

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

San Francisco Sentencing Commission

AGENDA

Tuesday June 22, 2021, 10:00 am

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/96448487896>

Meeting ID: 964 4848 7896

Call-in: 877 369 0926 US Toll-free

Consistent with state and local orders addressing the COVID-19 pandemic, this meeting of the Sentencing Commission will be held remotely via videoconference. 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.
Pursuant to Sentencing Commission By Laws the Chair shall present the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula.
2. Public Comment on Any Item Listed Below (discussion only).
3. Review and Adoption of Meeting Minutes from March 23, 2021 (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 Department of Juvenile Justice Closure from Juvenile Probation Department by Emily Fox (discussion & possible action).
8. Presentation on American Rescue Plan Act of 2021: Guide to Advancing Justice-Related Goals from Council of State Governments Justice Center by Megan Quattlebaum, Director.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

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

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

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/>

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

MEETING MINUTES

March 23, 2021

10:00 am – 12:00pm

REMOTE MEETING VIA VIDEOCONFERENCE

Members in Attendance:

San Francisco District Attorney Chesa Boudin; Public Defender Mano Raju; Chief Adult Probation Fletcher representative Tara Agnese; Juvenile Probation Department Chief Miller representative Bobby Uppal; Sheriff Miyamoto and Assistant Chief Tanzanika Carter, San Francisco Sheriff's Department; Chief Scott representative Deputy David Lazar, San Francisco Police Department; Director Colfax representative Deputy Director Naveena Bobba, Department of Public Health; Reentry Council Appointee: Child Protective Services Director Karen Roye representative from Reentry Council; San Francisco Family Violence Council representative Beverly Upton; Re-Entry Council Appointee William Palmer; Board of Supervisors Appointee Theshia Naidoo; Academic Researcher with data expertise appointed by the mayor Steve Raphael.

1. Call to Order; Roll call.

San Francisco District Attorney Chesa Boudin welcomes everyone to the 33rd 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 December 9th, 2020 (discussion & possible action).

District Attorney Boudin asked Commission members to review minutes from the previous Sentencing Commission meeting. Member Roye motions for correction of her name in the December Meeting Minutes. Reentry Council Appointee: Director Roye moved to accept the minutes; Assistance Chief Tanzanika Carter seconded the motion. Minutes from December 9, 2020 were approved unanimously in a Roll Call vote.

No Public Comments received.

4. Review and Approve proposed amendment to the CCP Bylaws, adding the reading of a Ramaytush (pronounced rah-my-toosh) Ohlone Land Acknowledgement to the beginning of all meetings (discussion and possible action)

DA Boudin introduced the item and guest speaker on adding the amendment to the by-laws to include the Ramaytush Ohlone Land Acknowledgement. On December 8th, 2020, the board of Supervisors amended their rules to include rule 4.7.1, declaring that the president would read a

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

Ramaytush Ohlone land Acknowledgement to be read at the beginning of every meeting. The amendment draft is included in the meeting pack under agenda item number four.

DA Boudin welcomes Gregg Castro, Principal consultant of the association of the Ramaytush Ohlone.

Gregg Castro expressed his gratitude for the inclusion of the Ramaytush Ohlone Land Acknowledgment throughout the entities of government in San Francisco. In addition, Gregg emphasizes the importance of adding this amendment to government meetings as the beginning of a process to bring awareness of caring for the land and the life that reside within.

Commission member Steve Raphael motioned to approve the Ramaytush Ohlone Land Acknowledgment amendment; Member Tara Agnese seconded the motion. The motion was approved unanimously in a Roll Call vote.

No questions or Public Comments received.

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

Tara Anderson provided an overview of the activities since the December 2020 meeting, including meeting administrative support and setting the agenda for the remaining year. In the 2021, meetings were moved to Tuesday to accommodate members' schedules because Wednesdays regularly conflicted with other meetings that required department head participation. As well as extend appreciation to Jose Halpern Finnerty and Mikaela Rabinowitz, and the team that works behind the scenes.

Director Karen Roye provided an update from the Reentry Council.

The Reentry Council held a meeting on January 28, 2021. During this meeting, a discussion regarding the direct services for legislation policy and practice subcommittees was reviewed due to the extensive recruitment within the reentry committee—membership increase in both subcommittees. The council approved the new rosters for the direct services and legislation policy and practices subcommittee. The counsel acknowledged Jabari Jackson as the new justice's involvement chair of the reentry council. Additionally, the council approved the Ramaytush Ohlone Land amendment to their laws which will be read at the beginning of every reentry council meeting. A special thank you was given to Norma Ruiz, who was a mayoral appointee whose term ended on January 2021. The next meeting will be held on April 22, 2021

Beverly Upton provided an update from the Family Violence Council.

Beverly stated that it was a pleasure working with everyone as she will be stepping down as chair sometime this year, but great prospects are being considered for her position. Such as people of diverse backgrounds and heavily involved in DV and child abuse areas. Her department continues to strive for the safety and wellbeing of families in San Francisco.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

Bobby Uppal, with the Juvenile Probation Department, provided an update on the implementation of SB 823 and active recruitment.

No new commitments will be accepted after July 1, 2021, and DJJ will completely close by July 2023. This means that each country will be accountable for the development of a comprehensive long-term realignment plan to serve youth at the local level; these may include identifying the facilities, programming service needs, and the allocation of grant funding. The JJC is searching for subcommittee members to help with the long-term realignment program, and the application deadline is March 26.

No questions or Public Comments received.

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

DA Boudin welcomes Victoria Westbrook and Arcelia Hurtado, who provided an overview of the Social Justice Equity Workgroup activities.

Victoria Westbrook mentioned that the last meeting was held on March 17th, 2021, where the new SJC Fellows were introduced. Participants had a discussion on the California Racial Justice Act, which prohibits the use of race, ethnicity, or national origin in sentencing and convictions and aims to create more significant equity within the justice system. Lastly, the Criminal Justice Racial Equity Group will host a racial justice act training. This training will take place Thursday, April 29th, and Friday, April 30th from 10 am to 12 pm; the goal is to have a representative from all of the criminal justice partners, five to seven people from each agency as well as team members such as line staff, management, and executive staff. If any agencies have any follow up questions, please feel free to reach out

Victoria: victoria.westbrook@sfgov.org

Arcelia: Arcelia.Hurtado@sfgov.org

No additional questions or Public Comments were received.

7. 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 progress/implementation and the work plan for 2021.

Josie announced that San Francisco received additional funding from the MacArthur Foundation under the Safety and Justice Challenge. She expressed gratitude to the SJC partners and coordinators at JSP for their continues support. The foundation projects that with in the next two years San Francisco be able to sustain the jail population reduction we achieve through the collective efforts and address the persistent racial disparity in the jails. The SJC identified five strategies corresponding activities that would help with achieving these goals [details are included in page 18 of the packet]. The Safety and Justice Fellowship will be launching soon, it aims to integrate and strengthen partnerships with people who have been directing impacted by

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

the criminal legal system into the SJC work with bringing in this personal experience. In attendance were the inaugural cohort members, Bright Star research team and Holly Joshi who have been working to develop the fellowship. In the following months Amina Elster (campaign and policy coordinator with the California Coalition for women prisoners), Philip Jonas (peer case manager with jail behavioral services), Aaron Lowers (educator with five schools programs), Viet MacNeil (employment plan supervisor with the community youth center) and Earl Sims (regional director for reentry housing and support organization timeless group). For any questions email Josie Halpern-Finnerty.

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

8. Annual Review of Sentencing Trends (discussion only).

The Sentencing Commission reviews sentencing trends annually.

Tara Anderson presented the San Francisco Criminal Case Statistics 2020 PowerPoint and responded to questions.

Steven Raphael posed the question regarding the prison commitments Have there been holding on transfers in the CDCR and has that impacted the numbers?

Tara Anderson provided an answer stating that there have been holds on transfers to CDCR. Assistant Chief Tanzanika Carter added that on March 2nd, 2021 there was a transfer, The first in nearly a year. She further indicated that no new information has been provided of when the next transfer will occur.

Beverly Upton suggested for future references for there to a breakdown between domestic violence, elder abuse, and child abuse more definitively in the data.

Karen Roye posed the question about expanding more on what the category other entails in the last slide.

Tara Anderson stated that the category “other” has a general description of many different crime types and made a note to provide more detail of top five crime types in the other category for future presentations.

Tara Agnese added a comment saying that the percentage presented in the chart on slide five involves adult supervision. From her experience reviewing the data, typically 33% of state prison commitment also known as “paper commitments” are people who got state prison sentencing but do not get transferred to a state prison.

9. Presentation on digging deeper into Racial and Ethnic disparities using data to make change from the W. Haywood Burns Institute (discussion & possible action).

DA Boudin welcomes Clarence Ford and Anna Wong from the Haywood Burns Institute. Anna Wong and Clarence Ford presented Digging Deeper into Racial and Ethnic Disparities.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

The W. Haywood Burns Institute is a black-led national and non-profit located in Oakland. The focus of the institute is, as Anna Wong said, "structural wellbeing." Anna started her presentation by emphasizing step two from their three-step reducing racial and ethnic disparities processes. Still, she points out that a data-driven approach alone cannot create a change. The first step is the deification of racial disparities, which Anna says the DA's Office has done a great job on this step. The three important metrics to use in order to analyze data are volume, rate, and disparity gaps since each of these categories can show different things involving the disparity issues. Anne brought a point up when analyzing data; we should be looking at the reoccurring offense commented rather than the number of times a person is booked into jail. She presented an example of a chart that showed the number of criminal offenses commented on based on race. As well as if we look at the rate, Anne points out that people of color are being overrepresented when it comes to bookings and that 12 per 1,000 in the population.

Clarence Ford, a policy research associate from the W. Haywood Burn Institute provided an overview of how to improve focus on identifying priority populations. Clarence emphasizes the importance of being aware of each step of the decision point analysis by looking at who is making that decision, what options are there at the policy point, and if there is a policy in practice. Clarence mentioned that within San Francisco, the disparities were a huge problem before policy and prior to Covid lockdown. Clarence highlighted the need to leverage tools and technologies to monitor trends. For example, numbers decrease and decrease, and disparities increase. He also wanted to emphasize that individuals who commit violent crimes are often victims themselves. To support his statement, Clarence provided a national survey conducted in 2016 by the Alliance for Safety and Justice that asked 800 people if they would invest in more prisons and jails or in community supervision (parole). The results indicated that more than 63% of the people surveyed preferred investing more in community supervision.

Assistant Chief Tanzanika Carter and Member Roye commented about the amazing work and presentation Anna and Clarence showcased at the meeting.

Steve Raphael further appreciated the presentation and posed a question regarding their focus on the length of stay and what can be done to possibly shorten the time of people in jail.

Anna answers by saying that looking at the data and noticing the reasons why people are getting booked can lead to a systematical change. Clarence added that people who are seen as missing their court appearances are not intentionally committing these actions but can potentially have other circumstances that are preventing them from attending, and that is a factor that has to be taken note of.

Carolyn Goossen from the Public Defender's Office asked SC members and the presenters, saying how San Francisco can take the model presented today and implement them into the data that the team is overseeing.

Anne responded with an example of deeper analysis including examination of enforcement and charging practices at the neighborhood level in-depth, and other factors.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

The following Public Comment was heard;

Paul Briley publicly commented, saying that focus should be focused on youth and the individual officer's interactions with people.

Earl Simms extended an invitation to Clarences Ford to speak at the Safety and Justice Fellowship.

10. Update on Justice Dashboard and “High User” Analysis by California Policy Lab (discussion & possible action).

DA Boudin introduces the agenda item and indicates that the California Policy Lab is a valuable research partner not only to the commission but as s to the Safety and Justice Challenge partner agencies as well. An update was given on the Justice Dashboard and an overview of the researcher that is currently under way on the way of people who have frequent contact with the criminal legal system.

DA Boudin welcomes Alissa Skog and Elsa Augustine.

Alissa Skog started her presentation by stating that CPL provides support to the Safety and Justice Challenge to improve performance metrics; she further indicated that the information presented is just an overview of the progress to date, and she will come back in June or September with a more comprehensive presentation. The first topic discussed was Adopting a Desistance Framework; this involves shifting from binary measure whether a person failed or succeeded but instead view outcomes on a success scale. Including subfields, such as re-shifting the narrative from a damaging approach of a person convicted to a positive success story. A related important point is to measure subsequent contact at multiple points; this measure would add context to the individual’s situation, as Clarence mentioned in his presentation, which can create a significant change in the outcome. The last subfield is moving beyond binary measure, which looks into a time frame of when a person is released in the community and when they were rearrested for another crime.

Elsa Augustine discussed the topic of expanding success metrics involving descriptive analysis. The “High User” Analysis, with the support of the San Francisco Sheriff’s Office, the District Attorney’s Office, and the Department of Public Health, will be able to define and understand patterns of high system and service utilizers. For the proposes of this initial analysis, a high utilizer is person who is in the top 5% of physical/behavioral health and housing services as well as the top 5% of individuals booked into the SF jails. The final descriptive and causal analysis is still underway and CPL will return to the Sentencing Commission for a follow up presentation later in 2021.

Alison and Elsa provided their emails if any members had any further questions.

Alissa Skog: alissaskog@berkeley.edu

Elsa Augustine: eaugustine@berkeley.edu

DA Boudin thanks Alissa and Elsa for their amazing presentation and their research.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

Member Karen Roye expressed her thanks to the team that put the research together and Alison and Elsa for their presentation.

No public comment.

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

Member William Palmer requested to address the topic of PTSD since he points out that the subject of a person's PTSD is not considered before the crime and after incarceration. As well as have a person such as himself who has been in that situation present in meetings and in court hearings. Lastly, he also suggests the importance of having a reentry committee and a reentry department in the Mayor's office or in a location where he can bring his 35 years of experience into the discussion around the table for allocation funds and other topics.

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

No public comment

13. Adjournment

DA Boudin calls for the adjournment Sentencing Commission.

Assistant Chief Tanzanika Carter motions to adjourn the meeting; Member Theshia Naidoo seconds the motion.

Motion passed unanimously in a Roll Call vote.

Next meeting will take place on June 22nd , 2021.

Adjourned at 12:00 pm.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

2021 Remaining Meeting Dates – Updated 6/15/2021

Meeting dates and agendas will be posted on the San Francisco District Attorney's website:
<https://sfdistrictattorney.org/policy/sentencing-commission/agendas-minutes-and-documents/>

Sentencing Commission Full Meeting

Meetings are held virtually on a quarterly basis from 10:00am-12:00pm unless otherwise specified.

- June 22, 2021
- September 21, 2021
- December: date TBD

Criminal Justice Racial Equity Workgroup

Meetings are held virtually every other month on the 3rd Thursday of the month from 10:00-11:00am unless otherwise specified.

- July 15, 2021
- September 16, 2021
- November 18, 2021

Safety and Justice Challenge Workgroup

Meetings are held virtually on the 3rd Tuesday of the month from 12:00-2:00pm unless otherwise specified.

- July 20, 2021
- August 17, 2021
- October 19, 2021
- November 16, 2021
- December 21, 2021