

San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

AGENDA

Thursday, March 26, 2026

10:00 AM – 12:00 PM

Location:

San Francisco District Attorney's Office
350 Rhode Island Street, North Building, 1st Floor, Obama Conference Room
San Francisco, CA 94103

This meeting will be held in person at the location listed above. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or by calling in to the number below. Instructions for providing remote public comments by phone are provided below.

Join Zoom Meeting:

<https://sfdistrictattorney.zoom.us/j/86360445855?pwd=ouObT7aGzDy1bRTOKn1CMtV4M1Uqmv.1>

Meeting ID: 863 6044 5855

Passcode: 741118

One tap mobile: +14086380968,,86360445855#,,,,*741118# US (San Jose)

+16694449171,,86360445855#,,,,*741118# US

Public Comment: Members of the public will have an opportunity to provide public comments at the beginning and end of the meeting. Members of the public wishing to make a public comment will be allotted up to 3 minutes to speak. Meeting materials link: [Sentencing Commission Agendas and Minutes – San Francisco District Attorney](#)

1. Call to Order; Roll call
Pursuant to Sentencing Commission by laws, acknowledgment of the ancestral homeland of the Ramaytush Ohlone, 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 December 11th, 2025 (discussion & action)
4. Remarks by District Attorney Brooke Jenkins (discussion only)
5. Staff Report on Sentencing Commission Activities, and Reports from the Reentry Council, the Family Violence Council, and the MacArthur Foundation-funded Safety & Justice Challenge Initiative (discussion & possible action)
6. Presentation series: The California Policy Lab: Sentencing Analysis by Mia Bird, Assistant Research Professor at Goldman School of Public Policy, University of California, Berkeley (discussion & possible action)
7. Members' Comments, Questions, Requests for Future Agenda Items (discussion & possible action)
8. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda (discussion only)
9. Adjournment

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 SENTENCING COMMISSION

Persons who are unable to attend the public meeting may submit written comments regarding the subject of the meeting to the San Francisco District Attorney's Office (SFDA) by the time the proceedings begin. These comments will be made a part of the official public record. Written comments should be submitted to: Alexandra Lopes, SFDA, via email: alexandra.lopes@sfgov.org or Kelly VerHage at kelly.verhage@sfgov.org.

MEETING MATERIALS AND PUBLIC COMMENT

Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfdistrictattorney.org/sentencing-commission-relevant-documents>. The material can be faxed or mailed to you upon request. In addition to in-person public comment, the Sentencing Commission will hear up to 20 minutes of remote public comment in the order that commenters add themselves to the queue to comment on an item. Because of the 20-minute time limit, it is possible that not every person in the queue will have an opportunity to provide remote public comment. Remote public comments from those who have received accommodation due to disability (as described below) will not count toward the 20-minute limit. Members of the public are encouraged to participate remotely by submitting written comments electronically to Alexandra Lopes via email at alexandra.lopes@sfgov.org or Kelly VerHage at kelly.verhage@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 committee.

ACCOMMODATIONS

The meeting location is wheelchair accessible. Wheelchair-accessible entrances at City Hall are located on Van Ness Avenue and Grove Street. Please note: the wheelchair lift at the Goodlett Place/Polk Street is temporarily unavailable. It is being replaced to improve service and reliability and to address the need for multiple repairs and subsequent additional breakdowns. A functioning lift is anticipated after completion of construction in May 2025. Elevators and accessible restrooms are located on every floor. To access the meeting remotely as an accommodation, please visit <https://sfdistrictattorney.zoom.us/j/81530749988?pwd=JcaK6pFv6TvADanNRraET2nZoRPvv8.1> or call (669) 900-6833. For remote public comments, instructions on how to use the Zoom platform can be found [here](#). Captions can be enabled – instructions can be found [here](#). Sign Language Interpretation is available upon request (see "Translation" section below). Allowing a minimum of 48 business hours for all other accommodation requests (for example, for other auxiliary aids and services) helps ensure availability. To request an accommodation, please contact Alexandra Lopes, SFDA, via email or telephone: alexandra.lopes@sfgov.org, (628) 652-4296; or Kelly VerHage at kelly.verhage@sfgov.org.

TRANSLATION

Interpreters for languages other than English are available upon request. Sign language interpreters are also available upon request. For either accommodation, please contact Alexandra Lopes at alexandra.lopes@sfgov.org or Kelly VerHage at kelly.verhage@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.

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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

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

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SENTENCING COMMISSION: MEETING MINUTES

Thursday, December 11, 2025

10:00 am - 12:00 pm

Location:

San Francisco District Attorney's Office
350 Rhode Island Street, 1st Floor, Obama Conference Room
San Francisco, CA 94103

1. Call to Order; Roll Call

Representative Monifa Willis, Chief of Staff for the San Francisco District Attorney's Office, welcomed everyone and called the meeting to order. Alex Lopes from the San Francisco District Attorney's Office, called roll for the meeting.

Members in Attendance:

- District Attorney's Office – Representative **Monifa Willis**, *Chief of Staff*
- Adult Probation – Representative **Mark Hudgins**, *Division Director*
- Department of Public Health – Representative **Annie Shui**, *Behavioral Health Services Utilization Management Director*
- Sheriff's Office – Representative **Ali Riker**, *Director of Programs*
- Superior Court – Representative **Melanie Kushnir**, *Director of Collaborative Courts*
- Academic Researcher with expertise in data analysis appointed by the mayor – Member **Mia Bird**, *Assistant Research Professor at the Goldman School of Public Policy, University of California, Berkeley*
- Member of a nonprofit organization serving victims chosen by Family Violence Council – Representative **Beverly Upton**, *Executive Director, San Francisco Domestic Violence Consortium*
- Sentencing Expert chosen by the Board of Supervisors – Member **Theshia Naidoo**, *Legal Director, Criminal Justice Drug Policy Alliance*
- Public Defender's Office – Representative **Carolyn Goossen**, *Director of Policy*
- Police Department – Representative **Tom Maguire**

Members Absent:

- Juvenile Probation – Representative **Gabriel Calvillo**, *Assistant Chief*
- Reentry Council – Representative **Karen Roye**, *Assistant to the Director of Child Support Services*
- Member of nonprofit working with formerly incarcerated people appointed by the Reentry Council – Appointee **William Palmer**

Pursuant to Sentencing Commission bylaws, Representative Agnese read the acknowledgement of the ancestral homeland of the Ramaytush Ohlone, the original inhabitants of the San Francisco Peninsula.

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

No public comment received.

3. Review and Adoption of Meeting Minutes from September 25th, 2025 (discussion & possible action)

Representative Willis introduced the meeting minutes from the Sentencing Commission meeting held on September 25th, 2025. Members and representatives reviewed the meeting minutes. Representative Willis asked for a motion to accept the September 25th, 2025, Sentencing Commission Meeting Minutes. Member Naidoo moved to accept, and the motion was seconded by Representative Riker. The minutes were unanimously approved in a roll call vote. Motion passed.

4. Staff Report on Sentencing Commission Activities, and Reports from the Reentry Council and the Family Violence Council, MacArthur Foundation-funded *Safety & Justice Challenge Initiative* (discussion & possible action)

Representative Willis provided the Reentry Council update on behalf of Member Roye. The most recent Reentry Council meeting was held on Thursday, October 16, 2025. Cedrik Akbar presented a resolution on the need for enhanced supports, safety, and pay equity for frontline workers in San Francisco. The resolution urges the City and County of San Francisco to close the pay gap between City workers and nonprofit employees by increasing contract funding so that nonprofit staff can receive equitable compensation, benefits, and protections. The Reentry Council voted to support this resolution. The Reentry Council reviewed and discussed the recommendations from the Commission Streamlining Task Force and considered the options to move forward as a passive body or appeal the recommendation of elimination and remain in the administrative code as formal body. The Reentry Council voted to appeal the recommendations with strong support voiced in public comment from community stakeholders. Letters of support for the Reentry Council can be sent to commissionstreamlining@sfgov.org. Additionally, supporters are encouraged to attend and provide public comment at the Commission Streamlining Task Force Special Meeting on Friday, December 12, 2025, at 10 am in City Hall Room 263. As well as the meeting on Thursday, December 18th at 4:00 pm at the Southeast Community Center. Theresa Ick from the Department of Public Health provided an update on the Supporting Treatment and Reducing Recidivism (STARR) grant program which continues to operate at capacity with residential substance abuse beds, continues to welcome referrals and is onboarding new health worker soon as well.

The next Reentry Council Meeting is scheduled for Thursday, January 15th, 2025, at 1 pm in City Hall, Room 201 with the agenda including an update from the Safety and Justice Challenge Fellows on the work reducing barriers for people with lived experience entering peer navigation roles and leadership pathways in social and criminal justice service jobs. There will be additional presentations from Council Members with details to come. For any inquiries or concerns, please contact Victoria Westbrook via email at Victoria.westbrook@sfgov.org. Or Alek Hartwick at alek.hartwick@sfgov.org.

Patricia Martinez from the San Francisco Sheriff's Office provided an update on the Safety & Justice Challenge (SJC) Initiative. They have successfully released a Request for Proposal (RFP) for housing and navigation support for justice involved individuals. The SJC fellowship, which is organized by the Bright Research Group, has begun and focuses on pathways for employment

for high quality jobs. The fellowship focuses on three core areas: orientation & immersion, research, and dissemination & findings. They are currently seeking any system allies for interviews or immersion opportunities. Next meeting January 15th, 2026. In 2026 will be the last year of this grant. The Safety and Justice Challenge Network Convening will be in February 2026.

Member Beverly Upton brought up proposal in November 2025, working on members and voting in February. Voting members, such as the Human Rights Commission and the Department on the Status of Women, may not stay on the Family Violence Council. She is hoping that organizations stay even if they are not voting members. Requested someone from mental health community regarding the family tragedy that occurred on Monterey St to address cultural and mental health issues that impact community when an entire family loses its life. Sarah Metz came and gave an overview of Trauma Recovery Center as a guest speaker. Quarterly meeting with Special Victims Unit (SVU), community-based advocates and attorneys to raise awareness of issues have been successful. Trying to work with the Sentencing Commission and adhere to the recommendations of the Commission. Next meeting February 27th, 2026.

5. Presentation series: San Francisco Public Defender's Office: Sentencing Insights and Discussion (discussion & possible action)

Today's Presentation is led by Misdemeanor Managing Attorney Andrea Lindsay from the Public Defender's Office (PDR). Presenter Andrea Lindsay presented data derived from PDR's office and Superior Court site. Statistics discussed were an increase in arraignments and increase in new filings, particularly in misdemeanors cases. From 2022-2024, there was an 88% increase in new filings or new arraignments in misdemeanors. Caseloads continued to grow, overwhelmed attorneys, and congested courts. This creates slower case processing times and cases are not resolving and caseloads increasing. Misdemeanor trial outcomes, as of 2025 approximately 50% ended with "not guilty" or "hung", which is significant for PDR's office because it brings up question of mischarging or overcharging cases. In nearly 60% of cases, jury's acquitted or not guilty. The three years referenced in the slide: 2025 (as of 10/24/25), 2024, and 2019, on average about 25% of cases ended in a mixed verdict. PDR's office presented that, even if there is a guilty verdict on one or more charges, the jury is also rejecting one or often several charges brought to trial, which raises questions of overcharging or mischarging. Data from Superior Court website indicates that over the last three years (12/4/2022- 12/3/2025) there were "not guilty" verdicts in almost 40% of misdemeanor trials vs. guilty verdicts at 37.77%. Felony trial outcomes, similar data shows that about 50% of cases result in not guilty or hung jury and guilty verdicts at 44%.

Presenter Lindsay summarized that new case filings are generally up, in misdemeanors, 88% increase from 2022-2024. Decreased referrals to collaborative courts and an increase in objection to diversion requests. In general, the presenter reports receiving information that the DA's office is instructing their misdemeanor attorneys to object diversion in the majority of cases. PDR's interpretation of the data is trial outcomes suggest that cases are being overcharged and or plea offers are not always congruent with evidence and legal challenges in the case. Follow-up suggestions from discussion: Are highly publicized "sweeps" and actions between the San

Francisco Police Department, the Mayor's office, and other stake holders, conducting arrest of dozens, sometimes hundreds of people for quality of life or unspecified offense working? How do we avoid reactionary or incongruent charging and sentencing practices that don't always align with the evidence and legal issues in the case?

Representative Riker commented to clarify that charges of paraphernalia are citable charges, they're not held to it. Presenter Lindsay responded that they will often miss court resulting in bench warrants issued with a no site option and being held in custody for longer periods.

The presenter provided an overview of criminal case flow, highlighting key decision points and systemic factors that influence outcomes, particularly sentencing. A number of structural and procedural factors were identified as shaping case trajectories. Sentencing outcomes are often affected by the use of enhancements, with overcharging noted as a barrier to early resolution, especially in felony cases. Court capacity also plays a significant role; overburdened calendars can delay pretrial litigation, limit meaningful negotiation, and impact sentencing timelines. Additionally, probation sentencing reports were described as frequently incomplete, as they tend to rely heavily on police reports and may not fully capture the evidentiary context of a case, which is a challenge for defense. This may lead to a recommendation that wouldn't be made if the probation officer had information about mitigations, witnesses impeached, and inaccurate information in the police report. The presenter also emphasized the importance of considering collateral consequences, such as impacts on immigration status, housing, employment, child custody, and professional licensing, when evaluating case outcomes. Alternatives to traditional prosecution were highlighted as critical tools within the system. These include diversion programs, collaborative courts, restorative justice approaches, and community-based initiatives such as the College Pathways Project, BMAGIC, and MoMagic, all of which aim to reduce reliance on incarceration while supporting rehabilitation and community and client stability.

Presenter Lindsay then outlined the flow of misdemeanor cases. At arraignment, key considerations include custodial status and pretrial release conditions. Presenter Lindsay reported the DA's Office typically makes an offer prior to the arraignment hearing. Case preparation involves assessing client needs, conducting investigations, reviewing discovery, and understanding community and family connections. Cases may resolve at the pretrial conference stage through dismissal, diversion, collaborative courts, deferred entry of judgment (DEJ), or plea agreements. If cases proceed to trial, considerations include the harm caused by a conviction or probation, collateral consequences, legal issues, strength of evidence, and the client's broader needs. For felony cases, the primary initial goal is to secure the defendant's release from custody. At arraignment, timelines of 10 or 60 days are established, followed by intensive case workups. At the preliminary hearing stage, the District Attorney may extend offers, and defense strategies may include motions such as 17(b) to reduce charges, diversion requests, and challenges to overcharging. Cases may resolve through similar mechanisms as misdemeanors, including collaborative courts, diversion, DEJ, dismissal, or plea agreements.

Post-preliminary and trial phases focus on evaluating mitigation, aggravating factors, potential sentencing exposure, and identifying outcomes that serve both the client and the broader community. Exploring alternative pathways to prosecution because interventions help people and positive for the community. In the event of acquittal or sentencing, the presenter noted opportunities for restorative justice approaches, including fostering victim understanding of the

defendant's circumstances and can be healing for victims. Sentencing considerations also include weighing probation versus incarceration, recognizing family and community needs, and acknowledging diminishing returns associated with incarceration.

In closing, Presenter Lindsay highlighted that public safety can be enhanced when individuals don't have criminal convictions, which can be achieved through alternative to prosecutions. Trial outcomes suggest that cases are being overcharged. Overcharging and sentencing enhancements make plea negotiations more challenging and less fruitful. For further discussion: how can we increase alternatives to traditional prosecution and incarceration that benefit individuals and the community? How can we reach these outcomes earlier and align sentencing practices with the research and data suggest regarding increased alternatives to prosecution and the diminishing returns of lengthy periods of incarceration?

Member Shui commented that one of the items mentioned was the sex registration, especially for misdemeanor cases, which impacts services for unhoused individuals. Member Shui asked if there was any data on demographics of those cases, especially the example that you provided, which is like something as simple as somebody and whether or not the age of somebody's background influences whether or not registration is necessary? Presenter Lindsay responded that registration is not discretionary if someone is convicted of an enumerated offense, it would be nice to have that.

Jeremy Valverde from APD commented that, as it relates to the pre-sentence reports, it's true that the report may be based on the police reports, but the recommendations are much more complex, especially without a competing factual summary, the report is what APD has. Encourages engagement of the Public Defender and clients in the pre-sentencing process, and the most complete report provides the best outcome.

Representative Goosen asked why probation is not provided with the court summary by the courts like the trial summary? Mr. Valverde commented that if the Public Defender wants to provide information for the investigating officer to be considered, that would be welcome and received. Mr. Hudgins of APD commented that as soon as the case is received, there's immediate outreach that goes to both parties, affiliated defense and the prosecution, coupled with victim outreach, and a couple of other affiliated parties, which we'll present. Important for us to put together and illustrate the best picture for the individual as well as what the offense pertains to. Member Bird asked if there is a trial summary and if there's a way for synthesis of the trial transcript, pilot and review if this would work well enough?

Representative Willis raised, is there a way to know the whole person earlier? This could help people come to resolutions earlier. What would it look like to have mitigation packets, could mitigation packets be the standard and a way to find middle ground? Presenter Lindsay commented that felony mitigation packets are more standard and there were more social workers on that team. In Misdemeanors, the Public Defender's Office got a social worker this last year and has helped on 3000 cases and it would be helpful for all parties to agree and could to revisit offers, would be open to this.

Member Naidoo commented on the value of the Sentencing Commission and hearing from the different departments and where the hang up is. When looking at the data guilty verdicts of 50%,

the charging and/or overcharging and jury trials outcomes, what are we going to do as a local body? Question for the group is how is this data going to be used at the end of all these presentations to have a better flow of cases through, given the increase in misdemeanor charges right now, what is driving it? How do guilty verdicts compare to other counties? How do we take the information from last 12 years and what we can do? Representative Willis commented that's the point and importance of these presentations and data points and points of reflection of ourselves, and what are the practices happening here, explore points of improvement, is there additional data to provide and better understanding of what we can do. What can we do to keep this conversation alive outside of this Commission.

Presentation series: San Francisco Adult Probation Department: Sentencing Insights and Discussion (discussion & possible action)

Presenters Daniel Reyes, Division Director and Mark Hudgins, presented on the role of probation, which includes supporting the court by providing accurate and comprehensive information in the sentencing process. Their role includes furthering justice by providing information to the court that help judges make informed decisions. Enhancing public safety, assessing risk levels and recommending appropriate supervision, balancing rehabilitation and legal obligations. Rehabilitation through tailored treatment programs and support services. Victim restoration by making sure financial obligation to victims are met and reinforcing accountability. Sentencing Report Framework: includes legal and statutory requirements, evidence-based and neutral assessment- includes neutral fact-finding, interviews, records, and assessments, incorporates victim impact and circumstances. Recommendations and judicial review- recommendation by report is based on law, facts and assessments, but judges retain full discretion. Key factors considered are sentencing and recommendations, enhancements, aggravating factors, and sentencing impacts on children. Nature of the crime, severity and role, victims, weapons, mental awareness. The history of the defendant, prior records or supervision and background factors are important (social history- family, education, behavioral health). Compliance and responsibility, their willingness to accept and comply with probation terms. Victim's input: statements, restitutions, and CR 110/111. Validated assessment results and rehabilitation potential- risk, needs, responsivity, participation in programs, commitment to change, public safety, alternative to incarceration sand holistic approach. Considerations and challenges include plea bargaining process, enhancements, which add additional period to a proposal, court calendar and scheduling issues, releases after business hours, failure to report or locate individuals and unable to get record of any contact information, lack of important information and resources, ongoing training and analysis. Key takeaways: serving justice, ability to look for avenues of rehabilitation, victim restoration. Continue to improve in their role in sentencing and ongoing training to provide the best reports and keep them as fair and just as possible.

Member Bird asked if APD tracks data on impacts of pre-sentencing reports and how often probation would recommend something different? Presenter states that case management systems are outdated and transitioning but yes, they track by record in internal system when court order request is made and if there's a proposed recommendation and submit their recommendation. For probation recommendations, there are avenues that once probation is complete or terminated successfully, terminated unsuccessfully, or sentenced to state prison for the probation violations.

Representative Kushnir asked what is the name of the woman's assessment tool? The presenter responded that it's the WRNA.

Representative Riker asked as it relates to the CalAIM Justice Initiative is seeing that someone is scheduled for sentencing and knowing is this person going to get out that night, is this person CTS, prison, jail? Impacts around milestones, the Sheriff's Office is trying to calculate. Is APD informed about eligibility, suitability, and the negotiated disposition? How do we, as justice partners, know the time of sentencing and the exact release? Presenter Hudgins responded that when APD submits the final recommendation at the time of sentencing do not know exactly what the outcome is going to be, if changes made, and would need to agree upon, and do not know the exact release. Typically released on the day of sentencing, but if getting released to a program, this could be after business hours.

Member Upton commented that late-night releases has been a long-standing discussion and that people are told to see probation at 8-10 pm, late at night. Survivors can be arrested and released in the middle of the night. Thanked the Sheriff's for the Women's Resource Center. Also, raised the concern regarding restraining order violations when they're released in the middle of the night and contacting their former partner with no place to be, much risk, and probation as another factor and place where people can fall through the cracks from late-night releases, continue to discuss. Thanked the DA's office and Catherine Stefani for their work and legislation around payment of restitution to victims. Discussions beginning on a restitution fund that the state would fund would need accountability, and some kind of partnership between the offender paying a portion of the restoration and trying to make the victims whole sooner.

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

Representative Willis asked for requests for future agenda items to be emailed to her. Statement read by Adult Probation regarding the Commission Streamlining Task Force for the elimination of the Reentry Council. As the only City body that convenes all relevant justice, health, housing, and service partners, including community-based organizations and formerly incarcerated appointees under a unified problem-solving framework, the Reentry Council voted to appeal this recommendation and encouraged all public and private stakeholders to send letters of support to the Commission Streamlining Task Force, missionstreamlining@sfgov.org. Encourage those that are able to provide virtual or in-person public comment at the Commission Streamlining Task Force upcoming meetings on Friday, December 12th, at 10 am at City Hall 263 and Thursday December 18th, at Southeast Community Center at 4:00 pm.

7. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda (discussion only)

No public comment received.

8. Adjournment

Representative Willis reminded members that the next Sentencing Commission Meeting is scheduled for June 11th, 2026, at 10:00 am, pending March 2026 date. A motion to adjourn the

meeting was introduced by Representative Willis, supported by Member Upton and seconded by Representative Riker. The motion passed unanimously.

San Francisco Sentencing Commission

City & County of San Francisco

Sentencing Commission Key Discussion Points

Thursday, March 26, 2026

Resources: [California Prison Population Dashboards - California Policy Lab](#)

1. Avoid aging of cases
 - Evaluation requests for Alternative pathways can be made as early as arraignment. This can avoid aging cases.
 - Arraignment is often too early to have negotiation discussions for defense council, because they have often not seen cases for long enough to decide best pathway.
2. People are seeking diversion vs. collaborative courts
 - How do we bring back utilization of collaborative courts? Discern which cases really should go to collaborative court. (ex. Drug court vs. MHD)
3. Follow-up/managing docket with goal to improve the passing of time.
 - Can court move people out who are not participating?
 - Can DPH play a role with tracking diagnosis, outcomes in these programs (diversion, collab courts, ASP)?
4. An advocate for defendant, who is not driven to “win” a case
 - A lived experience advocate to educate defendants, and their families, on all pathway options. Advocates can live in Public Defender office, similar to DA victim services.
5. Recidivism
 - What is the city’s goal for recidivism and how do we want to define this metric as a city? Ex. No more arrests post release, no more charges, doesn’t go to prison, etc. What do we recommend it to be?
 - Jail vs. CDCR, how can we ensure funding for robust re-entry services in the jails?
6. Charging of cases
 - How can we assess if cases are being charged appropriately at onset?
7. Enhancements
 - Use of enhancements can stunt negotiation early on.
 - Overuse / Overlapping enhancements on cases, “stacking”.
8. Showing whole person to all parties earlier
 - Mitigation packets: could this be standard?

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9. Trial Summary

- Is there an AI solution that meets in the middle of defense council and prosecution?

10. What data needs might we need to produce recommendations?

- Recidivism based on what definition?
- Collab court vs. mental health referrals

11. Decline in CC, et al. Referrals

- Referrals are declining, with potential impacts on case flow and sentencing
- What's driving the decline? What are the impacts?
- What recommendations can this committee make, if any?

12. Notice charge use/ enhancement use in relation to demographics; Interested in firearm use.

13. Gender differences, racial breakdown

- Revisit felony murder cases amongst women and use of enhancements.

14. What reforms had a significant impact on sentencing/enhancement use?

- Prop 36: Allowed for re-sentencing
- Evaluating Prop 57
- Evaluating Nickel Prior and Gang

15. How do we ensure funding for the reforms or referral to existing re-sentencing pathways?

- Flagging Attorney General's unit on cases for review
- San Francisco Public Defender's Office: Freedom Project
- For the People: Prosecutor led re-sentencing
- SFDA re-sentencing unit

16. Are we utilizing Batterers community based intervention programs?

- California Policy Lab, DV pilot evaluation is releasing in 1 month

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Suggested Research Follow-Up

1. Research interest on the impact of enhancements on time to case resolution.
 - Theory: Do enhancements deter speedier resolution.
2. What is the impact of “new” prop 36 on the prison data and enhancement use.
3. Are individuals committing crimes a part of diversion programs?
 - Crime is improving while diversion use is increasing. Does this indicate MHD is working?

SENTENCING IN CALIFORNIA: THE USE AND IMPACT OF SENTENCE ENHANCEMENTS

Mia Bird, University of California Berkeley

Manny Prunty, Alissa Skog & Johanna Lacoë,
California Policy Lab

STATEWIDE DATA SOURCES FOR SENTENCING INFORMATION

DOJ Automated Criminal History System

- Captures arrests and convictions in all counties in California
- Does not include charging information
- Enhancements, sentence length, and revocations are not well-captured
- Concerns about under-reporting to DOJ, especially for convictions

CDCR Population Data

- Captures sentencing information for all people in prison in California
 - Does not include charging information
 - Captures sentence enhancements, sentence length, and revocations to prison
-

SENTENCE ENHANCEMENTS ARE USED FREQUENTLY AND SUBSTANTIALLY INCREASE PRISON SENTENCES

- Approximately 70% of people incarcerated in prison in 2022 had sentence enhancements
- For those admitted to prison between 2015 and 2022, sentence enhancements added about 2 years to their sentence
- The following four enhancement categories accounted for 80% of the years added to sentences: strike enhancements, firearm enhancements, the nickel prior, and gang enhancements

Source: [Sentence Enhancements in California](#), California Policy Lab

IN RECENT YEARS, CALIFORNIA HAS ENACTED NUMEROUS SENTENCE ENHANCEMENT REFORMS

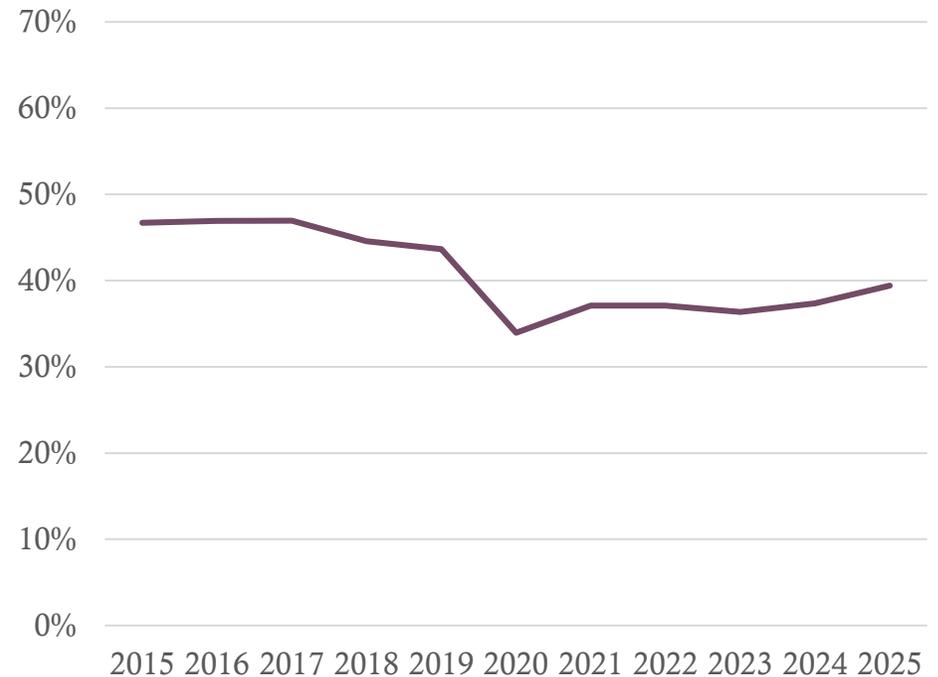


ADMISSIONS TO PRISON WITH ENHANCEMENTS

Figure 1. Admissions from San Francisco County



Figure 2. Admissions from Other California Counties



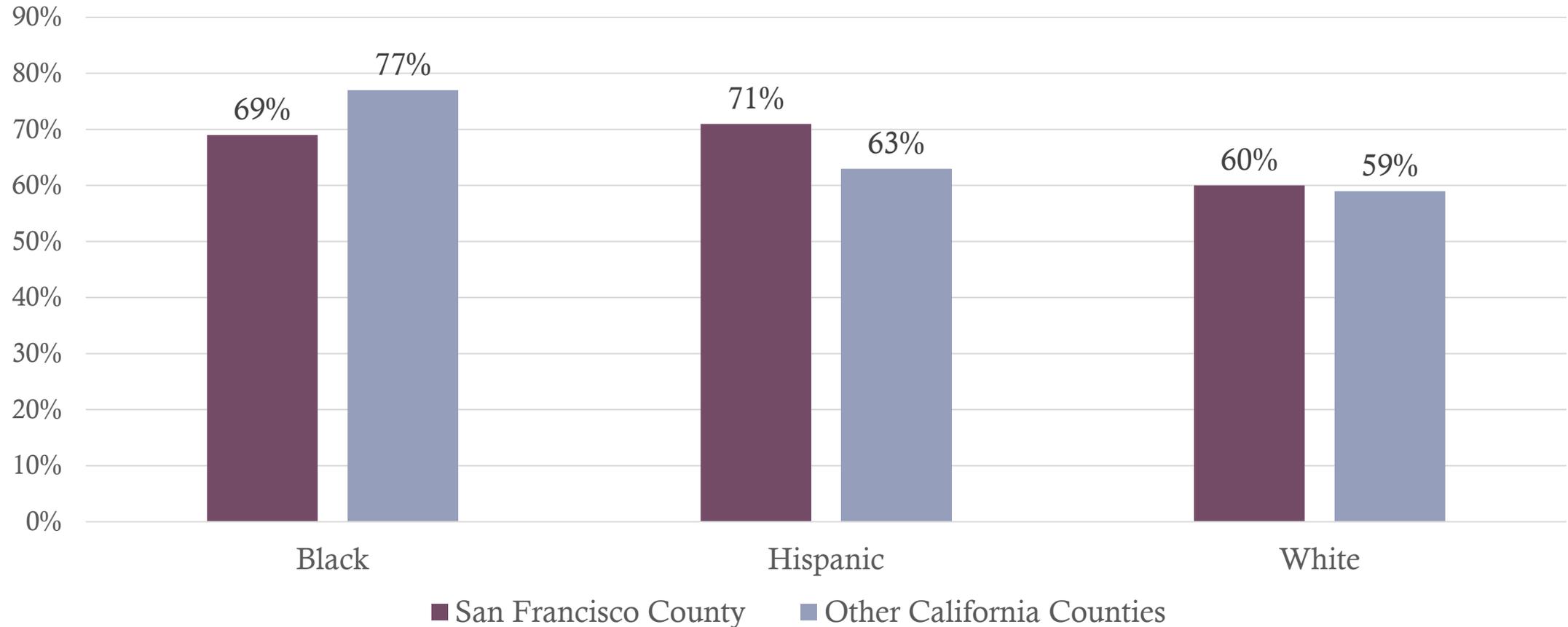
Source: California [Prison Population Dashboards](#), Admissions (2015-2025)

Table 1. People in Prison with Any Enhancement by Offense and Commitment County

	San Francisco County			Other California Counties		
	Population Share	Average Sentence (yrs)	Share with Enhancement	Population Share	Average Sentence (yrs)	Share with Enhancement
Murder (1st)	23%	45	71%	14%	50	77%
Murder (2nd)	16%	25	71%	7%	28	69%
Assault/Battery	12%	20	81%	16%	21	80%
Robbery	9%	17	80%	12%	19	84%
Manslaughter	9%	18	88%	4%	20	86%
ADW	8%	11	72%	10%	14	80%

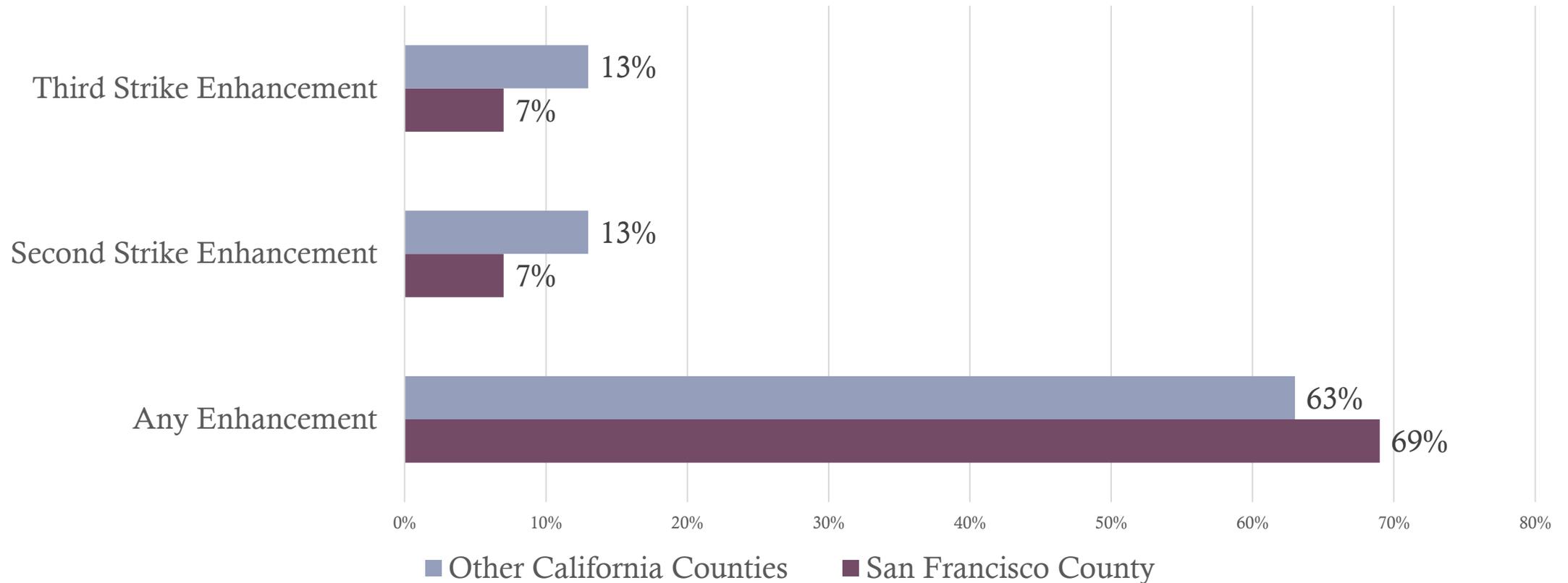
Source: California [Prison Population Dashboards](#), Current Population (December 2025)

FIGURE 3. PEOPLE IN PRISON WITH A SENTENCE ENHANCEMENT BY RACE AND COMMITMENT COUNTY



Source: California [Prison Population Dashboards](#), Current Population (December 2025)

FIGURE 4. PEOPLE IN PRISON AGED 50 AND OLDER IN WITH ENHANCEMENTS BY TYPE AND COMMITMENT COUNTY



Source: California [Prison Population Dashboards](#), Current Population (December 2025)

Table 2. People in Prison with Firearm Enhancements by Type and Commitment County

	San Francisco County	Other California Counties
Firearm: Armed (1 or 3 yr)	3.9%	3.0%
Firearm: Use (3,4,10 yr)	24.6%	14.9%
Firearm: 10-20-life (10)	5.6%	7.9%
Firearm: 10-20-life (20)	2.8%	4.9%
Firearm: 10-20-life (life)	9.9%	8.6%

Source: California [Prison Population Dashboards](#), Current Population (December 2025)

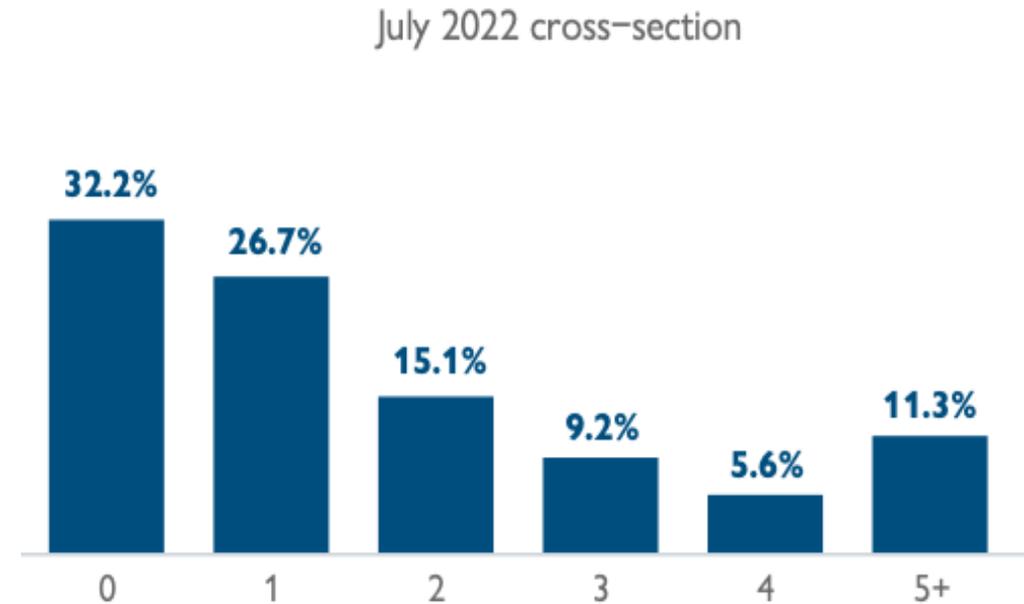
Table 3. People in Prison with Other Common Enhancements by Commitment County

	San Francisco County	Other California Counties
Prior Prison Term (1 yr)	2.8%	2.5%
Offense on Bail	2.1%	1.7%
Nickel Prior	13.3%	12.9%
GBI	13.2%	10.6%
GBI (DV)	2.4%	1.7%

Source: California [Prison Population Dashboards](#), Current Population (December 2025)

PEOPLE ARE FREQUENTLY SENTENCED TO PRISON WITH MULTIPLE SENTENCE ENHANCEMENTS

- 41% of people in prison had two or more enhancements on their sentence
- More than one in ten had five or more enhancements
- The time enhancements can often exceed the length of the primary sentence



Source: [Sentence Enhancements in California](#), California Policy Lab

QUESTIONS OR COMMENTS?

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