

# **The San Francisco Sentencing Commission**

## **City & County of San Francisco**

(Administrative Code 5.250 through 5.250-3)

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### **Safety and Justice Challenge Subcommittee**

#### **AGENDA**

Tuesday, October 19, 2021, 12:00 pm

#### **REMOTE MEETING VIA VIDEOCONFERENCE**

**Watch via Zoom:** <https://sfdistrictattorney.zoom.us/j/94836471904>

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

**Meeting ID:** 948 3647 1904

Consistent with state and local orders addressing the COVID-19 pandemic, this meeting of the Safety and Justice Challenge Subcommittee will be held remotely via videoconference. The 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](mailto: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.
  - a. General Public Comment.
  - b. Public Comment on All Agenda Items.
3. Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e). (Discussion and Action)
  - a. The Safety and Justice Challenge Workgroup will consider adoption of a resolution making findings that newly-enacted Government Code Section 54953(e) requires in order to allow the Safety and Justice Challenge Workgroup to hold meetings remotely, as currently required under local law, without complying with infeasible Brown Act requirements.
4. Presentation by Safety and Justice Challenge Fellows on Expanding Restorative Justice in San Francisco. (Discussion and Possible Action).
5. Monthly Jail Population Report. (Discussion and Possible Action).
6. Strategy Updates. (Discussion and Possible Action).
7. Request for Future Agenda Items. (Discussion and Possible Action).
8. 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](mailto: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](mailto: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](mailto: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](mailto: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](http://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](mailto: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**

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RESOLUTION NO. 21-001

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### **RESOLUTION MAKING FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

WHEREAS, In February 25, 2020, the Mayor of the City and County of San Francisco (the “City”) declared a local emergency, and on March 6, 2020 the City’s Health Officer declared a local health emergency, and both those declarations also remain in effect; and

WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders suspending select provisions of local law, including sections of the City Charter, that restrict teleconferencing by members of policy bodies; those orders remain in effect, so City law currently allows policy bodies to meet remotely if they comply with restrictions in State law regarding teleconference meetings; and

WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

WHEREAS, While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the City’s Health Officer has issued at least one order (Health Officer Order No. C19-07y, available online at [www.sfdph.org/healthorders](http://www.sfdph.org/healthorders)) and one directive (Health Officer Directive No. 2020-33i, available online at [www.sfdph.org/directives](http://www.sfdph.org/directives)) that continue to recommend measures to promote

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physical distancing and other social distancing measures, such as masking, in certain contexts; and

WHEREAS, The California Department of Industrial Relations Division of Occupational Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures; and

WHEREAS, Without limiting any requirements under applicable federal, state, or local pandemic-related rules, orders, or directives, the City’s Department of Public Health, in coordination with the City’s Health Officer, has advised that for group gatherings indoors, such as meetings of boards and commissions, people can increase safety and greatly reduce risks to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks (as required by Health Officer Order No. C19-07), using physical distancing where the vaccination status of attendees is not known, and considering holding the meeting remotely if feasible, especially for long meetings, with any attendees with unknown vaccination status and where ventilation may not be optimal; and

WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited exceptions, prohibited policy bodies other than the Board of Supervisors and its committees from meeting in person under any circumstances, so as to ensure the safety of policy body members, City staff, and the public; and

WHEREAS, the Safety and Justice Challenge Workgroup of the San Francisco Sentencing Commission has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; now, therefore, be it

RESOLVED, That the Safety and Justice Challenge Workgroup finds as follows:

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RESOLUTION NO. 21-001

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1. As described above, the State of California and the City remain in a state of emergency due to the COVID-19 pandemic. At this meeting, the Safety and Justice Challenge Workgroup has considered the circumstances of the state of emergency.
2. As described above, State and City officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.
3. As described above, because of the COVID-19 pandemic, conducting meetings of this body and its committees in person would present imminent risks to the safety of attendees, and the state of emergency continues to directly impact the ability of members to meet safely in person; and, be it

FURTHER RESOLVED, That for at least the next 30 days meetings of the Safety and Justice Challenge Workgroup and its committees will continue to occur exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). Such meetings of the Safety and Justice Challenge Workgroup and its committees that occur by teleconferencing technology will provide an opportunity for members of the public to address this body and its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the staff of the Safety and Justice Challenge Workgroup is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Safety and Justice Challenge Workgroup within the next 30 days. If the Safety and Justice Challenge Workgroup does not meet within the next 30 days, the staff is directed to place a such resolution on the agenda of the next meeting of the Safety and Justice Challenge Workgroup.

# SAFETY + JUSTICE CHALLENGE FELLOWSHIP

## Anchor Project – Summary of Findings

October 2021



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







## Safety + Justice Challenge Fellows



ELLOWSHIP

San F

# Vision





# Background

Collaborative  
Courts

Restorative  
Justice

Traditional  
Prosecution

# **Inquiry:**

*Expanding Access  
to Restorative  
Justice*



# Research Questions

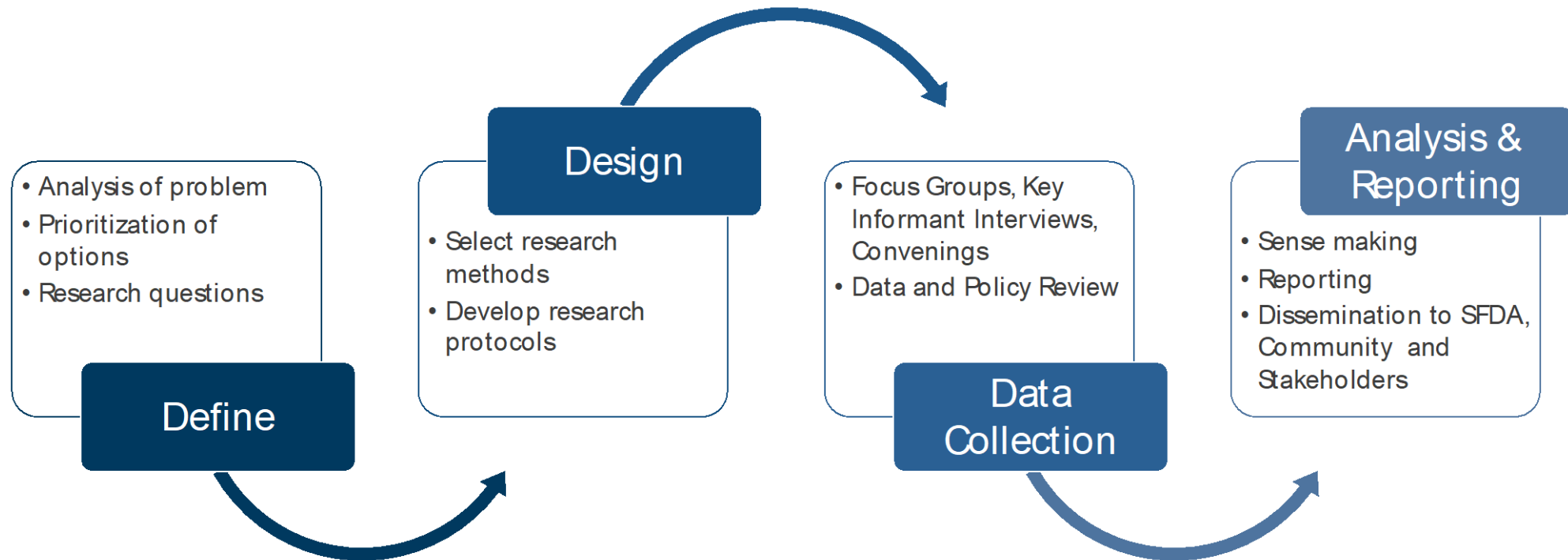
- What does an impactful and effective RJ program that incorporates a holistic and healing centered model of care look like for San Francisco?
- What makes up the ecosystem of partners, initiatives, and programs currently engaged with the SFDA in restorative practices? Where are there gaps and opportunities in program supports?
- How can the SFDA's Office engage a wider range of stakeholders in restorative justice programs and practices? What misperceptions, beliefs, and narratives exist and what messages work to disrupt these narratives?

# Methodology

- 24-Key Informant Interviews  
(60 mins)
- 1-Focus Group with Survivors of Crime  
(90 mins)
- 1- Focus Group with Formerly Incarcerated  
(90 mins)
- Focus Group w/ Systems Actors\*  
(60 mins)

Description	Number of Interviewees
Survivor of Crime	22
System Actor	11
Community Leader	9
RJ Facilitator	4
Formerly Incarcerated	13
Total Stakeholders	59

# Research Process



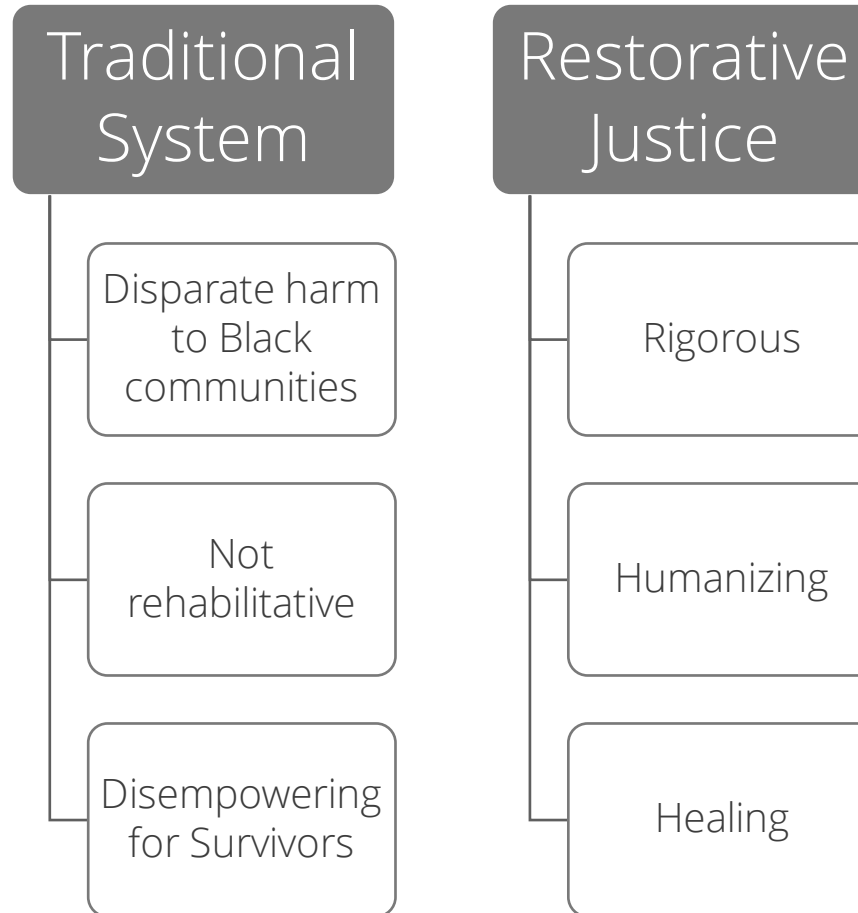


# Findings

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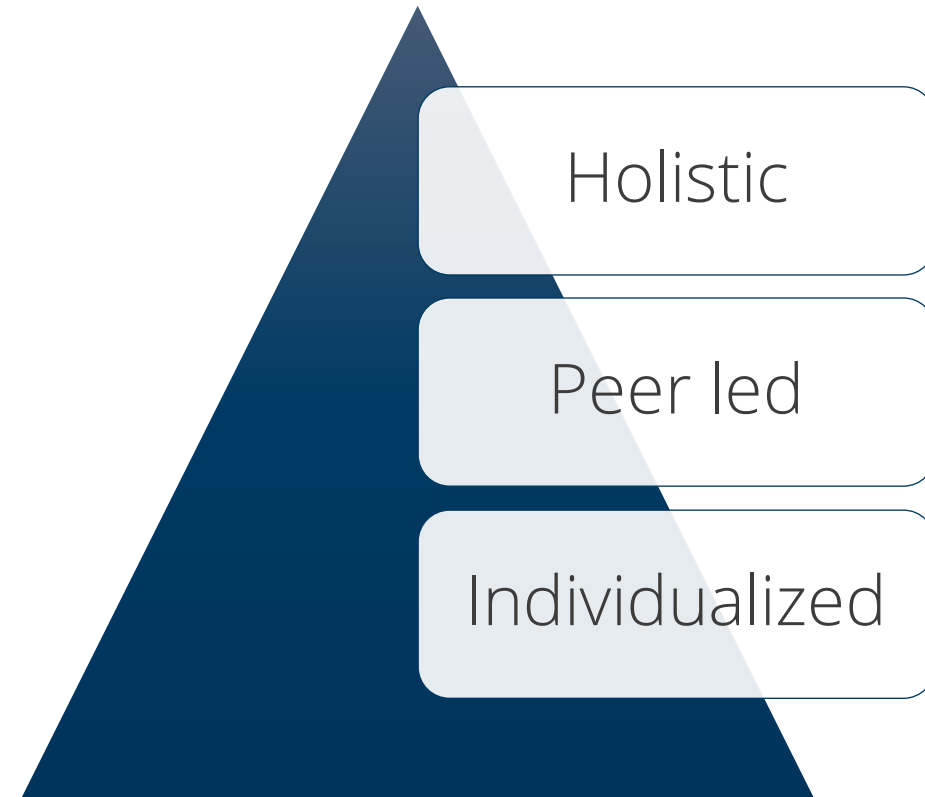
# The Case for Restorative Justice



# Building an Ecosystem of Community Driven Supports

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Stakeholders agreed that San Francisco currently lacks the capacity to realize the vision of accessible, widely available, community-driven, restorative justice models.



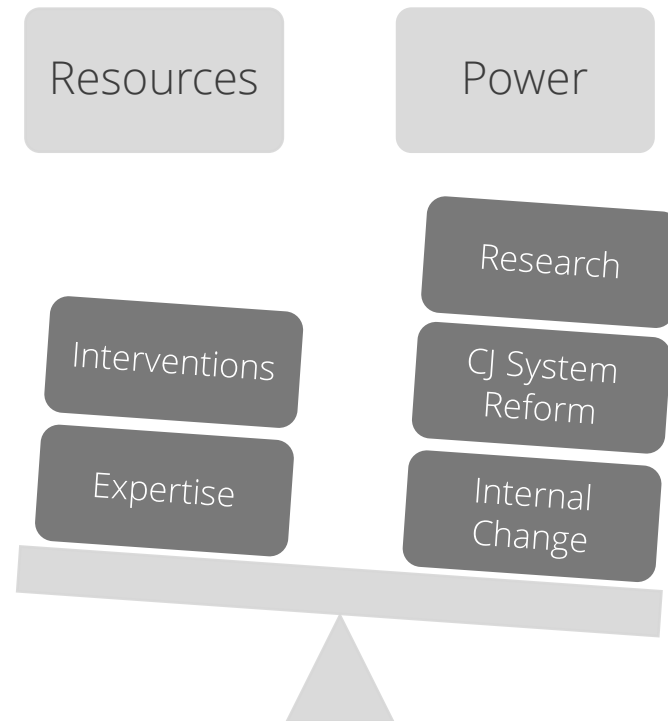


## **Expanding RJ as an Alternative to Traditional Prosecution**

The District Attorney's Office is committed to expanding off ramps through the development of a post charge model of Restorative Justice, but interviews revealed that the office is in the developmental stages of building a common vision about the role of RJ as an alternative to traditional prosecution.

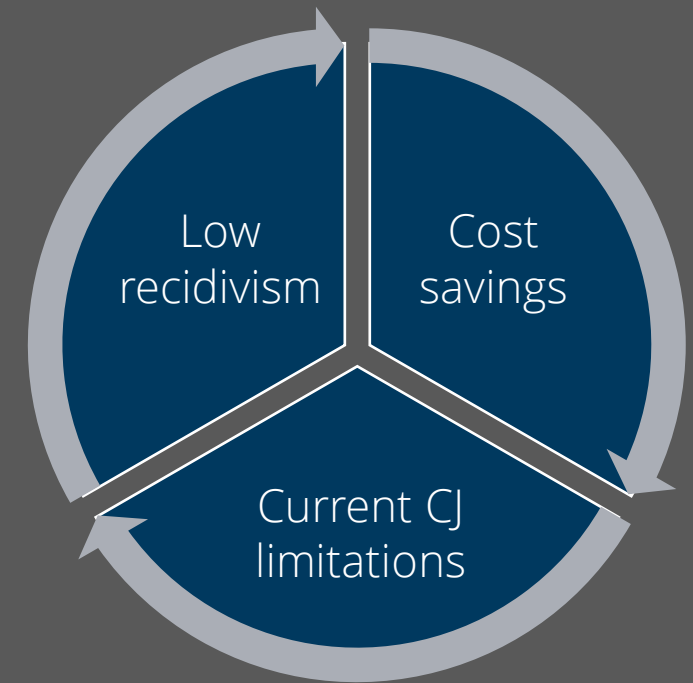
# The Role of the District Attorney's Office

Stakeholders agree that the District Attorney's Office has a critical role to play in advancing commitment to restorative justice as an alternative but diverge in their visions of how the Office should use its power and resources.

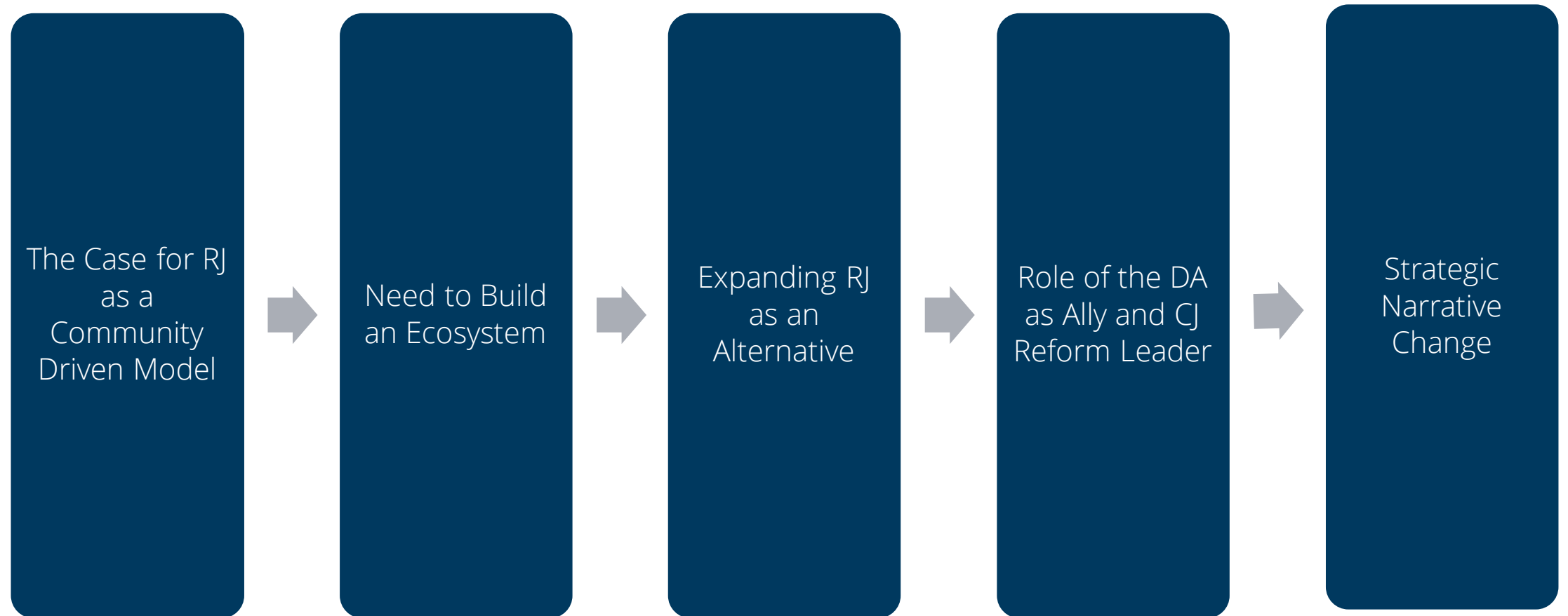


# Narrative Change

Stakeholders agree that a prominent narrative exists in San Francisco that positions alternatives to traditional prosecution such as restorative justice as **soft on crime** and a threat to public safety.



# Summary of Findings





# Considerations

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Art by Miami Culture Maven

# System Accountability

We recommend:

- On-going acknowledgement of past and current harms
- Continuous advocacy for community centered restorative justice
- Investment in the community-led restorative justice
- Financial divestment from punitive systems



# Allyship

**The current national conversations about reinventing justice represent an opportunity for the DA's Office to act as a powerful ally to impacted communities through modeling the transfer of power and resources from the system to community-based prevention and interventions.**



# Collaboration

Building a post charge model of restorative justice presents an opportunity for the DA's Office to collaborate with community leaders, restorative justice practitioners, survivors, and formerly incarcerated individuals.

# Advocacy

The DA's Office could play a powerful role in advancing the expansion of restorative justice through regular and transparent release of information about current criminal justice system outcomes and through investments in research and evaluation that continues to make the case for alternatives to traditional prosecution



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**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
<b>Lead with Race</b>	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"> <li>Launch inaugural SJC Fellowship</li> <li>Refine activities and metrics to ensure racial disparities reduction focus across strategies</li> <li>Plan community engagement activities with SJC Fellows focused on expanding diversion options</li> <li>Criminal Justice Racial Equity Work Group (CJREWG) and SJC Fellows develop goals for Racial Justice Act training series</li> <li>Finalize and implement Office of Racial Equity Phase I Action Plans<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>SJC Fellows begin participatory action research on expanding diversion options</li> <li>Hold Racial Justice Act training series in partnership with CJREWG, SJC Fellows, Bright Research Group</li> <li>Fellows develop recommendations to expand community engagement and diversion options</li> <li>Participate in Office of Racial Equity Phase II planning</li> </ul>	<ul style="list-style-type: none"> <li>Launch second cohort of Fellows</li> <li>Implement new community engagement strategies</li> <li>Develop new training series with CJREWG and Fellows</li> <li>Present recommendations for increasing diversion options to Sentencing Commission</li> </ul>	<ul style="list-style-type: none"> <li>Second Fellow-led participatory action research project</li> <li>Launch new racial disparities reduction training series</li> <li>Implement new diversion options/programming</li> </ul>
<b>Sustain Shared Focus</b>	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"> <li>Hold bimonthly JPR meetings with focus on charges where black people are overrepresented</li> <li>Develop plan to track impact and share lessons learned from JPR</li> <li>Host more intensive case review as needed during COVID</li> </ul>	<ul style="list-style-type: none"> <li>Continue JPR meetings, revisiting case criteria quarterly to ensure focus on racial equity</li> <li>Bring policy recommendations to SJC Workgroup quarterly</li> <li>Host more intensive case review as needed during COVID</li> </ul>	<ul style="list-style-type: none"> <li>Continue JPR meetings, revisiting case criteria quarterly to ensure focus on racial equity</li> <li>Bring policy recommendations to SJC Workgroup quarterly</li> <li>Host more intensive case review as needed during COVID</li> </ul>	<ul style="list-style-type: none"> <li>Continue JPR meetings, revisiting case criteria quarterly to ensure focus on racial equity</li> <li>Bring policy recommendations to SJC Workgroup quarterly</li> <li>Host more intensive case review as needed during COVID</li> </ul>
<b>Improve Case Processing</b>	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"> <li>Court signs contract with Justice Management Institute (JMI)</li> <li>Kick-off meeting with JMI and justice system partners</li> <li>Court develop dashboards for judges to monitor caseloads, track case management progress, and monitor metrics related to racial disparities</li> </ul>	<ul style="list-style-type: none"> <li>JMI host training on case processing and sentencing best practices</li> <li>JMI conducts site visit and partner interviews, shares interim report, provides TA to Court on dashboards</li> <li>Identify case processing metrics relevant to racial disparities</li> <li>Explore processes/practices related to different types of “holds” in jail</li> </ul>	<ul style="list-style-type: none"> <li>Draft case management plan reviewed by workgroup and leadership</li> <li>Finalize case plan and associated tools for case coordination</li> <li>Finalize Court dashboards</li> </ul>	<ul style="list-style-type: none"> <li>Implement case management plan and associated tools</li> <li>Implement and refine Court dashboards post-C-Track launch</li> <li>Track impact of any changes on racial disparities in jail and at key decision points</li> </ul>

<sup>1</sup> 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
<b>Increase &amp; Maintain Healthy Connections</b>	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"> <li>Corporation for Supportive Housing (CSH) launches racial disparities analysis and system mapping project with Reentry Council</li> <li>Homebase provide TA series to help partner agencies navigate the housing system</li> <li>SJC and Reentry Council host joint meeting with Prop C Committee to inform funding allocations</li> <li>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</li> <li>DA Sentencing Planner develops individualized plans for community-based care to support dispositions</li> </ul>	<ul style="list-style-type: none"> <li>Continue work of DPH clinician and DA Sentencing Planner, with focus on overrepresented groups</li> <li>Training for Judges/DAs on serving people with BH needs</li> <li>CA Policy Lab completes system high utilizer descriptive analysis and presents to the SJC Workgroup</li> <li>CSH shares interim findings from analysis with SJC Workgroup</li> <li>Share lessons learned from Tipping Point pilot bridge housing project with SJC Workgroup</li> </ul>	<ul style="list-style-type: none"> <li>Continue work of DPH clinician and DA Sentencing Planner, with focus on overrepresented groups</li> <li>CSH finalizes analysis, system map, and recommendations</li> <li>Develop recommendations based on CPL and CSH reports and share with Sentencing Commission, Reentry Council, Prop C Committee</li> <li>Monitor progress of new citywide crisis response efforts and participate as needed</li> </ul>	<ul style="list-style-type: none"> <li>Continue work of DPH clinician and DA Sentencing Planner, with focus on overrepresented groups</li> <li>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</li> <li>Develop new workflows and protocols to serve people who touch multiple systems, with focus on reducing racial disparities</li> </ul>
<b>Drive with Data</b>	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"> <li>Continue sharing monthly Jail population presentation with SJC Workgroup, refining based on input</li> <li>Data team meets monthly, develops indicators to track decision-points critical to reducing disparities</li> <li>Continue development of internal and external facing data dashboards</li> <li>Finalize a cross-agency agreement to guide data-sharing through the JUSTIS hub</li> </ul>	<ul style="list-style-type: none"> <li>Data team meets monthly to at data trends and data sharing needs</li> <li>Present racial disparities indicators at SJC Workgroup; refine disparities reduction activities across strategies as needed</li> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>Data team meets monthly to at data trends and data sharing needs, with focus on racial disparities indicators</li> <li>Justice Dashboard transitions from CA Policy Lab to CCSF hosted platform</li> </ul>	<ul style="list-style-type: none"> <li>Data team meets monthly to at data trends and data sharing needs, with focus on racial disparities indicators</li> <li>Refine disparities reduction activities across strategies as needed based on indicators</li> </ul>