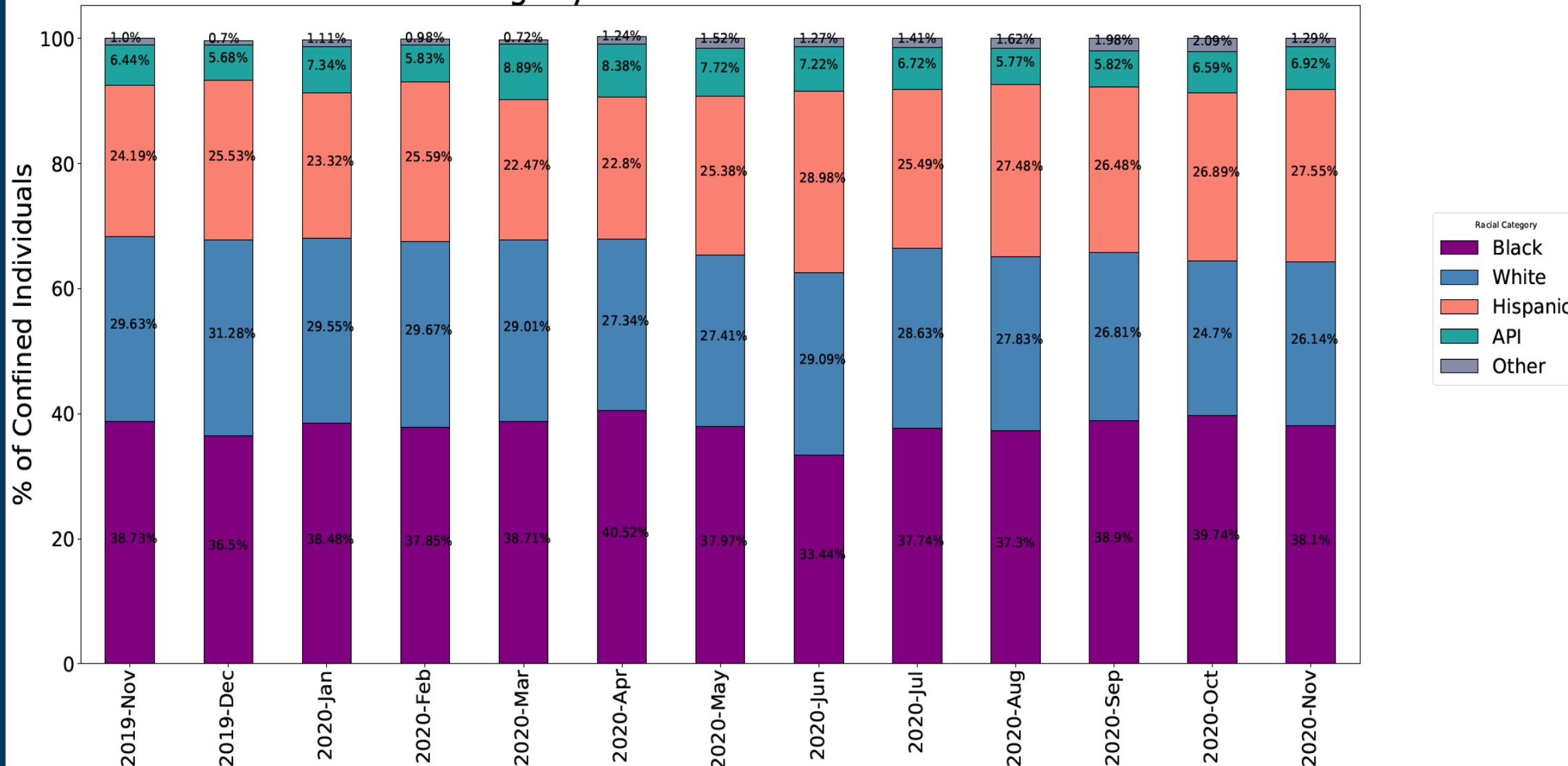


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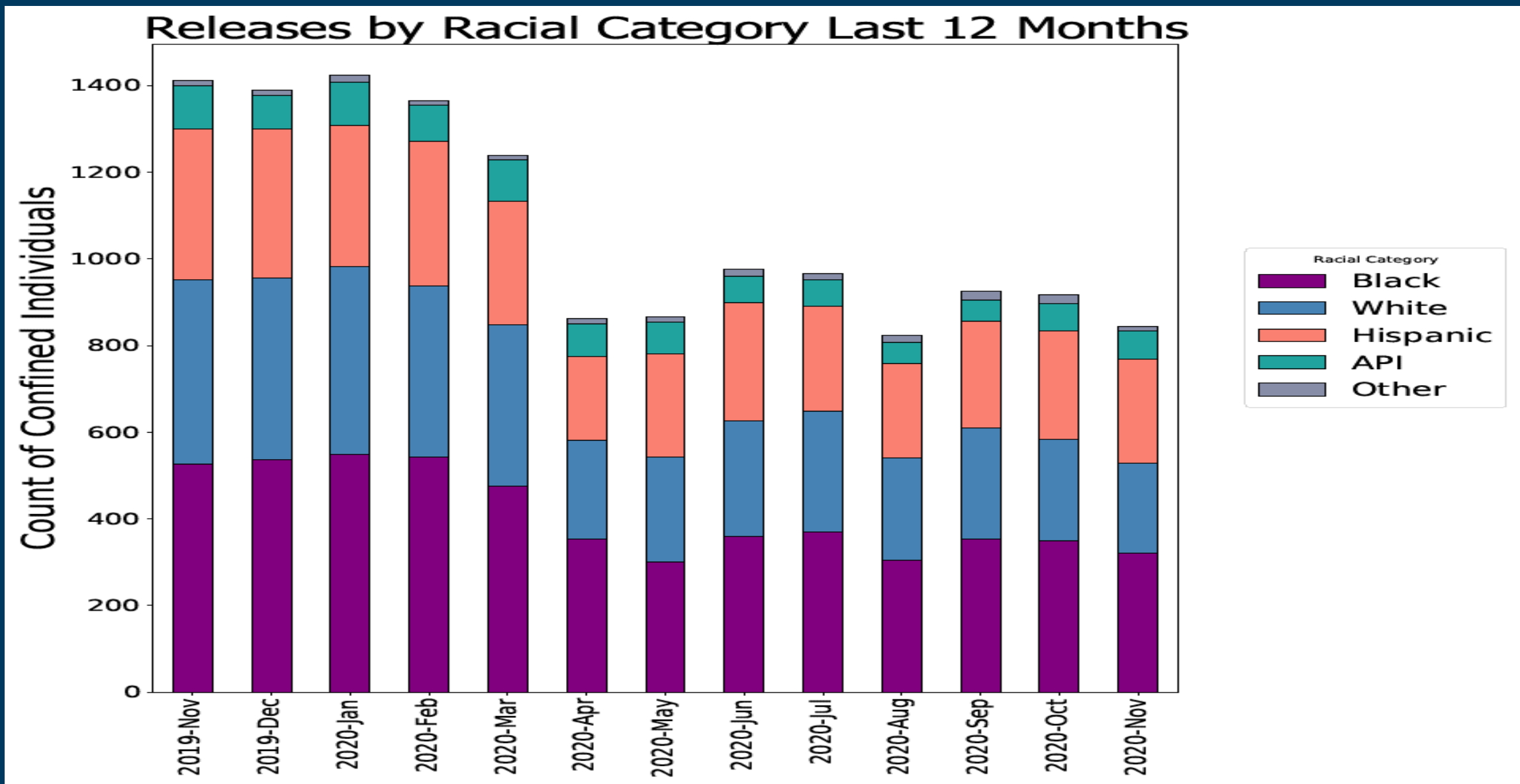


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Bookings by Racial Percent Last 12 Months

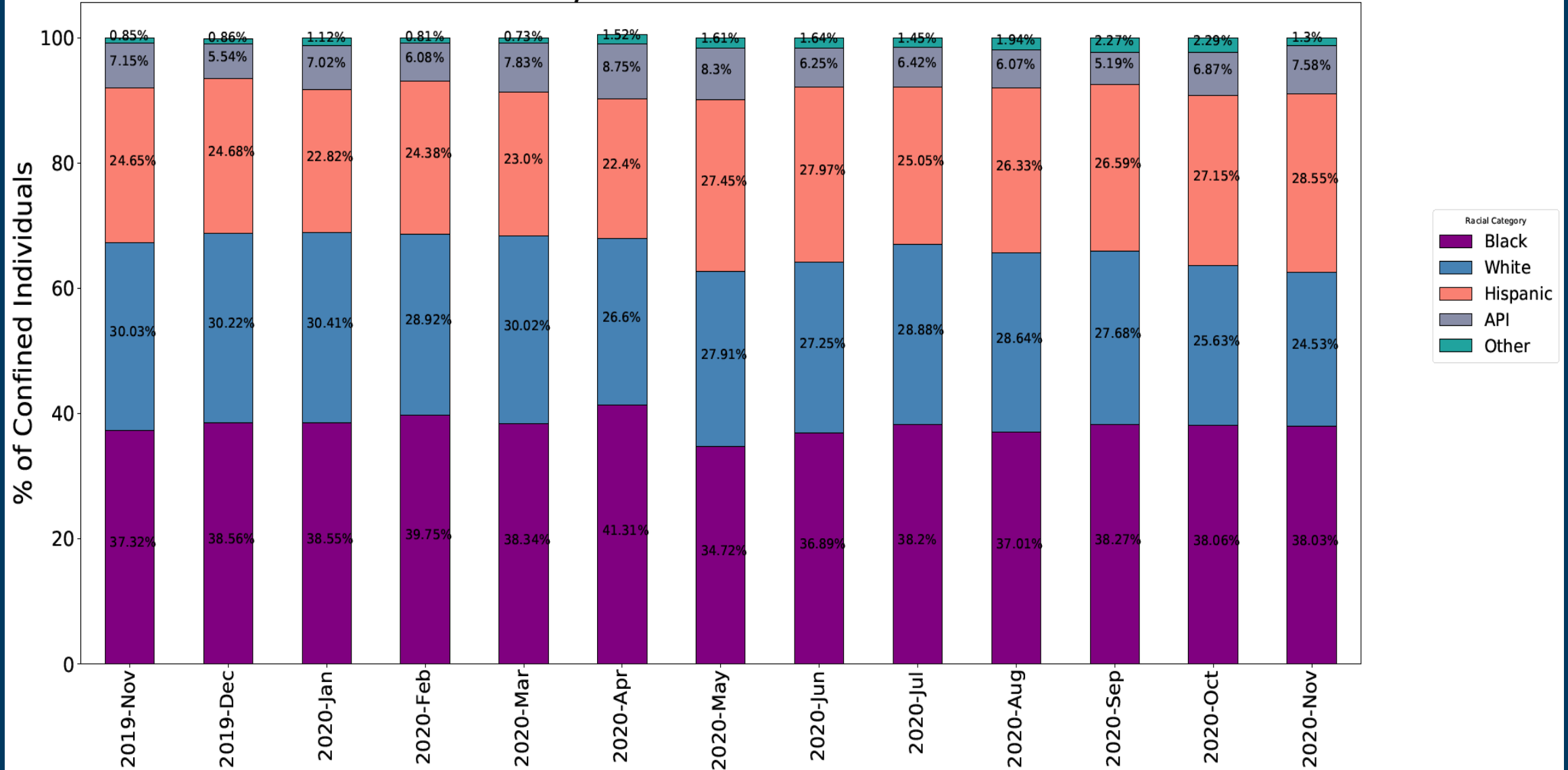


November Safety and Justice MacArthur Report



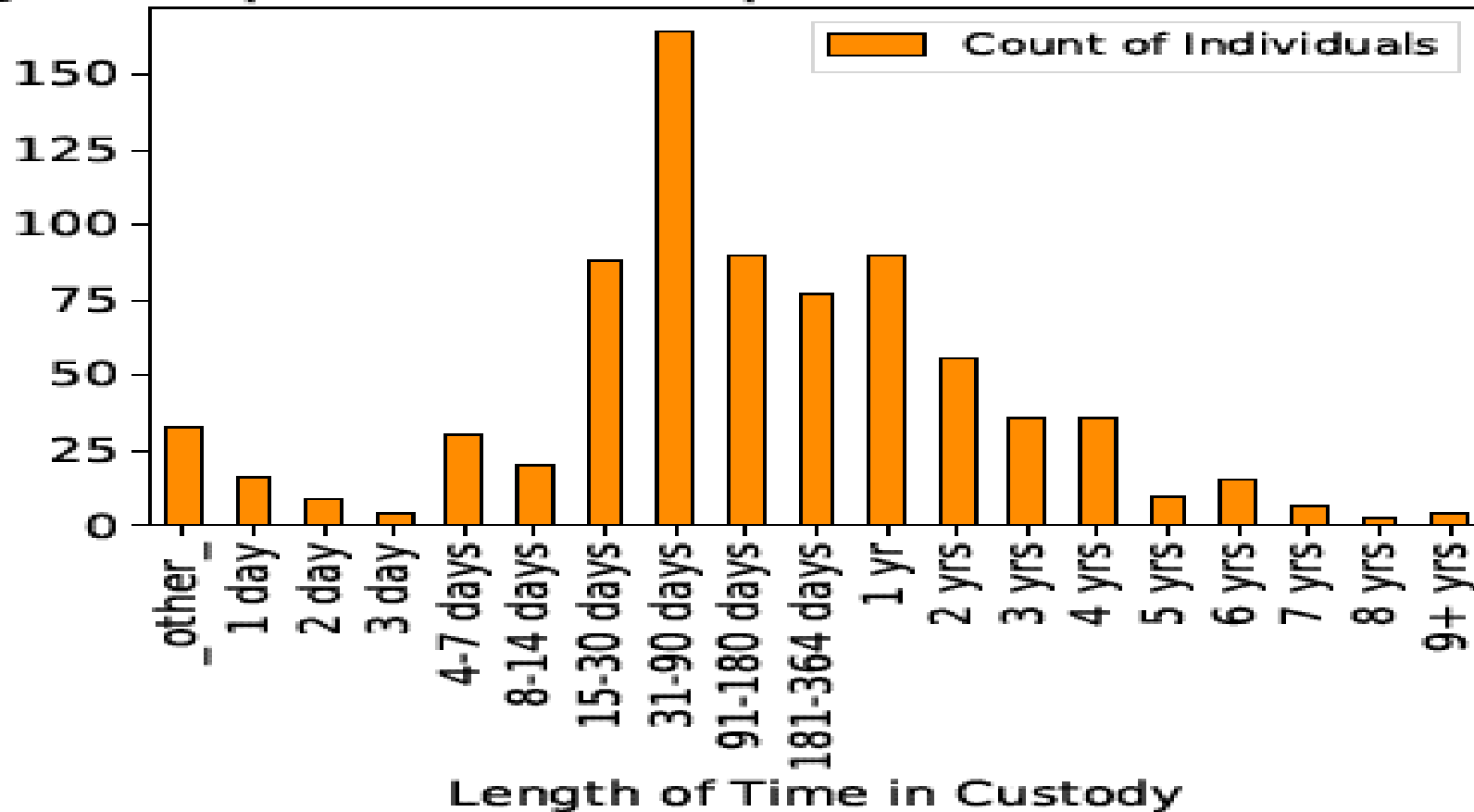
November Safety and Justice MacArthur Report

Releases by Racial Percent Last 12 Months



November Safety and Justice MacArthur Report

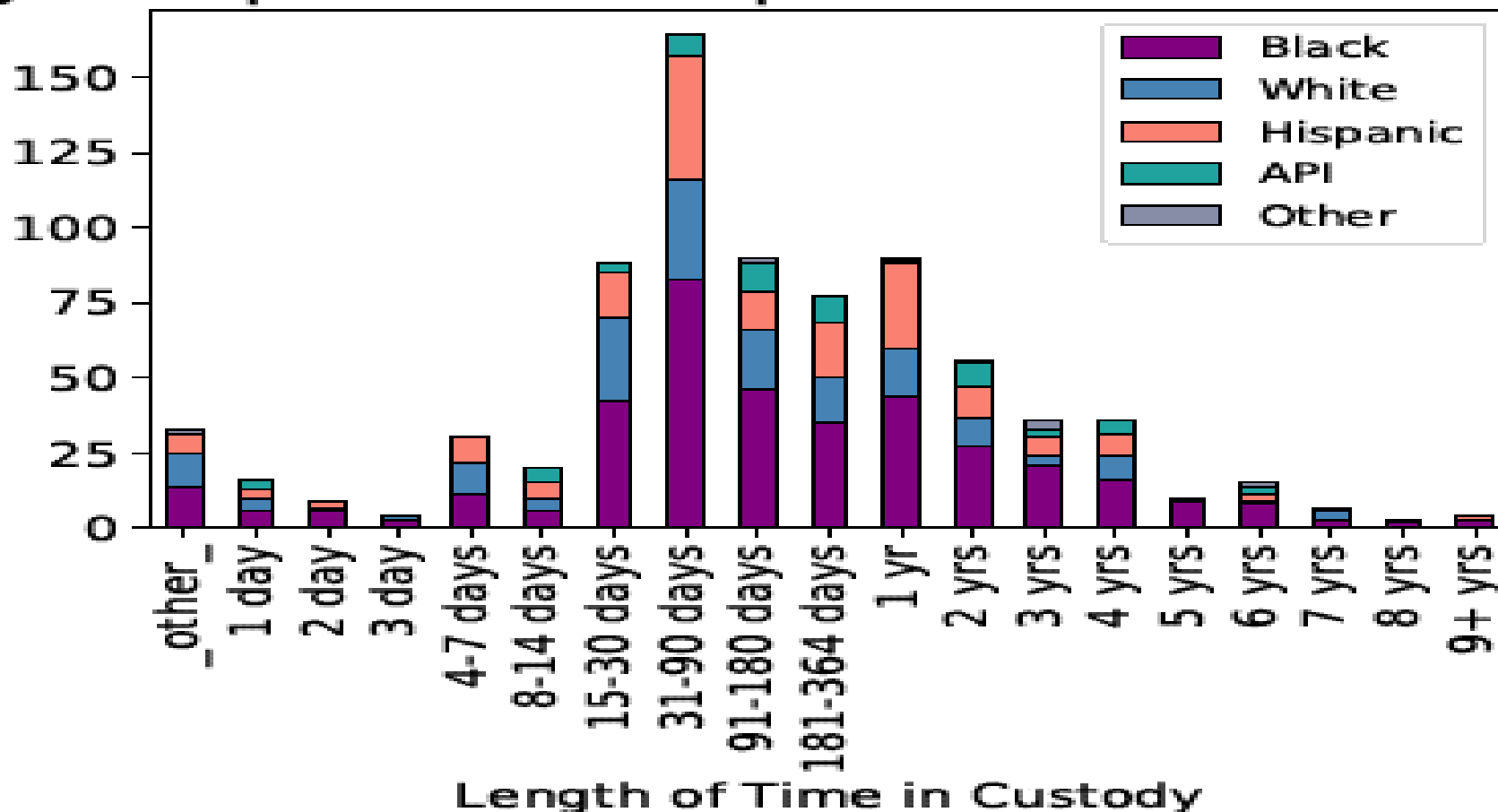
Jail Population Snapshot Time in Custody



*_other_ category represents jail bookings who were transferred from jail to another facility and returned. Most of these are hospital returns but instances include persons who were moved to another jail for safekeeping or for their court appearance, then brought back to San Francisco.

November Safety and Justice MacArthur Report

Jail Population Snapshot Time in Custody



*_other_ category represents jail bookings who were transferred from jail to another facility and returned. Most of these are state hospital returns but instances include persons who were moved to another jail for safekeeping or for their court appearance, then brought back to San Francisco.

END OF SLIDESHOW



Supported by the John D. and Catherine T. MacArthur Foundation

2020 California Sentencing Related Legislation Chaptered

Bill Number	Sponsor	Title	Comments	Effective Date
AB 1869	Ting (Mitchell)	Criminal Fees (SB 144)	This bill would repeal the authority to collect many of these fees, among others. The bill would make the unpaid balance of these court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated.	9/18/20
AB 1950	Kamlager	Adult Probation	This bill would restrict the period of probation for a misdemeanor to no longer than 2 years.	1/1/21
AB 2542	Kalra	Criminal procedure: discrimination	This bill would prohibit the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified.	1/1/21
AB 3070	Weber	Juries: peremptory challenges and challenges for cause.	Would prohibit a party from using a peremptory challenge or challenge for cause to remove a prospective juror on the basis of the prospective juror's race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, affiliation, or the perceived membership of the prospective juror in any of those groups.	1/1/22
AB 3234	Ting	Public Safety Trailer Bill	This bill would authorize a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, except as specified. Existing law establishes the Elderly Parole Program for the purpose of reviewing the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration on their sentence. This bill would modify the minimum age limitation for that program to 50 years of age and instead require the inmate to have served a minimum of 20 years of continuous incarceration in order to be eligible for that program.	1/1/21

SB 823	Budget	Department Juvenile Justice Realignment	The bill would establish a Juvenile Justice Realignment Block Grant program to provide county-based custody, care, and supervision of youth who are realigned from the Division of Juvenile Justice and would have otherwise been eligible for commitment to the division. The bill would appropriate moneys from the General Fund in specified amounts for these purposes, as specified. The bill would specify how those funds would be allocated to counties based on specified criteria.	7/1/2021 and 1/1/22
SB 592	Wiener	Jury service	This bill would broaden the pool of eligible jurors by adding state tax filers to the list that jury commissioners use when assembling jury pools.	List submitted by 11/1/21
SB 118/AB 84	Budget	Parole Caps	Limits Parole to 2 yrs. for determinate sentences & 3 yrs. for indeterminate sentences.	7/1/2020



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

2020 Annual Report San Francisco Sentencing Commission

December 9, 2020

DRAFT



San Francisco Sentencing Commission 2020 Annual Report

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The activities of the 2020 calendar year of the San Francisco Sentencing Commission are summarized in this annual report as required by County Ordinance 10-12.

I. EXECUTIVE SUMMARY

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

In accordance with Governor Gavin Newsom's statewide order for all residents to "Stay at Home" – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives issued to slow down and reduce the spread of the COVID-19 virus, the first meeting of the 2020 schedule for the Sentencing Commission was canceled. When released from restrictions on non COVID-19 urgent meetings, the Sentencing Commission held meetings through videoconferencing on Zoom and facilitated remote public comment via the videoconference and phone.

On May 12, 2020, the Board of Supervisors for the City and County of San Francisco (CCSF) passed Ordinance 80-20, directing the closure of County Jail #4 (CJ4) by November 1, 2020. The Board further assigned a newly formed SJC Subcommittee operating under the auspices of the Sentencing Commission with the task of identifying measures and strategies to sustain jail population reductions. The Ordinance became effective on June 21, 2020, and the Sentencing Commission voted to approve the bylaws of the newly formed Subcommittee on July 15, 2020.

The Safety and Justice Challenge (SJC) Subcommittee was formed around an existing partnership to implement a \$2 million-dollar Safety and Justice Challenge grant investment from the MacArthur Foundation in fall 2018. The goal of the SJC initiative is to safely reduce the local jail population and address racial disparities. San Francisco's SJC initiative is a partnership between the Superior Court, the Sheriff's Office, Public Health Department, Adult Probation Department, Public Defender's Office, the District Attorney's Office, community representatives designated by the San Francisco Reentry Council and the Family Violence Council, and community stakeholders such as the San Francisco Pretrial Diversion Project. The SJC partnership has operated with oversight from the San Francisco Sentencing Commission since the grant's inception.

On September 4, 2020, Sheriff Paul Miyamoto announced that CJ4 was no longer being used to house or hold people, functionally closing the jail two months ahead of schedule. The kitchen will remain in use, staffed by people held in County Jail #2 (CJ2), until the CJ2 kitchen remodel is complete. The estimated timeline for the completion of the remodel is March 2021.

During the 2020 calendar year, the San Francisco Sentencing Commission held three virtual hearings covering Local Sentencing Trends, 2020 Sentencing Legislation Introduced, Case Processing Technical Assistance with specific emphasis on COVID-19, Review and Approval of Safety and Justice Challenge By Laws, Toward Shared Safety: The First-Ever National Survey of America's Safety Gaps, CA 2020 Victim Services Impact Survey Update, Victim Services During COVID-19, Jail Population Trends, 2020 Legislation Chaptered into Law and Update on the Committee on Revision of the Penal Code and the Safety and Justice Challenge. The San Francisco Sentencing Commission not only facilitates conversations between criminal justice stakeholders about innovative approaches to sentencing and criminal justice reform but generates action-oriented recommendations resulting in successful program and policy implementation. In 2019 no formal recommendations were made due to the transition of leadership in the District Attorney's Office. In 2020 a significant amount of the work of the Sentencing Commission was focused on subcommittee support in fulfillment of Ordinance 80-02. A summary of previous year's recommendations is available on the Sentencing Commission website.

II. BACKGROUND

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

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

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

Commission Membership

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

The membership of the Sentencing Commission was developed to ensure representation from City and County partners directly involved in the criminal justice system, and those who come in contact with it. Each seat represents a valuable perspective on criminal justice proceedings; from time of arrest to post release and the critical access points for support services provided to victims and survivors of crime. In addition to this practical and service experience, the commission includes experts in sentencing and statistical analysis. These are essential components to the commission membership and contribute to the development of data-informed, sustainable improvements to our sentencing practices. While this membership serves as the core of the Sentencing Commission's work, the Commission invites broader participation from practitioners, researchers, and community to inform the proceedings.

List of member seats:

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

III. 2020 MEETING TOPICS & PRESENTERS

The Sentencing Commission held three meetings in 2020. Full details are available on <http://www.sfdistrictattorney.org/>. Meeting dates and selected subject matter presenters are provided below. In addition to subject matter presentation regular status report are provided by Sentencing Commission staff, the Criminal Justice Racial Equity Workgroup, and Safety and Justice Challenge Workgroup.

July 15, 2020

Review of San Francisco Sentencing Trends

Presenter: Tara Anderson Sentencing Commission Director

2020 Sentencing Legislation Introduced

Presenter: Sentencing Commission Director, Tara Anderson

Case Processing Technical Assistance with specific emphasis on COVID-19

Presenter: Tim Dibble, Vice President, Justice Management Institute

Review and Approval of Safety and Justice Challenge By Laws

Presenter: Josie Halpern-Finnerty, Safety and Justice Challenge Director

October 7, 2020

Toward Shared Safety: The First-Ever National Survey of America's Safety Gaps

Presenters: Tinish Hollins, Associate Director and Marisa Arrona Local Safety Solutions Project Director, Californians for Safety and Justice

CA 2020 Victim Services Impact Survey Update

Presenters: Paige Allmendinger, Acting Deputy Chief, Victim Services Division, San Francisco District Attorney's Office

Victim Services During COVID-19

Presenter: Dr. Gena Castro-Rodriguez, Chief of Victim Services Division, San Francisco District Attorney's Office

December 9, 2020

Jail Population Trends

Presenter: Lucas Jennings, San Francisco Sheriff's Department

2020 Legislation Chaptered into Law and Update on the Committee on Revision of the Penal Code

Presenter: Natasha Minsker

Sentencing Commission Annual Report

Presenter: Tara Anderson, Director of Policy, San Francisco District Attorney's Office

V. MEMBERSHIP UPDATES

Membership Transitions

In the 2020 calendar year the San Francisco Sentencing Commission experienced transitions for four member seats. In January, District Attorney Chesa Boudin, Juvenile Probation Chief Katy Miller, and Sheriff Paul Miyamoto were sworn into office. In June the Reentry Council appointed Jose Bernal to serve in the member seat for an organization serving a formerly incarcerated person. This appointment was time limited to allow for a more comprehensive outreach and selection process while also ensuring that the seat was filled for The Safety and Justice Challenge (SJC) Subcommittee activities. In September the Reentry Council appreciated Jose Bernal for his service during such a critical time. The Reentry Council then moved to formally appoint William Palmer to serve in the member seat for an organization serving a formerly incarcerated person.

Position of Superior Court

The San Francisco Superior Court is an invited member of the San Francisco Sentencing Commission. In 2018, representatives from the Administrative Office of the San Francisco Superior Court began participating in the Sentencing Commission as non-voting members. The court representatives are participating to advance the cross-system goals of San Francisco's Safety and Justice Challenge implementation. A detailed description of the Safety and Challenge goals is listed in section IV.

VI. FUTURE ACTIVITIES

Looking Forward: 2021

The San Francisco Sentencing Commission is currently scheduled to conduct four sessions in 2021. Sentencing Commission topics 2021 include:

- Overview of San Francisco Sentencing Trends
- 2021 Sentencing Policy and Legislative Updates

Additional areas of focus will be identified during the March 2021 meeting of the Sentencing Commission.

VII. CONCLUSION

In 2020, the San Francisco Sentencing Commission successfully completed the eighth full year of hearings covering experts discussing Local Sentencing Trends, 2020 Sentencing Legislation Introduced, Case Processing Technical Assistance with specific emphasis on COVID-19, Review and Approval of Safety and Justice Challenge By Laws, Toward Shared Safety: The First-Ever National Survey of America's Safety Gaps, CA 2020 Victim Services Impact Survey Update, Victim Services During COVID-19, Jail Population Trends, 2020 Legislation Chaptered into Law and an Update on the Committee on Revision of the Penal Code and the Safety and Justice Challenge. The San Francisco Sentencing Commission plans to conduct four meetings during the 2021 calendar year.

Appendix A: San Francisco Sentencing Commission Members

As of December 9, 2020

Agencies & Bodies	Member
District Attorneys' Office	Chesa Boudin, District Attorney
Public Defender	Manohar Raju, Public Defender
Adult Probation	Karen Fletcher, Adult Probation Chief
Juvenile Probation	Katy Miller, Juvenile Probation Chief
Sheriff	Paul Miyamoto, Sheriff
Police	William Scott, Police Chief
Department of Public Health	Grant Colfax, Director
Reentry Council	Karen Roye, Director Child Support Services
Superior Court*	Presiding Judge
<i>Member of a nonprofit org serving victims chosen by the</i> Family Violence Council	Jerel McCrary Attorney
<i>Member of non-profit org working with ex-offenders chosen by the</i> Reentry Council	William Palmer
Sentencing Expert chosen by the Board of Supervisors	Theshia Naidoo Senior Staff Attorney Drug Policy Alliance
Academic Researcher with expertise in data analysis appointed by the Mayor	Steven Raphael PhD Professor Goldman School of Public Policy University of California Berkeley

*Invited

** BART PD participates as a non-voting member.