



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

---

# **2021 Annual Report**

# **San Francisco Sentencing**

# **Commission**

December 14, 2021



## San Francisco Sentencing Commission 2021 Annual Report

### TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	3
II.	BACKGROUND	3
III.	2021 MEETING TOPICS & PRESENTERS	4
IV.	MEMBERSHIP UPDATES	7
V.	FUTURE ACTIVITIES	7
VI.	CONCLUSION	8

The activities of the 2021 calendar year of the San Francisco Sentencing Commission are summarized in this annual report as required by County Ordinance 10-12.

## **I. EXECUTIVE SUMMARY**

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

In accordance with Governor Gavin Newsom's state of emergency order and consistent with state and local orders addressing the COVID-19 pandemic, 2021 meetings of the Sentencing Commission were held remotely via videoconferencing on Zoom and facilitated remote public comment via the videoconference and phone.

During the 2021 calendar year, the San Francisco Sentencing Commission held four virtual hearings covering Local Sentencing Trends, Digging Deeper into Racial & Ethnic Disparities, Characteristics of People with Multiple Systems Contact in San Francisco, Expanding Access to Housing for People in the Justice System, Jail Population Trends, Review and Approval of By Laws, the Criminal Justice Racial Equity Workgroup and the Safety and Justice Challenge.

The San Francisco Sentencing Commission not only facilitates conversations between criminal justice stakeholders about innovative approaches to sentencing and criminal justice reform but generates action-oriented recommendations resulting in successful program and policy implementation. In 2020, a significant amount of the work of the Sentencing Commission was focused on subcommittee support in fulfillment of Ordinance 80-20 and closure of County Jail no.4. In 2021, a central theme to the work of the Sentencing Commission was person centered and focused on three key areas 1) understanding the prevalence and needs of people who are unhoused and with regular justice system contact, 2) understanding the characteristics of people with multiple systems contact and frequent jail stays, and 3) exploring the resources and programs best tailored to meet the needs of people with multiple system contact returning to community. Through this work the Sentencing Commission has increased justice system partners knowledge and understanding of pathways to housing resources for people involved in the justice system and forged stronger relationships with housing experts and service providers. A summary of previous year's reports is available on the [Sentencing Commission website](#).

## **II. BACKGROUND**

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

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

The Sentencing Commission was created by County Ordinance 10-12 which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3. The purpose of the

Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco’s criminal justice resources. The Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors.

### **Commission Membership**

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

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

List of member seats:

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

### **III. 2021 MEETING TOPICS & PRESENTERS**

The Sentencing Commission held four meetings in 2021. Full details are available on <http://www.sfdistrictattorney.org/>. Meeting dates and selected subject matter presenters are provided below. In addition to subject matter presentation regular status report are provided by Sentencing Commission staff, the Criminal Justice Racial Equity Workgroup, and Safety and Justice Challenge Workgroup.

#### **March 23, 2021**

Review and Approval of Amended ByLaws: Adding the Reading of the Ramaytush Ohlone Land Acknowledgement

*Presenter: Gregg Castro, t'ront'raabl Salinan / rumsien & ramaytush Ohlone*

Review of San Francisco Sentencing Trends

*Presenter: Tara Anderson Sentencing Commission Director*

Digging Deeper into Racial & Ethnic Disparities: Using Data to Make Change

*Presenter: Clarence Ford and Anna Wong Haywood Burns Institute*

Update on Justice Dashboard and “High User” Analysis

*Presenter: Alissa Skog, California Policy Lab*

### **June 22, 2021**

Department of Juvenile Justice Closure

*Presenters: Emily Fox, San Francisco Juvenile Probation Department*

American Rescue Plan Act of 2021: Guide to Advancing Justice Related Goals

*Presenters: Megan Quattlebaum, Director, Council of State Governments Justice Center*

### **September 21, 2021**

Characteristics of People with Multiple Systems Contact in San Francisco

*Presenter: California Policy Lab, UC Berkeley, and UC San Francisco, represented by Stephen Paolillo and Caroline Cawley*

‘Frequent Users Systems Engagement (FUSE)’ Analysis and Current Work in San Francisco

*Presenter: Heather Lyons, Jenna Murakami, and Gabe Schuster, Corporation for Supportive Housing*

Introduction of CNA's Center for Justice Research and Innovation, Technical Assistance Provider for the Justice Reinvestment Initiative Young Adult Justice Initiative

*Presenters: Hildy Saizow and Shelby Hickman*

### **December 16, 2021**

Jail Population Trends

*Presenter: Lucas Jennings, San Francisco Sheriff's Department*

Expanding Access to Housing for People in the Justice System

*Presenter: Heather Lyons and Gabe Schuster, Corporation for Supportive Housing*

Sentencing Commission Annual Report

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

In addition to the specific items outlined above, each Sentencing Commission agenda included reports from the Safety and Justice Challenge and the Criminal Justice Racial Equity Workgroup.

### **Safety and Justice Challenge**

With the support of the MacArthur Foundation's [Safety and Justice Challenge \(SJC\)](#), the City and County of San Francisco is working to safely reduce the local jail population and eliminate racial disparities in the justice system. In 2021, the San Francisco District Attorney's Office secured an additional \$2 million grant from the John D. and Catherine T. MacArthur Foundation to reform San Francisco's criminal legal system. The Office completed the Accept and Expend Ordinance with CCSF in 2021 and is using these funds to reduce the overreliance on incarceration and change practices that disproportionately impact people of color, low-income communities, and people with behavioral health needs. The Safety and Justice Challenge builds on past reform efforts and uses evidence-driven strategies that move beyond the easiest-to-reach populations to safely and sustainably reduce the jail population. This multi-agency cross justice system effort is focused on five primary principles: 1) using data to inform decision-making, 2) regular review of the jail population, 3) improving criminal case court processing, 4) creating and maintaining connections to supportive services and 5) rooting out implicit bias. Especially notable are the public dissemination of the new Justice Dashboard, the creation of the Criminal Justice Racial Equity Workgroup, and the launch of the SJC Fellowship.

## **Justice Dashboard**

A top priority for the Sentencing Commission in this enabling ordinance was to identify and define the most important factors that reduce recidivism. After a collaborative planning effort system partners developed and launched the [Justice Dashboard](#), which much of the planning period devoted to understanding the various responsibilities of system partners on measuring and reporting recidivism. In August 2019, after years of internal review and validation the public Justice Dashboard went live. The goal of the Justice Dashboard is to help policymakers understand trends in how people interact with the criminal legal system and track progress toward reducing racial disparities in the system. The Justice Dashboard reviews subsequent criminal justice contact at distinct decision-making points for three years post-conviction: arrest, arraignment, and conviction. The Dashboard is disaggregated by race/ethnicity as well as gender, age, and offense type. Additional cohorts will be added each year, and CCSF partners explore the extent to which positive outcomes external to the justice system can be measured (i.e., housing and health). The Justice Dashboard is part of a larger movement within the City and County of San Francisco to use data, technology, and research as tools to reduce incarceration and racial disparities in our criminal legal system. Making the dashboard public is an essential step in promoting greater accountability and transparency. Tools like the Justice Dashboard help us create safer communities and advance the national dialogue on best practices for local justice systems. This is just one example of CCSF increasing the knowledge of racial and ethnic disparities in the San Francisco Criminal legal system. It is one step toward realizing full cross system data sharing on subsequent system contact and positive outcomes from those who desist from crime.

## **Criminal Justice Racial Equity Workgroup**

The San Francisco Community Corrections Partnership, Police Commission, Juvenile Justice Coordinating Council, Reentry Council and Sentencing Commission prioritize racial equity so that all people may thrive. San Francisco's criminal justice policy bodies collectively acknowledge that communities of color have borne the burdens of inequitable social, environmental, economic, and criminal justice policies, practices, and investments. The legacy of these government actions has caused deep racial disparities throughout San Francisco's juvenile justice and criminal legal system. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal legal system.

On September 12, 2018 the San Francisco Sentencing Commission voted to create a Criminal Justice Racial Equity Workgroup (CJREWG). This group meets bi-monthly to discuss practical steps that criminal justice departments and support agencies can take to ensure progress is made toward the identified racial equity goal; to eliminate racial disparities in the criminal legal system. In both 2020 and 2021 efforts have focused on training for the implementation of the Racial Justice Act and the implementation of partner department's Office of Racial Equity Goals.

In addition, reducing racial disparities is a primary focus of San Francisco's implementation of the Safety and Justice Challenge, a multi-year and multi-disciplinary initiative aimed toward safely reducing the jail population. As part of this initiative, partners agree to proactively frame all planning and evaluation around the impact on people of color in jail, and to build in feedback mechanisms to ensure accountability for results. Planning work is conducted under the auspice of the SJC Workgroup CJREWG. Regular reports from the CJREWG co-chairs are made to the Sentencing Commission, Reentry Council, and the Community Corrections Partnership to ensure that information is shared across agencies and to reinforce that action must accompany the racial equity statement.

## V. MEMBERSHIP UPDATES

### Membership Transitions

In the 2021 calendar year the San Francisco Sentencing Commission experienced transitions for two member seats. In Winter 2021 Jerel McCrary stepped down from the San Francisco Sentencing Commission. In Spring 2021 the Family Violence Council appointed Andrew Tan, Community Partnerships Manager for Safe and Sound, to serve in the Family Violence Council member seat. In September 2021 Chief Karen Fletcher retired from the San Francisco Adult Probation Department. The San Francisco Superior Court appointed Sharon Jackson Acting Chief of the Adult Probation Department. Acting Chief Jackson or her designee will serve in Adult Probation seat until the new Chief is appointed by the Superior Court. The San Francisco Sentencing Commission thanks Chief Fletcher and Jerel McCrary for their service to the Commission.

### Position of Superior Court

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

## VI. FUTURE ACTIVITIES

### Looking Forward: 2022

The San Francisco Sentencing Commission is currently scheduled to conduct four sessions in 2022. Sentencing Commission topics 2022 include:

- Overview of San Francisco Sentencing Trends
- 2022 Sentencing Policy and Legislative Updates
- Safety and Justice Challenge
- Justice Reinvestment Initiative Young Adult Justice Initiative

Additional areas of focus will be identified during the March 2022 meeting of the Sentencing Commission.

## VII. CONCLUSION

In 2021, the San Francisco Sentencing Commission successfully completed the ninth full year of hearings covering experts discussing Local Sentencing Trends, Digging Deeper into Racial & Ethnic Disparities, Characteristics of People with Multiple Systems Contact in San Francisco, Expanding Access to Housing for People in the Justice System, Jail Population Trends, Review and Approval of By Laws, the Criminal Justice Racial Equity Workgroup and the Safety and Justice Challenge. The San Francisco Sentencing Commission plans to conduct four meetings during the 2022 calendar year.

DRAFT



## Appendix A: San Francisco Sentencing Commission Members

As of December 14, 2021

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

\*Invited

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