

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

San Francisco Sentencing Commission

AGENDA

Tuesday March 23, 2021, 10:00 am

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/99825168595>

Meeting ID: 998 2516 8595

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 December 9, 2020 (discussion & possible action).
4. Review and Approve proposed amendment to the Sentencing Commission Bylaws, adding the reading of a Ramaytush (pronounced rah-my-toosh) Ohlone Land Acknowledgement to the beginning of all meetings (discussion and possible action)
5. Staff Report on Sentencing Commission Activities (discussion & possible action).
6. Staff Report on Criminal Justice Racial Equity Workgroup (discussion & possible action).
7. Safety and Justice Challenge Updates by Josie Halpern-Finnerty, Safety and Justice Challenge Director (discussion & possible action).
8. Annual Review of Sentencing Trends (discussion only).

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9. Presentation on Digging Deeper into Racial & Ethnic Disparities: Using Data to Make Change from Haywood Burns Institute by Clarence Ford and Anna Wong (discussion & possible action).
10. Update on Justice Dashboard and “High User” Analysis by California Policy Lab (discussion & possible action).
11. Members’ Comments, Questions, Requests for Future Agenda Items (discussion & possible action).
12. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
13. 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.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Josie Halpern-Finnerty at josie.halpern-finnerty@sfgov.org at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Josie Halpern-Finnerty at josie.halpern-finnerty@sfgov.org at least two business days before the meeting.

CHEMICAL SENSITIVITIES

To assist the City in its efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: www.sfgov.org/sunshine.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

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

CELL PHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Co-Chairs may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco CA 94102, telephone (415) 581-2300, FAX (415) 581-2317, and web site <http://www.sfgov.org/ethics/>

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MEETING MINUTES

December 9, 2020

10:00 am – 12:00pm

REMOTE MEETING VIA VIDEOCONFERENCE

Members in Attendance:

San Francisco District Attorney Chesa Boudin; Public Defender Raju; Chief Adult Probation Fletcher representative Tara Agnese; Juvenile Probation Department; Chief Miller representative Assistant Chief Paula Hernandez; Sheriff Miyamoto San Francisco Sheriff's Office; Chief Scott representative Captain Ahern, San Francisco Police Department; Director Colfax representative Deputy Director Naveena Bobba, Department of Public Health; Reentry Council Appointee: Child Protective Services Director Roy; Superior Court representative Allyson West; Re-Entry Council's Non-Profit Organization Appointee William Palmer; and Board of Supervisors Appointee Theshia Naidoo.

Non- Voting Members in Attendance: Conflict Counsel Betsy Wilkins; Department of Police Accountability Sharan Woo; Representatives of Pretrial Services.

1. Call to Order; Roll call.

San Francisco District Attorney Chesa Boudin welcomes everyone to the 32nd 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.

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 October 7th, 2020 (discussion & possible action).

District Attorney Boudin asked Commission members to review minutes from the previous Sentencing Commission meeting. Reentry Council Appointee: Child Protective Services Director Roy moved to accept the minutes; Sheriff Miyamoto seconded the motion. Minutes from October 7, 2020 were approved unanimously in a Roll Call vote.

No Public Comments received.

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

Tara Anderson stated the major focus of staff time was on Safety and Justice Challenge activities, support for new member appointments and the annual report. Tara Anderson provided updates on member transitions and introduced the Reentry Council appointment of William Palmer to the sentencing commission filling the positions previously held by Jose Bernal.

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Tara Anderson invited the Reentry Council appointee to provide an update.

Karen Roye, Director of Child Support Services, provided a report related to the Reentry Council, which met October 22nd, 2020. The board of Supervisors appointed re-entry council seats, the four new council members are Michael Brown, Yolanda Morrisette, Oscar Salinas, and Jabari Jackson. The Recovery working group offered a presentation on the date retrieved from over four hundred surveys on the recommendation of what should be done to improve recovery outcomes for San Franciscans struggling with addiction. The next Reentry Council meeting will be January 28th, 2021

No questions or Public Comments received.

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

District Attorney Chesa Boudin called on Victoria Westbrook and Arcelia Hurtado to provide an overview of the Justice and Equity workgroup activities.

Victoria Westbrook stated next meeting schedule to be December 17th at 11am. During which, review of the legislation of the previous year will be looked at and will be having a presentation from Brightstar Research Group.

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) and 2021 workplan. Halpern-Finnerty gave an overview of the five strategies that the SJC partners have committed to for the upcoming year, full details in the final report on the closure of Country Jail #4 which is available in the District Attorney's website. First strategy is Lead with Race, centering all strategies and activities around reducing racial disparities. The second strategy is to Sustain a Shared Focus through regular review of trends and cases, with a focus on case types where black people are overrepresented in San Francisco. The third strategy is Improving Case Processing, this involves reducing delays and lengthy stays in jail. Fourth strategy is Increase Healthy Connections, to address the urgent issue in San Francisco where over 75% of people in jail have had substance abuse and/or mental health issues. Final strategy is Drive with Data, through which SJC partners will continue efforts to build a more transparent, data driven justice system in San Francisco.

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

Karen Roye, Director of Child Support Services expressed the SJC team is doing a tremendous work. Also shared excitement about moving forwards with a cross agency agreement and performance indicators. As well as looking forward to learning more about the restorative justice options.

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Josie Halpern-Finnerty added that the SJC is waiting on the announcement of continued funding from the MacArthur Foundation by early next year.

No additional questions or Public Comments were received.

7. Presentation on “Jail Population trends” by Lucas Jennings, Sheriff’s Department in association with the Safety and Justice Challenge

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

Lucas Jennings presented an overview of jail trends for the month of November and over the prior year. He shared information on the average number of people in jail, a snapshot of the daily population, bookings, releases, and the average and median length of stay for those released. In many areas the data showed a decrease from the prior month and from one year ago.

DA Boudin thanked the presenters for a great report.

Karen Roy, Director of Child Support Services raised the question to Lucas of what the experience was for him gathering this data and if he had an idea of the age break down of people in jail currently. What type of charges were black people jailed for?

Lucas mentioned that he is used the Jails Management System (JMS) data and court management system (CMS) data as his primary sources. To answer the age question 20% from 18-24 years, 37% from 25-34 years, 24% from 35-44 years, 13% from 45-54, 6% over 55 years. Additionally, he does not have numbers on charge types as a part of this analysis and is working on adding to the data presented in the next few months.

Member Roy asked Lucas if he used a control variable for people who entered the system more than one time.

Lucas answer: Every 3rd Tuesday of the month the snapshot is taken, and they do analysis on people reentering into the system.

Board of Supervisors Appointee Theshia Naidoo raised the question Is there an analysis on what is driving down the bookings i.e.. reduced arrest or COVID?

Lucas answered by saying that with the pandemic bookings have decreased and that is consistent between bookings and releases.

DA Boudin provided the link of the San Francisco Police Department Crime dashboard
<https://www.sanfranciscopolice.org/stay-safe/crime-data/clearance-rates-dashboard>
<https://www.sanfranciscopolice.org/stay-safe/crime-data/clearance-rates-dashboard>

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

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8. 2020 Sentencing Related Legislation Chaptered into Law by Lizzie Buchen and Natasha Minsker.

DA Boudin introduced Lizzie Buchen and Natasha Minsker and informed the Commission that Lizzie would discuss the 2020 legislation that was chaptered into law as well as a preview to the 2021 Legislative session and that Natasha will speak about the Committee on the Revision of the Penal Code.

Lizzie Buchen discussed the major bills passed in the year 2020, and provided a powerpoint presentation.

Natasha Minsker provided an overview of the work of the Committee on the Revision of the Penal Code which is finishing up their first year of work with the goal of issuing their first report in January. The next meeting will be held December 10th, 2020 where they will make a final verdict on what reviews will go into their final January report. The committee has ten ideas these include addressing people who have short sentences in CDCR which includes about 37% of the population. Second is retroactive application of repeal of sentencing enhancements which the committee is recommending reducing the among of court process. Third is to equalize credit between jail and prison by which people could earn similar credit regardless of if they are in jail or prison. Fourth is parole reform, reform the slandered for lifers with the goal to increase grant rates and to more lifers release on parole. Fifth is looking to reform penal code 1170 D-1 which establishes a person to be resentences. Sixth, looking into lower levels misdemeanors such as suspended license. Seventh is expanding probation eligibility, the committee is recommending expansion of probation eligibility across the board. Eight is reforming the most common strike offenses, by where the committee will recommend review of the burglary statue. Ninth, is strengthening the power of a judge by using their power under penal code section 1385 to dismiss enhancements. Lastly, reforming the gang enhancement and gang statue since some of the provisions were passed by voters the committee is recommending only changes that the legislative body could pass with a majority vote. The committee will be working with state legislators to push forth these changes.

DA Boudin thanks Lizzie and Natasha for their presentations.

No public comment was received.

9. Presentation on Sentencing Commission Annual Report by Tara Anderson, Director of Policy, San Francisco District Attorney's Office (discussion & possible action)

Tara Anderson discussed the 2020 Annual report as required by the administrative code for submission to the Mayor and the Board of Supervisors to report on the actives and outcomes of the Sentencing Commission. Due to COVID-19 there were only three meetings held instead of

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the four throughout the year. Tara provided a summary of the report, while members reviewed the content.

Member Roye thanks Tara and DA Boudin for their excellent work in guiding the group.

No public comment was received.

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

Theshia Naidoo commented that for future meetings that committee members could brainstorm ideas/ proposals to submit to the penal code revision committee commission.

DA boudin suggests option one to form a group who could formulate ideas for the next meeting. Another option would be for individual members to bring their own ideas into the next meeting to discuss. If any members any suggestions write an email to Tara with sufficient time before the next meeting.

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

No Public Comments received.

12. Adjournment.

Director Roye made a motion to adjourn the 32nd meeting of the Sentencing Commission. William Palmer seconded the motion. Motion passed unanimously in a Roll Call vote.

Next meeting will take place in March 2021.

Adjourned at 12:00 pm.

Item 4. 3/23/21 Draft Amendments for Discussion and Possible Action

**By LAWS THE SAN FRANCISCO SENTENCING COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

(San Francisco Administrative Code 5.255 thru 5.255-5)

Article I. Name and Purpose

Section 1. Name

The name of the Sentencing Commission shall be The San Francisco Sentencing Commission (hereafter referred to as the Sentencing Commission).

Section 2. Purpose

The Sentencing Commission is established by Article XXV Chapter 5.255 of the San Francisco Administrative Code and shall carry out the duties enumerated therein. 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.

Section 3. Reports

The Sentencing Commission will submit annual reports to the Mayor's Office, the Board of Supervisors, by December 31 of each year. The December 31, 2022 report shall include recommendations on whether the Sentencing Commission should continue to operate and if so whether the Board of Supervisors shall consider legislative changes that would enhance the capacity of the Sentencing Commission to achieve the goals underlying Ordinance 10-12.

Article II. Members, Officers, Duties

Section 1. Members

The Sentencing Commission shall consist of 12 members, or 13 members if the Superior Court agrees to provide one member. The head or chair of each of the following agencies and bodies shall serve on or will assign one staff member to serve on the Commission as a voting member: District Attorney; Public Defender; Adult Probation; Juvenile Probation; Sheriff; Police; the Department of Public Health; the Reentry Council, and the Superior Court, assuming it agrees to participate on the Commission. In addition, the following additional voting members will be appointed: a member of a nonprofit organization that works with victims, chosen by the Family Violence Council; a member of a nonprofit organization that works with ex-offenders, chosen by the Reentry Council; a sentencing expert chosen by the Board of Supervisors; and an academic researcher with expertise in data analysis appointed by the Mayor.

Item 4. 3/23/21 Draft Amendments for Discussion and Possible Action

Section 2. Officers.

The District Attorney or their designee shall chair the Sentencing Commission. The Chair may rotate the duties of Chair to fellow Sentencing Commission Members.

Section 3. Duties of the Chair

The Chair will preside at all meetings of the Committee. The Chair shall be responsible for developing agendas and conducting meetings. Presiding duties include opening and adjournment, ascertainment of existence of a quorum, sequence of business, recognition of members entitled to the floor, statement for vote on all motions that legitimately come before the assembly, enforcement of rules of debate, and protection of the assembly from frivolous or dilatory motions.

Section 4. Representation

Sentencing Commission members may identify themselves as members of the Sentencing Commission when they are not conducting Sentencing Commission business; however, they need to state that they are not speaking in their official capacity as a member of the San Francisco Sentencing Commission. Sentencing Commission members may not represent the Sentencing Commission on any item before any body or in the media unless directed to do so by the Sentencing Commission Chair. If a Sentencing Commission member has questions about this issue, the member should contact the City Attorney's Office.

Article III. Staff

Section 1. Staff

The District Attorney's Office shall provide staff support and administrative assistance to the Commission.

Article IV. Meetings

Section 1. Regular Meetings

Regular meetings of the San Francisco Sentencing Commission shall meet at least three times a year.

Section 2. Special Meetings

The Chair or a majority of the members of the Sentencing Commission may call special meetings.

Section 3. Notice of Meetings

Item 4. 3/23/21 Draft Amendments for Discussion and Possible Action

The agendas of all regularly scheduled meetings and notices and agendas of all special meetings shall be posted on the San Francisco District Attorney's web site (<http://www.sfdistrictattorney.org/>), at the meeting site, the San Francisco Main Library Government Information Center and the Office of the District Attorney. Agendas and notices shall be emailed to each Sentencing Commission Member and any person who files a written request for such notice with the Sentencing Commission at Sentencing.Commission@sfgov.org.

Section 4. Cancellation of Meetings

The Chair may cancel the meeting if they are informed by Sentencing Commission Staff that a quorum of the body will not be present or if the meeting dates conflict with a holiday or other responsibilities of the Reentry Council members. Notices of cancellation shall be posted on the San Francisco District Attorney's web site (<http://www.sfdistrictattorney.org/>), at the meeting site, the San Francisco Main Library Government Information Center and the Office of the District Attorney. If time permits, notices of cancellation shall be mailed to members of the public who have requested, in writing, to receive notices and agendas of Sentencing Commission Meetings.

Section 5. Conduct of Meetings

- (a) All Sentencing Commission meetings shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. Seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the San Francisco Sentencing Commission's By-laws. Except where state or local laws or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.
- (b) When a member of the San Francisco Sentencing Commission desires to address the Commission, they shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine their comments or remarks to the question before the San Francisco Sentencing Commission.
- (c) Cell phones and pagers shall be turned off during the meetings of the San Francisco Sentencing Commission. The Chair may issue a warning to any member of the public whose pager or cell phone disrupts the San Francisco Sentencing Commission Meeting. In the event of repeated disruptions caused by pagers and cell phones, the Chair shall direct the offending member of the public to leave the meeting.
- (d) The Sentencing Commission Members have diverse life and work experiences and unique responsibilities in their roles outside of the San Francisco Sentencing Commission. All members of the San Francisco Sentencing Commission shall treat each other with respect, and seek to understand the views and perspectives of fellow members.

Item 4. 3/23/21 Draft Amendments for Discussion and Possible Action

Section 6. Setting Agendas

The Sentencing Commission staff, at the direction of the Chair, shall prepare the agenda for meetings. The agenda for all regular meetings shall contain an item during which the Sentencing Commission members may request items for the San Francisco Sentencing Commission to consider at future meetings.

Section 7. Ramaytush Ohlone Land Acknowledgement

At the beginning of each meeting, after the Call to Order, the Chair shall read the following Ramaytush Ohlone Land Acknowledgement:

“The San Francisco Sentencing Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.”

Section 8. Action at a Meeting; Quorum and Required Vote

The presence of 10 members of the San Francisco Sentencing Commission shall constitute quorum for all purposes. If a quorum is not present, no official action may be taken, except roll call and adjournment.

Section 9. Voting and Absenteeism

The San Francisco Sentencing Commission members must be present to vote and participate. Teleconference participation is only permitted in cases involving emergency care of a family member. Each member present at the Sentencing Commission meeting shall vote “Yes” or “No” when a question is put, unless the member is excused from voting on a matter by motion adopted by a majority of the members present or the member has a conflict of interest that legally precludes participation in the discussion and vote.

The San Francisco Sentencing Commission shall take action on items on the agenda by roll call, voice vote or by show of hands. The minutes shall reflect how each Sentencing Commission member voted on each item.

Section 10. Public Comment

Item 4. 3/23/21 Draft Amendments for Discussion and Possible Action

The San Francisco Sentencing Commission and all designated subcommittees shall hold meetings open to the public in full compliance with state and local laws. The Sentencing Commission encourages the participation of all interested persons. Members of the public may address the Sentencing Commission on any matter within the subject matter jurisdiction of the Sentencing Commission for up to three minutes during public comment. The Chair may limit the time permitted for public comment consistent with state and local laws.

Article V. Sentencing Commission Records

Section 1. Minutes

Minutes shall be taken at every regular and special meeting of the Sentencing Commission with the provisions of the San Francisco Sunshine Ordinance, including the provisions that apply to Charter boards and Commissions (See San Francisco Administrative Code, Chapter 67.16). Minutes shall be approved by majority vote of the Sentencing Commission.

Section 2. Public Review File

The Sentencing Commission shall maintain a public review file in compliance with the San Francisco Sunshine Ordinance. (See San Francisco Administrative Code, Chapter 67.23).

Section 3. Records Retention Policy

The Sentencing Commission staff shall prepare and maintain a records retention and destruction policy as approved in Section 8.3 of the San Francisco Administrative Code.

Section 4. Tape Recordings

The San Francisco Sentencing Commission shall audio or video record all regular and special meetings of the Sentencing Commission. The Records shall be maintained in accordance with the San Francisco Sunshine Ordinance. (See San Francisco Administrative Code, Chapter 67.14(b)).

Article VI. Attendance

Members of the Sentencing Commission shall notify the Sentencing Commission staff if they are unable to attend a regular or special meeting of the San Francisco Sentencing Commission. If a member of the Sentencing Commission misses two regular scheduled meetings in any twelve month period without prior notice to Council Staff, the Chair shall request that the member's appointment authority appoint a new member.

Article VII. Amendment of By Laws

Item 4. 3/23/21 Draft Amendments for Discussion and Possible Action

The By Laws of the San Francisco Sentencing Commission may be amended by a vote of a majority of the members of the San Francisco Sentencing Commission after presentation of the proposed amendments as an agenda item at the meeting of the San Francisco Sentencing Commission.

MacArthur Foundation Awards \$18 Million in Grants to Rethink Local Justice Systems and Advance Racial Equity

February 9, 2021

MacArthur Foundation Awards \$18 Million in Grants to Rethink Local Justice Systems and Advance Racial Equity

New Research Confirms Decline in Jail Populations Among Cities and Counties Participating in the Safety and Justice Challenge

Chicago, IL, February 9, 2021 – Building on significant momentum for evidence-based reforms to local justice systems, the John D. and Catherine T. MacArthur Foundation today announced an additional \$18 million in grants as part of its [Safety and Justice Challenge](#), a national initiative to reduce over-incarceration by changing the way America thinks about and uses jails.

The new funding will support 15 cities and counties that are already working to reduce over-incarceration and advance racial equity in local criminal justice systems. To date, the foundation has awarded more than \$246 million to support cities, counties, and states committed to reform.

More than five years after its launch, the Foundation's [Safety and Justice Challenge Network](#) has grown to 51 sites across 32 states modeling reform. The initiative supports local leaders who are working collaboratively to rethink local justice systems from the ground up. Participating cities and counties are using data to identify key drivers of incarceration and racial inequities and working with diverse groups of community members, individuals who work in the justice system, and people with lived experience to develop impactful reforms.

In conjunction with today's announcement, the City University of New York's Institute for State and Local Governance (ISLG)—the organization that tracks Safety and Justice Challenge progress—released a [new report](#) measuring the effectiveness of strategies to reduce jail populations over the first three years of the initiative. Key findings in the report, [“Reducing The Misuse and Overuse of Jails in Safety and Justice Challenge Sites: An Interim Progress Report,”](#) include:

- The **average daily population in jails declined significantly** across Safety and Justice Challenge sites, especially for individuals awaiting trial, from 2016 to 2019.
- This progress was mostly **driven by a decline in jail bookings**, not a reduction in the length of time people are spending in jail.
- Safety and Justice Challenge grantees have made **progress reducing the number of people in jail for nonviolent traffic, property, drug, or public order offenses**, but more must be done to reduce the number of people held in jail after being

charged with other types of crimes.

- While some jurisdictions decreased the rate of misdemeanor bookings for people of color, racial inequities in local justice systems persist.

“We must confront the devastating impacts of mass incarceration by a system that over-polices and over-incarcerates Black, Indigenous, and Latinx people,” said Laurie Garduque, MacArthur’s Director of Criminal Justice. “Over the past five years, the Safety and Justice Challenge has safely reduced the ineffective and harmful use of jails, while learning that jail population reduction alone does not undo the racial inequities perpetuated by an unjust system and our nation’s history of systemic racism. We are committed to supporting cities and counties as they reimagine a definition of safety that is inclusive of all communities and makes meaningful progress towards our goal of ending racial and ethnic disparities in jails.”

ISLG’s Research Director, Reagan Daly, said their report shows that significant progress can be achieved when cities and counties use data to identify drivers of jail incarceration and develop strategies that speak directly to those drivers. “Many cities and counties participating in the Safety and Justice Challenge have achieved substantial reductions in their jail populations, and these improvements were seen across racial and ethnic groups. With that said, there is still much work to be done to eliminate disparities, which have persisted despite the progress that has been made in other areas. Data will continue to play a critical role as cities and counties confront these inequities moving forward,” she said.

Today’s award of additional funding by the MacArthur Foundation will allow cities and counties to build on their work to address justice system practices that take a particularly heavy toll on people of color, people with low-incomes, people without stable housing, people with disabilities, members of the LGBTQIA+ community, and people who have mental health or substance use issues.

The cities and counties receiving additional support and funding are:

- Philadelphia, PA
- Allegheny County, PA
- San Francisco City/County, CA
- Buncombe County, NC
- Charleston County, SC
- Milwaukee County, WI
- Louis County, MO
- New Orleans, LA
- Lucas County, OH
- East Baton Rouge Parish, LA
- Lake County, IL
- Minnehaha County, SD
- Spokane County, WA
- Pima County, AZ
- New York, NY

“As a data-guided collaborative of system leaders and community representatives committed to improving safety and justice, we are incredibly grateful for support from the MacArthur Foundation through the Safety and Justice Challenge. It’s helped us safely reduce jail use, face inequities, and engage the community in improving the local criminal justice system,” said Kristy Pierce Danford for Charleston County’s Criminal Justice Coordinating Council and project director for the local SJC effort. “The new funding will help us sustain what we’ve already accomplished and continue improving the local system and advancing equity for years to come.”

Beth Huebner, professor of criminology and criminal justice at the University of Missouri–St. Louis at project director for the local SJC effort, said the collaboration between key justice system stakeholders fostered through the Safety and Justice Challenge is not only an important factor in the success reducing St. Louis County’s jail population, but was also particularly important over the past year as the county responded to COVID-19. “This additional funding will allow us to build on reform strategies and invest in new evidence-based solutions to safely reduce our jail population and confront inequities in the system,” she said.

The Safety and Justice Challenge brings together many of the nation’s leading criminal justice organizations to provide technical assistance and counsel to participating cities and counties. These include the Center for Court Innovation, Everyday Democracy, Nexus Community Partners, the Institute for State and Local Governance at the City University of New York, JFA Institute, the Justice Management Institute, Justice System Partners, the Pretrial Justice Institute, Policy Research, Inc., the Vera Institute of Justice, the W. Haywood Burns Institute, Urban Institute, and Bennett Midland.

GOALS & ACTIVITIES FOR 2021

SF SJC 2021 Overarching Goals:

- 1) Reduce racial disparities in the jail
- 2) Maintain overall jail population reductions or make further reductions if needed amidst the ongoing pandemic
- 3) Develop mechanisms to sustain efforts and changes

Area	Goal(s)	Jan-March	April-June	July-Sept	Oct-Dec
Lead with Race	Center all strategies around racial disparities reduction. Engage community members with lived experience in to inform strategies and activities. Develop new programs/activities focused on disparities reduction.	<ul style="list-style-type: none"> Launch inaugural SJC Fellowship Refine activities and metrics to ensure racial disparities reduction focus across strategies Plan community engagement activities with SJC Fellows focused on expanding diversion options Criminal Justice Racial Equity Work Group (CJREWG) and SJC Fellows develop goals for Racial Justice Act training series Finalize and implement Office of Racial Equity Phase I Action Plans¹ 	<ul style="list-style-type: none"> SJC Fellows begin participatory action research on expanding diversion options Hold Racial Justice Act training series in partnership with CJREWG, SJC Fellows, Bright Research Group Fellows develop recommendations to expand community engagement and diversion options Participate in Office of Racial Equity Phase II planning 	<ul style="list-style-type: none"> Launch second cohort of Fellows Implement new community engagement strategies Develop new training series with CJREWG and Fellows Present recommendations for increasing diversion options to Sentencing Commission 	<ul style="list-style-type: none"> Second Fellow-led participatory action research project Launch new racial disparities reduction training series Implement new diversion options/programming
Sustain Shared Focus	Sustain and enhance a vigorous jail population review (JPR) process. Use the lessons from case review to drive policy change.	<ul style="list-style-type: none"> Hold bimonthly JPR meetings with focus on charges where black people are overrepresented Develop plan to track impact and share lessons learned from JPR Host more intensive case review as needed during COVID 	<ul style="list-style-type: none"> Continue JPR meetings, revisiting case criteria quarterly to ensure focus on racial equity Bring policy recommendations to SJC Workgroup quarterly Host more intensive case review as needed during COVID 	<ul style="list-style-type: none"> Continue JPR meetings, revisiting case criteria quarterly to ensure focus on racial equity Bring policy recommendations to SJC Workgroup quarterly Host more intensive case review as needed during COVID 	<ul style="list-style-type: none"> Continue JPR meetings, revisiting case criteria quarterly to ensure focus on racial equity Bring policy recommendations to SJC Workgroup quarterly Host more intensive case review as needed during COVID
Improve Case Processing	Improve case processing and address lengthy stays in jail. Work with the Superior Court, District Attorney and Defense to adopt systems and structures to reduce delay and coordinate criminal case priorities.	<ul style="list-style-type: none"> Court signs contract with Justice Management Institute (JMI) Kick-off meeting with JMI and justice system partners Court develop dashboards for judges to monitor caseloads, track case management progress, and monitor metrics related to racial disparities 	<ul style="list-style-type: none"> JMI host training on case processing and sentencing best practices JMI conducts site visit and partner interviews, shares interim report, provides TA to Court on dashboards Identify case processing metrics relevant to racial disparities Explore processes/practices related to different types of “holds” in jail 	<ul style="list-style-type: none"> Draft case management plan reviewed by workgroup and leadership Finalize case plan and associated tools for case coordination Finalize Court dashboards 	<ul style="list-style-type: none"> Implement case management plan and associated tools Implement and refine Court dashboards post-C-Track launch Track impact of any changes on racial disparities in jail and at key decision points

¹ See Office of Racial Equity website for more details: <https://www.racialequitysf.org/mandate>

GOALS & ACTIVITIES FOR 2021

Area	Goal(s)	Jan-March	April-June	July-Sept	Oct-Dec
Increase & Maintain Healthy Connections	Increase connections to community-based support for people with behavioral health and/or housing needs in jail. Improve coordination across local criminal justice, public health, and housing systems.	<ul style="list-style-type: none"> Corporation for Supportive Housing (CSH) launches racial disparities analysis and system mapping project with Reentry Council Homebase provide TA series to help partner agencies navigate the housing system SJC and Reentry Council host joint meeting with Prop C Committee to inform funding allocations DPH clinician works with people in jail who have BH needs, referring to JPR and community-based supports, with focus on individuals from overrepresented groups DA Sentencing Planner develops individualized plans for community-based care to support dispositions 	<ul style="list-style-type: none"> Continue work of DPH clinician and DA Sentencing Planner, with focus on overrepresented groups Training for Judges/DAs on serving people with BH needs CA Policy Lab completes system high utilizer descriptive analysis and presents to the SJC Workgroup CSH shares interim findings from analysis with SJC Workgroup Share lessons learned from Tipping Point pilot bridge housing project with SJC Workgroup 	<ul style="list-style-type: none"> Continue work of DPH clinician and DA Sentencing Planner, with focus on overrepresented groups CSH finalizes analysis, system map, and recommendations Develop recommendations based on CPL and CSH reports and share with Sentencing Commission, Reentry Council, Prop C Committee Monitor progress of new citywide crisis response efforts and participate as needed 	<ul style="list-style-type: none"> Continue work of DPH clinician and DA Sentencing Planner, with focus on overrepresented groups Determine if and how pilot bridge housing investments need to be sustained or expanded to best serve justice-involved people, and identify ongoing funding streams Develop new workflows and protocols to serve people who touch multiple systems, with focus on reducing racial disparities
Drive with Data	Build a more transparent, data-driven justice system in San Francisco. Develop tools and data-sharing agreements that enhance partners' ability to sustain jail reductions.	<ul style="list-style-type: none"> Continue sharing monthly Jail population presentation with SJC Workgroup, refining based on input Data team meets monthly, develops indicators to track decision-points critical to reducing disparities Continue development of internal and external facing data dashboards Finalize a cross-agency agreement to guide data-sharing through the JUSTIS hub 	<ul style="list-style-type: none"> Data team meets monthly to at data trends and data sharing needs Present racial disparities indicators at SJC Workgroup; refine disparities reduction activities across strategies as needed Finalize key performance indicators for the criminal justice system developed by the JUSTIS partners; develop a plan to regularly share with City leadership and the public 	<ul style="list-style-type: none"> Data team meets monthly to at data trends and data sharing needs, with focus on racial disparities indicators Justice Dashboard transitions from CA Policy Lab to CCSF hosted platform 	<ul style="list-style-type: none"> Data team meets monthly to at data trends and data sharing needs, with focus on racial disparities indicators Refine disparities reduction activities across strategies as needed based on indicators



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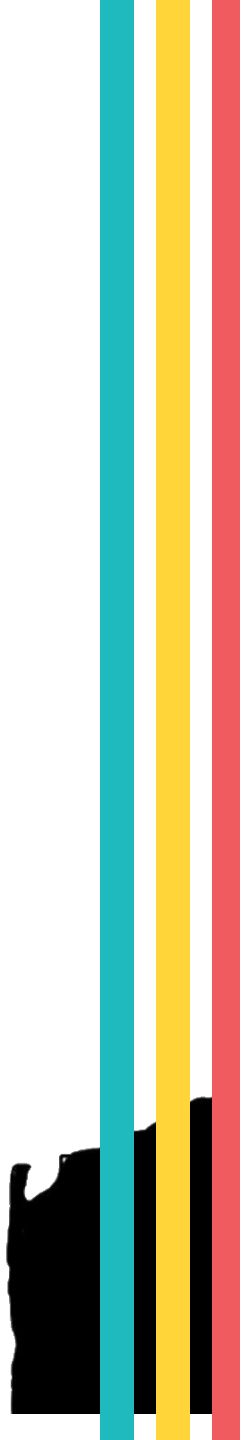
Digging Deeper into Racial & Ethnic Disparities:

Using Data to Make Change

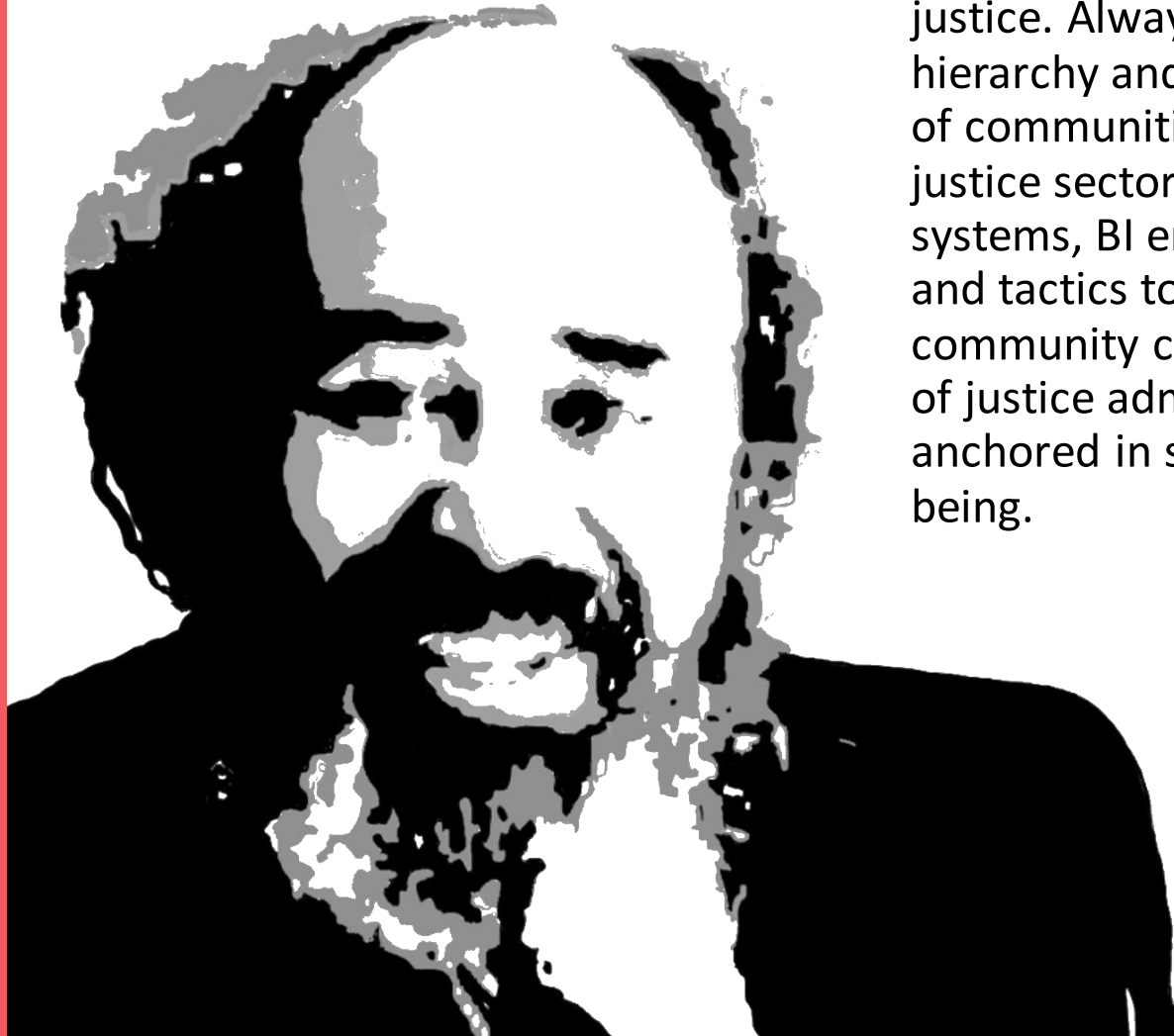
San Francisco Sentencing Commission

March 23, 2021

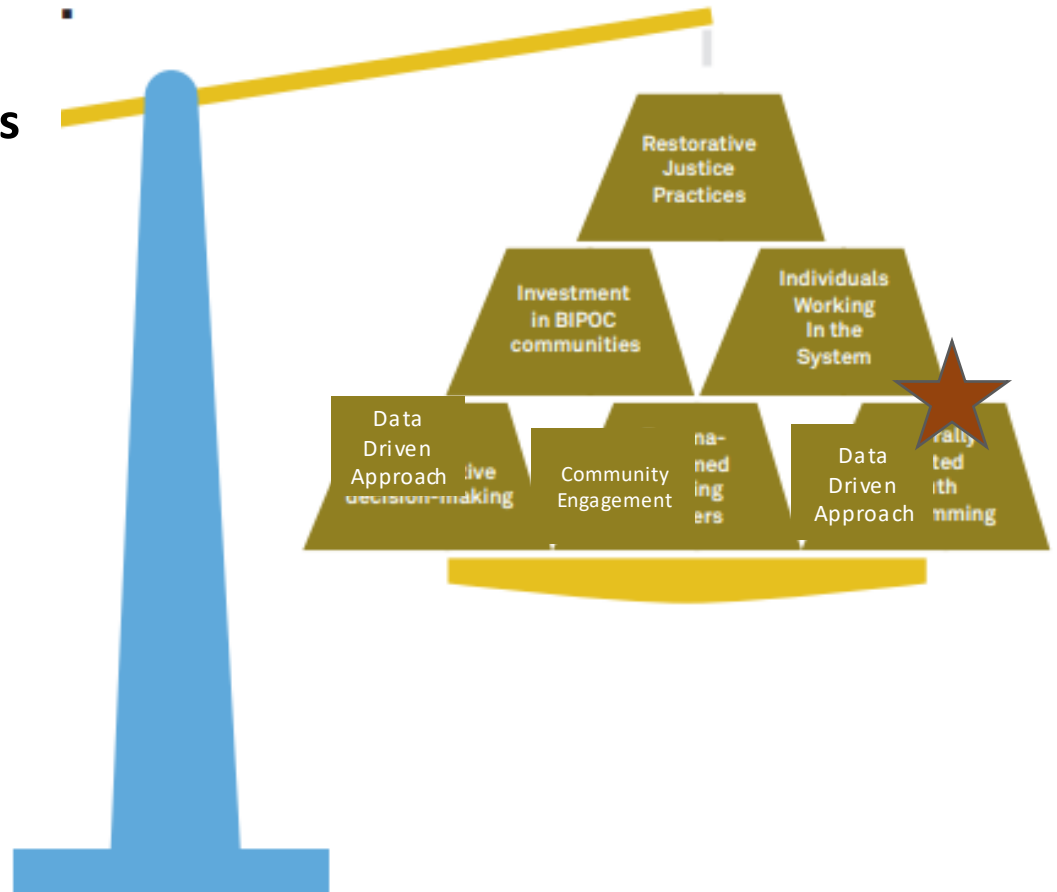
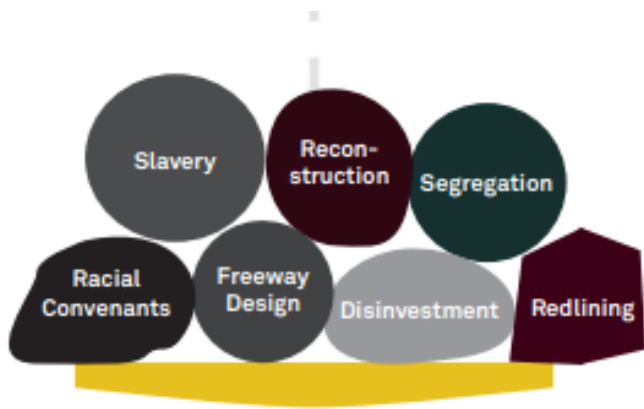
Anna Wong & Clarence Ford



The W. Haywood Burns Institute (BI) is a black-led national, non-profit with a diverse team of bold visionaries, working to transform the administration of justice. Always challenging racial hierarchy and the social control of communities of color by the justice sector and other public systems, BI employs strategies and tactics to establish a community centered approach of justice administration that is anchored in structural well-being.



It will take more than a data driven process and local policy change to balance out centuries of explicit structural racism



Step 2: Considerations for Identifying Priority Population

Starting Place:

- **General agreement that alternatives to jail are viable**
- High volume of jail booking/bed days for people of color
- Disparities in rates of jail bookings
- Disparities in length of stay in jail
- Disparities in use of jail compared to diversion/alternative

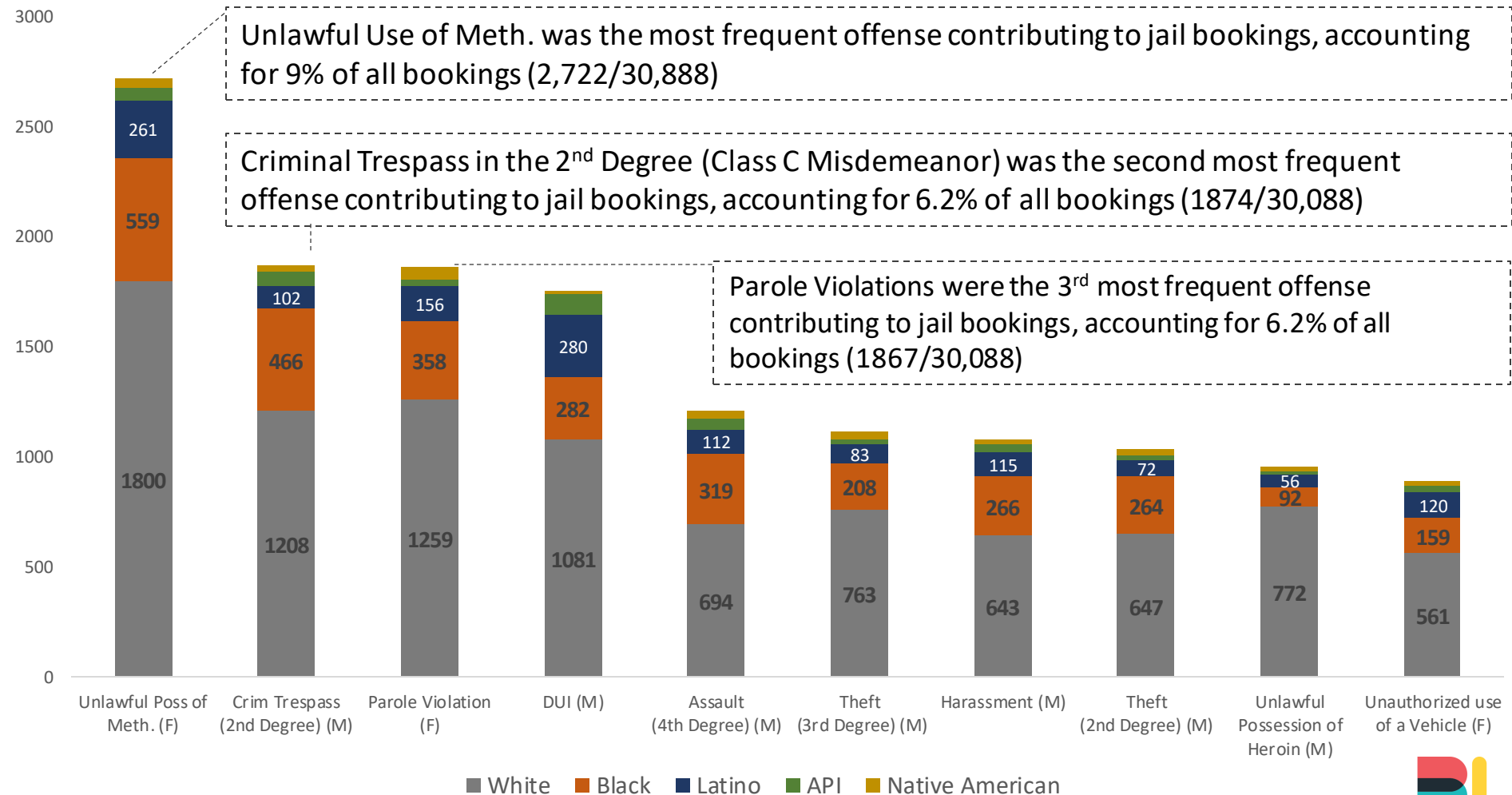
... What else?

Importance of Multiple Metrics for Comparisons

Metric	What it Tells You	Example	Why It's Important to Understanding Disparity	Cautions
Volume	The number of people of color detained	<ul style="list-style-type: none"> County A had 1000 people of color detained County B had 100 people of color detained 	A policy change around detention admission would impact a high number of people of color.	The high number of people of color affected may be a result of a large youth population (ie: county with most adults detained is likely from county with most adult [LA County])
Rate	The likelihood of experiencing detention as a person of color	<ul style="list-style-type: none"> For every 100 Black adults in County A, 5 were detained. For every 100 Black adults at County B, 50 were detained. 	<p>Provides a measure of detention compared to adults in the county.</p> <p>Rate allows us to compare the <i>likelihood</i> of detention for people of color regardless of the total number of adults in the county.</p>	A high rate may affect a small number of adults (ie, if a county has 10 Black adult detained, and only 30 black adults in the county).
Disparity Gap	The relative likelihood of detention for people of color compared to white adults.	<ul style="list-style-type: none"> For every 1 White adults detained in County A, 10 Black adults were detained. For every 1 White adult detained in County B, 3 Black adults were detained. 	Provides an indication of which counties have the greatest difference in use detention for White adults compared to people of color	<p>A significant disparity may affect a small number of adults (as above).</p> <p>A disparity that is low may nonetheless impact a high value (and rate) of people of color.</p>

Step 2: Considerations for Identifying Priority Population

Top Offenses* Booked into Jail (2019)**

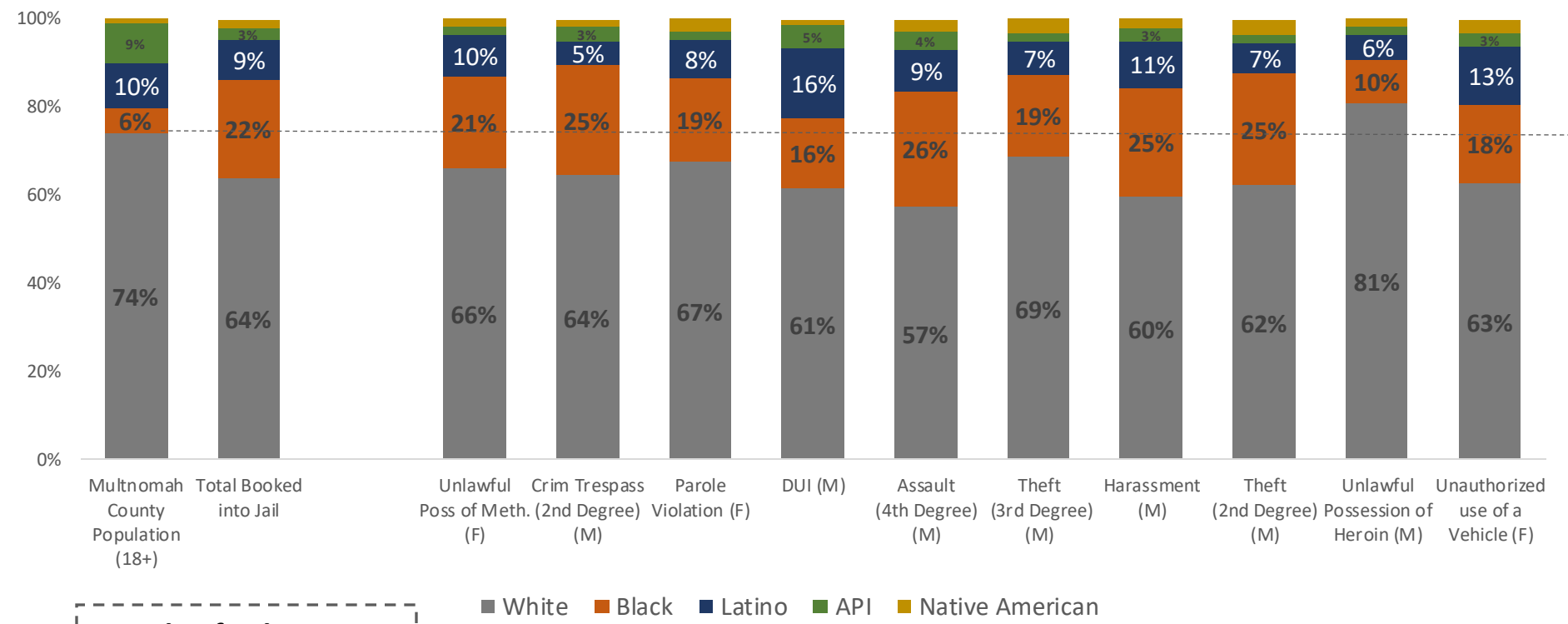


* Seriousness of Offense hierarchy was developed by Institute for State and Local Government (ISLG).

** For ease of reviewing data, timeframe is referred to in charts as 2019. The actual time frame is May 1, 2018 - April 30, 2019.

Step 2: Considerations for Identifying Priority Population

Disproportionality in Top Offenses* Booked (2019)



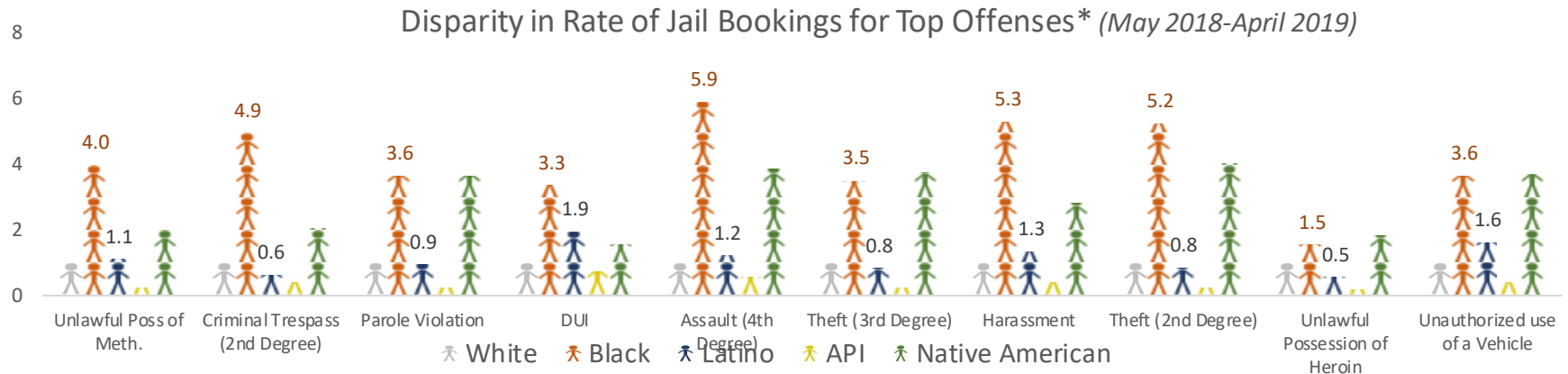
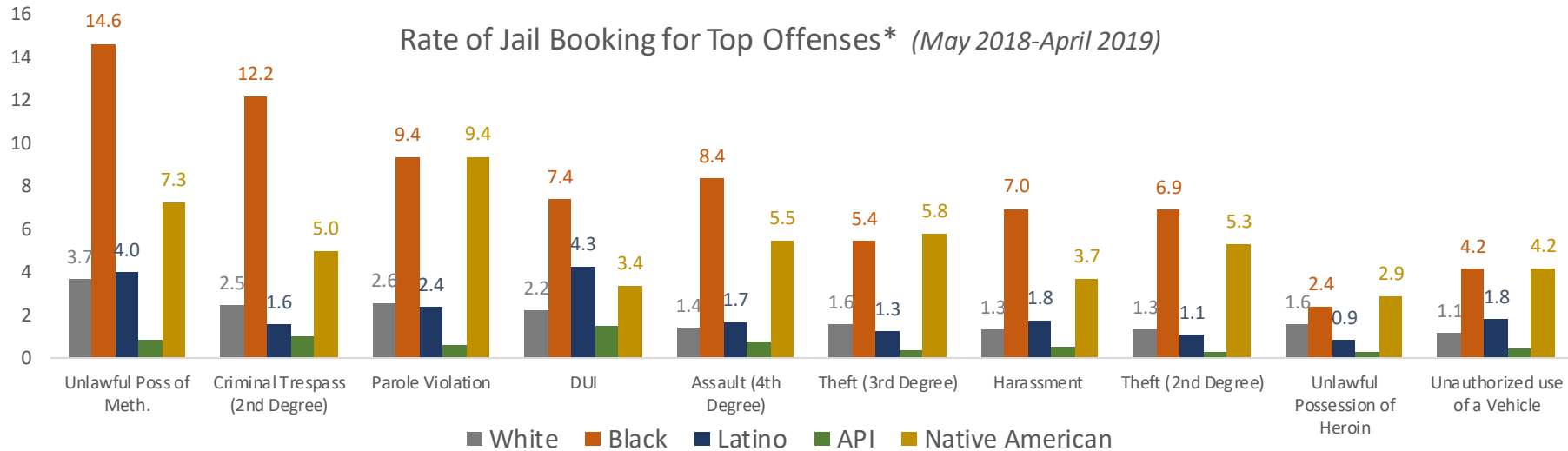
People of color are overrepresented in bookings for all offenses except unlawful possession of heroin.

Reviewing admissions where greatest disproportion exists for most frequent reasons for jail booking.

* Seriousness of Offense hierarchy was developed by Institute for State and Local Government (ISLG).

Step 2: Considerations for Identifying Priority Population

Top Offenses* at Booking: Rates and Disparity (2019)



Reviewing offenses with highest **rates** of admission for people of color and greatest disparity (relative rate) in admissions.

* Seriousness of Offense hierarchy was developed by Institute for State and Local Government (ISLG).

Selecting a Priority Population: *Decision Point Mapping*

(Hypothetical Data)

		Decision Point Analysis Example			
		Arrest	Pretrial Jail Screen	First Appearance	Filing Decision
Data To Consider	Decision Makers	Law Enforcement Probation Sheriff			
	Decision-making Options	Divert Arrest: Cite and Release Arrest: Transport to Custody			
	Policy	All first time, non-person misdemeanor be diverted.			
	Practice	Not all eligible arrestees are diverted.			
	Statistics	What proportion of arrested adults are eligible for diversion? <ul style="list-style-type: none">54% of arrested White adults were eligible for diversion33% of arrested Black adults were eligible for diversion51% of arrested Latino adults were eligible for diversion What proportion of adults eligible for diversion were diverted? <ul style="list-style-type: none">76% of eligible White adults were diverted42% of eligible Black adults were diverted59% of eligible Latino adults were diverted			

Digging Deeper with goal of increasing eligibility for Black Adults:

- What makes Black adults less likely to be eligible for diversion?
- What does an analysis of arrested offenses reveal? Are Black adults more likely to be arrested for felony offenses?
- Is there a higher proportion of prior justice system involvement? How long ago? What was the resolution? What else?

Digging Deeper with goal of increasing the proportion of eligible adults diverted.

- Do certain neighborhoods have a lower rate of diverting eligible people arrested?
- Do certain officers/precincts have a lower rate of diverting eligible people arrested?
- What else?

Digging Deeper with goal of increasing eligibility for Black Adults:

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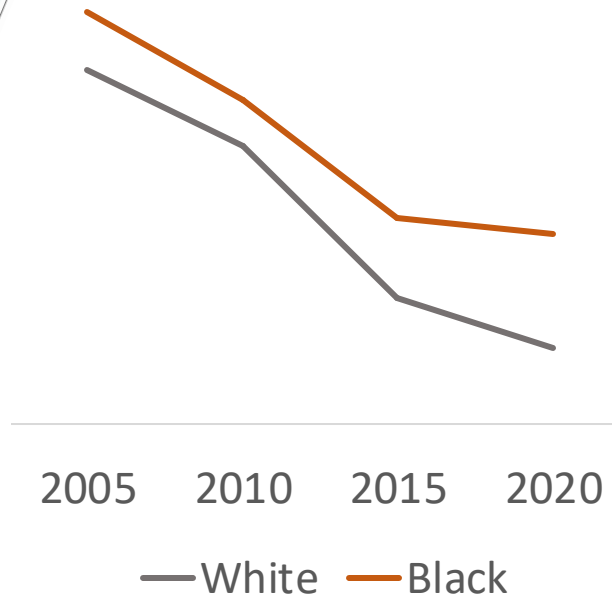
There are Limits on Traditional Reforms

Tools & Technologies, “Low Hanging Fruit”

The image shows a collage of legal forms. The top form is a 'VIOLATION RESPONSE TABLE' with columns for 'Level 1 Sanctions', 'Level 2 Sanctions', and 'Level 3 Sanctions'. Below it is a 'PROBATION' form with sections for 'VIOLATIONS', 'DISPOSITIONS', and 'RECOMMENDATIONS'. The bottom form is a 'QUALIFIED ORDER' form with fields for 'IN THE STATE OF', 'COUNTY OF', 'Plaintiff/Prosecutor', and 'Defendant/Respondent'. A pen is resting on the bottom form.

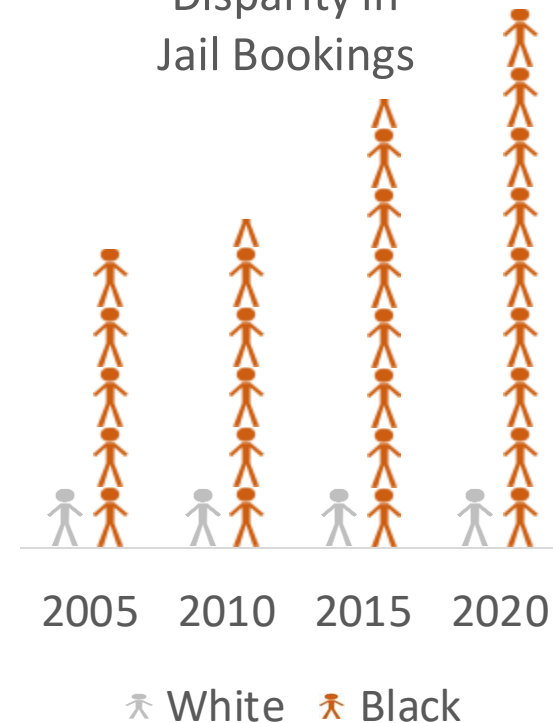
Numbers Decrease

Number of
People Booked into Jail



Disparities increase

Disparity in
Jail Bookings



INDIVIDUALS WHO COMMIT VIOLENT CRIMES ARE OFTEN VICTIMS THEMSELVES

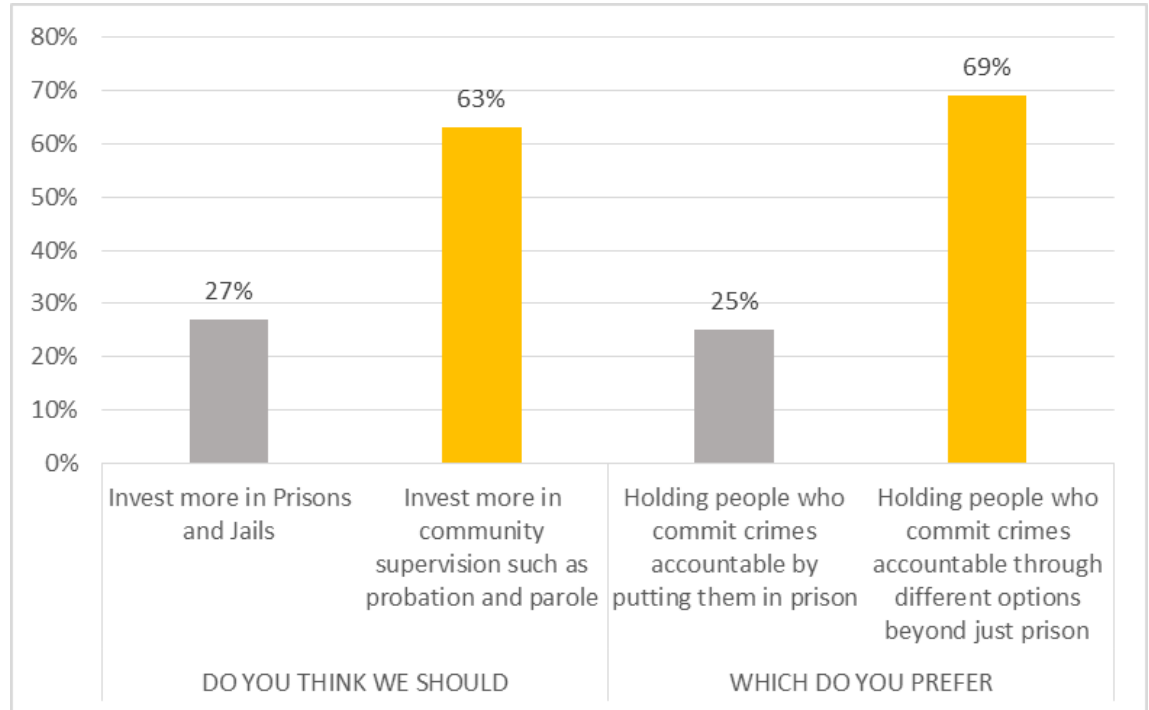
- 68% of incarcerated adult males experienced some form of childhood victimization before the age of 12 (Weeks and Widom, n.d.)
- Over 90% of boys and 84% girls detained in juvenile hall in Cook County, IL reported that had experienced one or more traumas (Abram et al. 2004)



What do Victims of Violent Crime Really Want?

**2016 National Survey
of 800 people who
reported
crime victimization
within the past
10 years**

- Most victims of violent crime prefer alternatives to incarceration



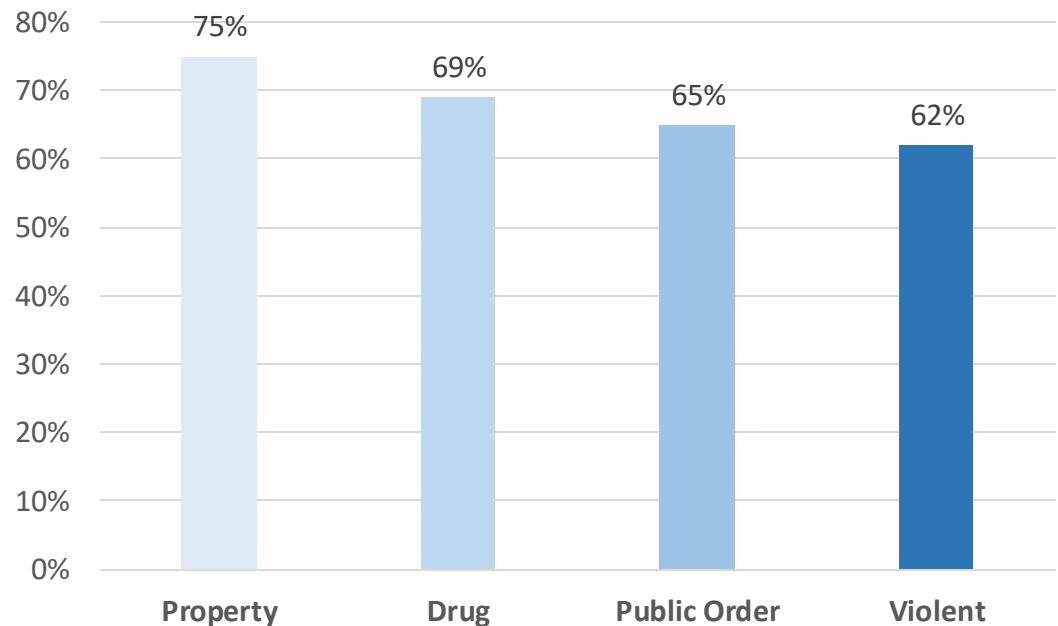
("Crime Survivors Speak – Alliance for Safety and Justice" 2016)

Re-arrest Rates are Lowest among People Convicted of Violent Offenses

Cumulative % of prisoners released in 30 states in 2005 who were arrested following release, by commitment offense category

Person convicted of violent offenses had the lowest recidivism rate compared to the other categories after a period of 3 years

Re-arrest rates after 3 years by offense category



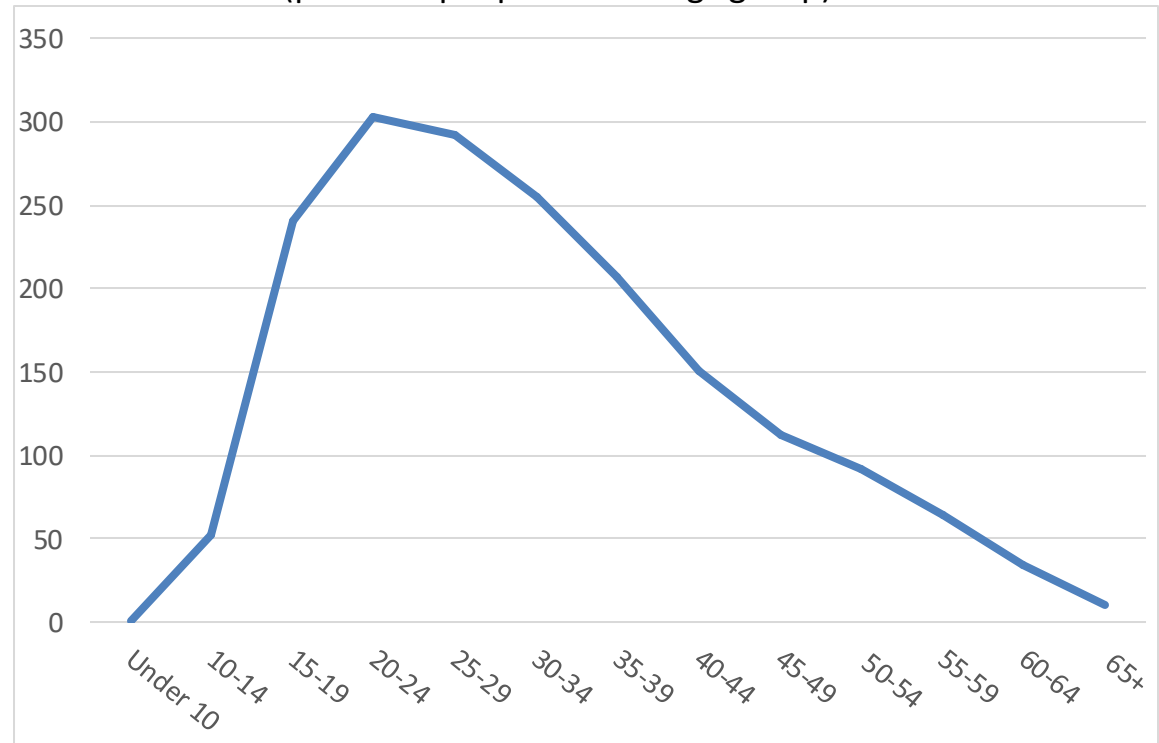
Source: Bureau of Justice Statistics 2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)

People Age Out of Crime

- After the ages 20-24 youth tend to age out violent crimes and crimes in general
- Neuroscientists explain that the prefrontal cortex (brain development) isn't complete until around the age of 25.
- The prefrontal cortex offers up our ability exercise good judgment when put in difficult life situations. (Arain et al. 2013)

of Arrest for violent offenses in 2018

(per 100K people in each age group)



Source: FBI, *Crime in the United States 2018* Table 38 & US Census Bureau, Annual Estimates of the Resident Population by Single Year of Age and Sex for 2018



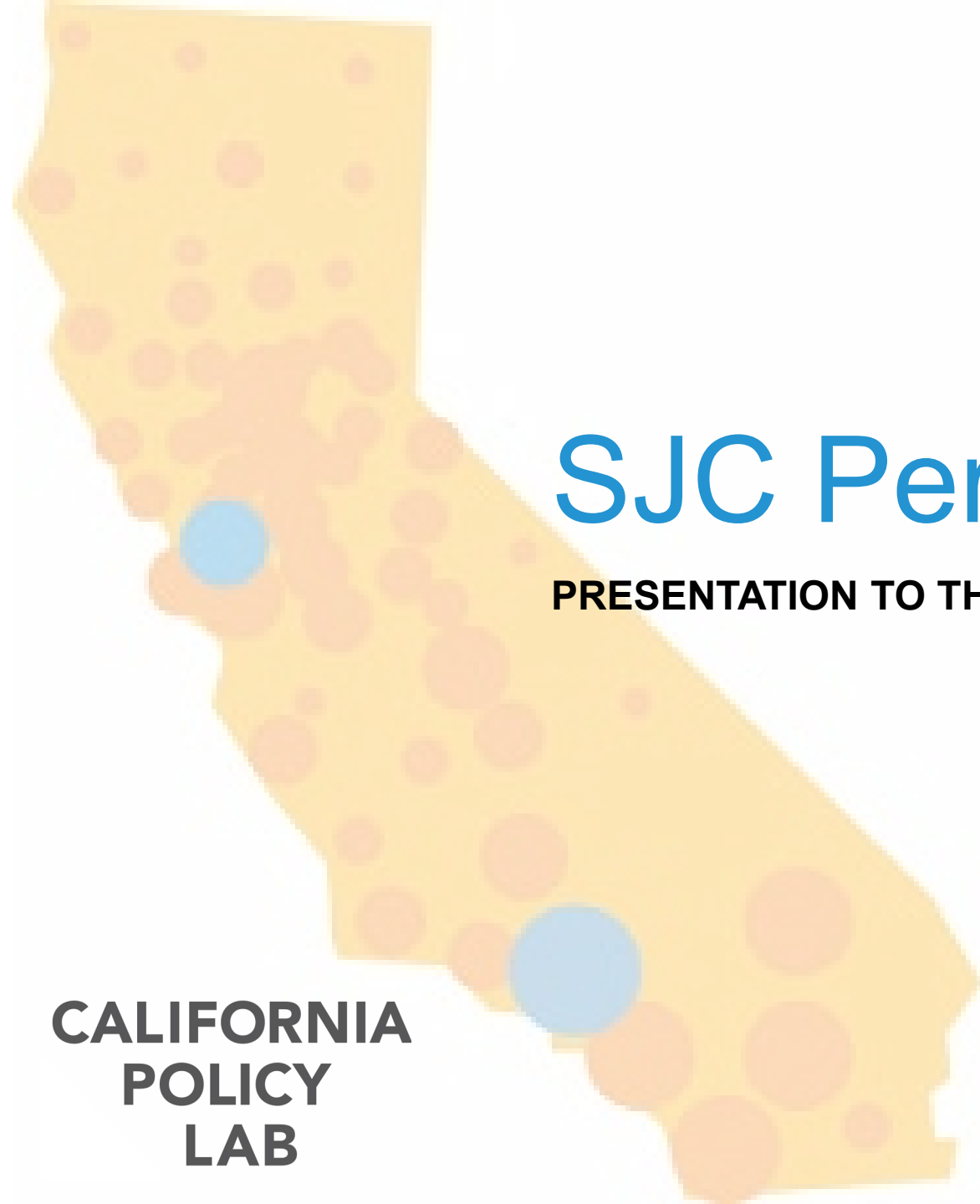
Questions

Clarence Ford & Anna Wong
W. Haywood Burns Institute

SJC Performance Metrics

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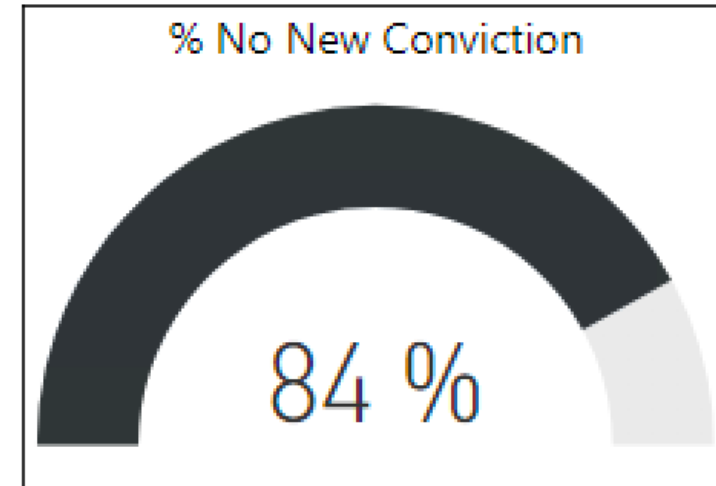


SJC Performance Metrics

- Adopt a Desistance Framework
 - Strategy 5: Drive with Data
- Expand Success Metrics to Include Measures of Health, Housing, and Economic Security
 - Strategy 4: Increase and Maintain Health Connections

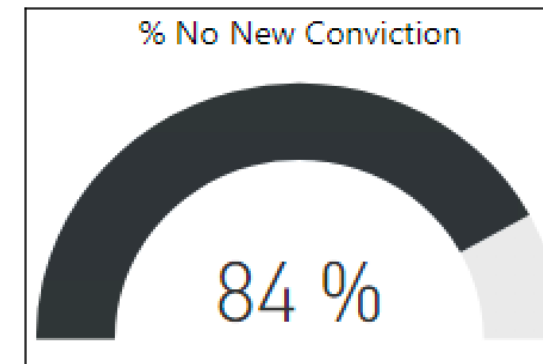
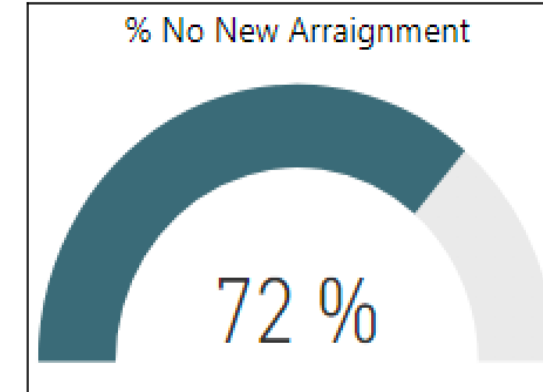
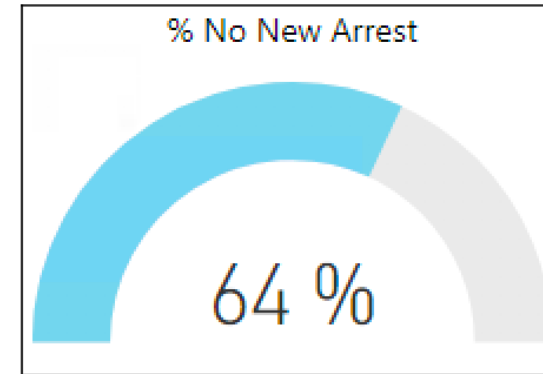
Desistance Framework

- Frame outcomes in terms of success
- Measure subsequent contact at multiple points
- Move beyond binary measure



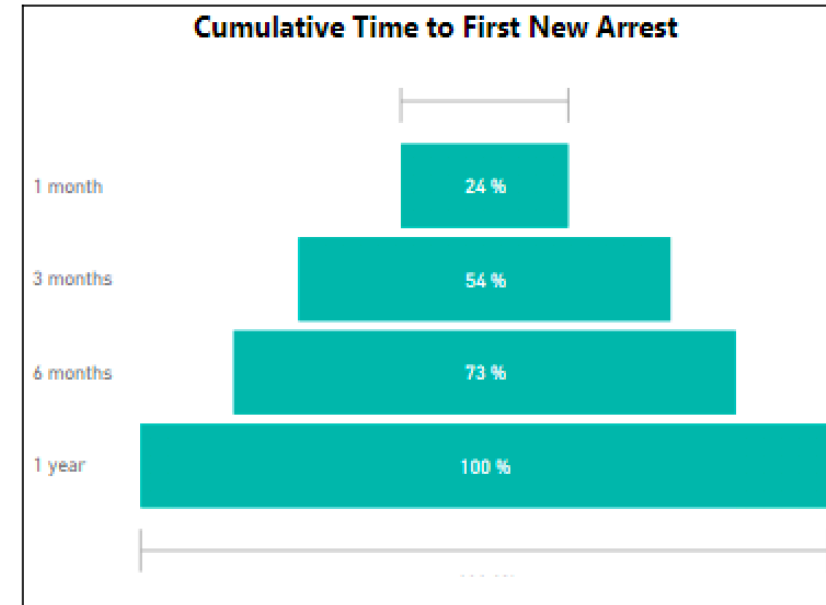
Desistance Framework

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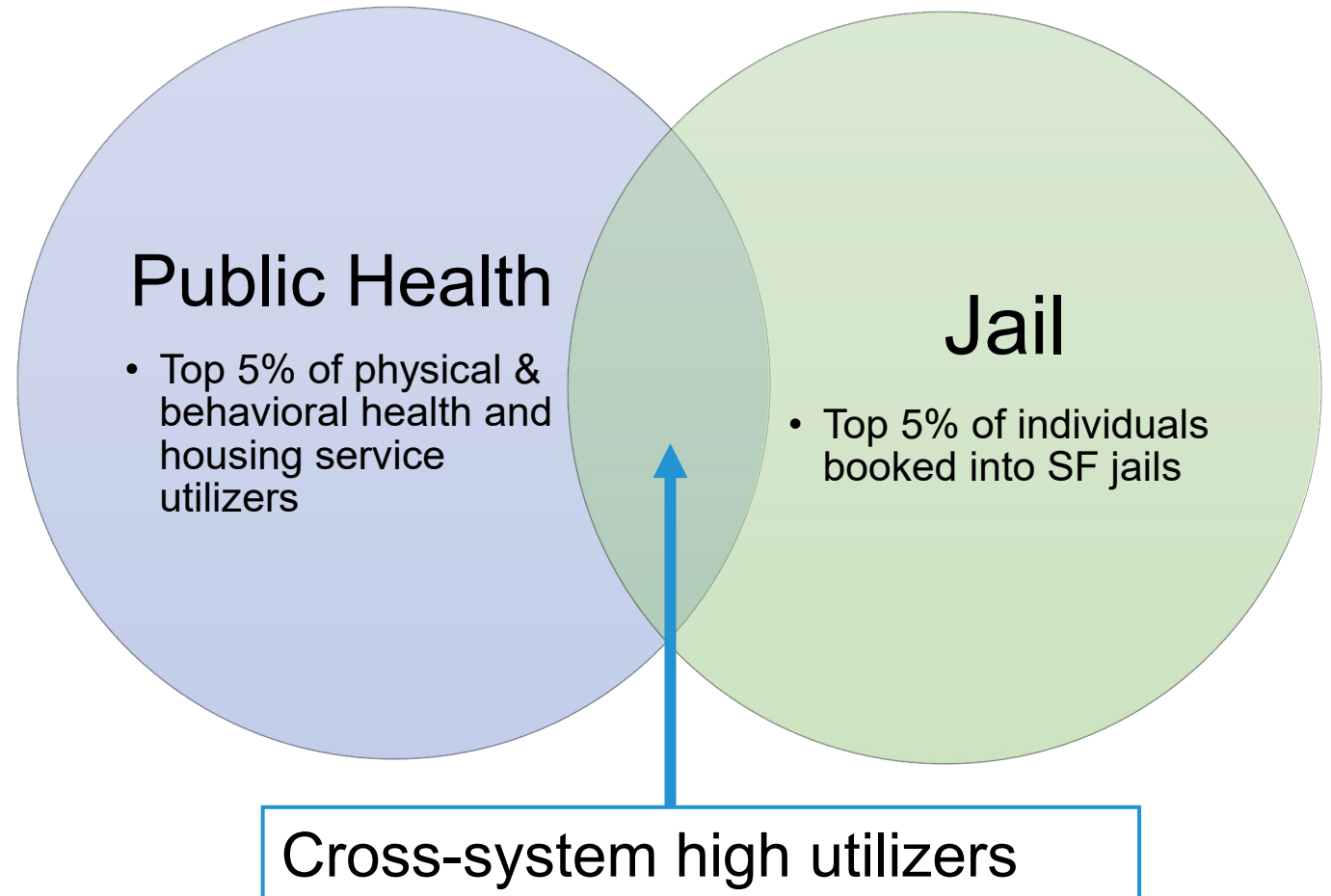
Desistance Framework

- Frame outcomes in terms of success
- Measure subsequent contact at multiple points
- Move beyond binary measure



Expand Success Metrics

- Descriptive analysis: understand cross-system high utilization



Expand Success Metrics

- Apply measures when evaluating success of programs
- Example study: Impact of Felony Diversion in San Francisco
 - Phase 1: impacts of a Collaborative Court diversion referral on **case outcomes** and **subsequent justice system contact**
 - In collaboration with SFDA, SFSO, SFPDP
 - Working paper forthcoming (expected Spring 2021)
 - Phase 2: impacts of a diversion referral on **physical health**, **behavioral health**, and **housing**
 - In collaboration with SFDA, SFSO, SFPDP, SFDPH, and UCSF

Publications (Available & Forthcoming)

- Justice Dashboard, update expected by May 2021
 - <https://www.sfdistrictattorney.org/policy/justice-dashboard/>
- Descriptive summary of pretrial diversion & collaborative court referrals
 - <https://www.capolicylab.org/alternatives-to-prosecution-san-franciscos-collaborative-courts-and-pretrial-diversion/>
- High utilizer analysis overlap brief, expected summer 2021
- Impact of diversion referrals on subsequent contact, working paper expected summer 2021
- Impact of diversion referrals on health connections, expected in early 2022

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