File No. 120722

Committee Item No. 1
Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee Date 7/19/12

Board of Supervisors Meeting Date 7/31/12

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OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date 7/13/12
Completed by: L.W. Date 7/25/12

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Appointment, San Francisco Sentencing Commission]

Motion appointing Theshia Naidoo, term to be determined, to the San Francisco Sentencing Commission, residency requirement waived.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby appoint the hereinafter designated person to serve as a member of the San Francisco Sentencing Commission, pursuant to the provisions of Board of Supervisors Ordinance No. 10-12 for the term specified:

Theshia Naidoo, seat 1 (residency requirement waived), new appointment, must be a sentencing expert, for a term to be determined.

FURTHER MOVED, That the Board of Supervisors makes the following findings:

1. The membership of the San Francisco Sentencing Commission has a goal to be representative of the diversity of the City and County of San Francisco.
2. Applicant Theshia Naidoo, a new appointee, who is not a resident of San Francisco, is a person with experience that uniquely qualifies her to serve on the San Francisco Sentencing Commission.
3. The San Francisco Sentencing Commission has attempted to fill the position, for which Theshia Naidoo was nominated, with an individual who is a City resident and who has the specific experience, skills, and qualifications, but has been unable to do so at this time. The Rules Committee has certified that Theshia Naidoo is qualified to serve on the San Francisco Sentencing Commission.
4. After exercising due diligence, the Board of Supervisors concludes that there is no other possible representative, who is a resident of San Francisco and who has the

specific experience, skills, or qualifications possessed by this applicant, and who is willing to serve on the San Francisco Sentencing Commission at this time; and, be it

FURTHER MOVED, That the Board of Supervisors waives the residency requirement for Theshia Naidoo, as allowed in cases where no qualified City resident, willing to serve, can be found, pursuant to Section 4.101 of the City Charter that requires person(s) appointed to boards, commissions, and advisory bodies established by legislative act of the Board of Supervisors to be resident(s) of the City and County of San Francisco.

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
(415) 554-5184 FAX (415) 554-7714

Application for Boards, Commissions and Committees

Application for Appointment to: San Francisco Sentencing Commission
Name of Board, Commission, Committee, or Task Force

Seat # or Category (If applicable): District:

Name: Theshia Naidoo

Home Address: [redacted] Lake Chabot Road, San Leandro, CA Zip: 94577

Home Phone: 510 [redacted] Occupation: Attorney

Work Phone: 510-229-5214 Employer: Drug Policy Alliance

Business Address: 918 Parker Street, Bldg A21, Berkeley, CA Zip: 94710

Business E-Mail: tnaidoo@drugpolicy.org Home E-Mail: [redacted]@gmail.com

Check All That Apply:

A citizen of the United States. ☑ At least 18 years old on or before Election Day. ☑

Not in prison or on parole for a felony conviction ☑

A resident of San Francisco ☐ Yes: ☑ No: (Place of Residence): San Leandro

Please state your qualifications (attach supplemental sheet if necessary)

Please see attached "Statement of Qualifications for Theshia Naidoo".

Education:

University of California, Los Angeles, School of Law, J.D.
University of California, Berkeley, B.A.

Business and/or professional experience:

Attorney, Drug Policy Alliance - Office of Legal Affairs. Please also see attached resume.

Civic Activities:

Ethnicity: (optional) Sex: (optional) ☐ M ☑ F

Have you attended any meetings of the Board/Commission to which you wish appointment? ☐ Yes ☑ No

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made.
(Applications must be received 10 days before the scheduled hearing.)
(Please Note: Once Completed, this form, including all attachments, become public record)

Date: 4/9/2012 **Applicant's Signature: (required)** [signature]

Please Note: Your application will be retained for one year.

FOR OFFICE USE ONLY:
Appointed to Seat #:_____ Term Expires:_____ Date Seat was Vacated: _____

12/04/09

Statement of Qualifications for Theshia Naidoo

I am an attorney with the Drug Policy Alliance (DPA), Office of Legal Affairs. For over seven years, I have worked on a wide range of areas throughout criminal justice and drug policy reform, including litigation, legislative work, technical assistance, and public education. As an attorney at DPA, I advocate for policies aimed at minimizing the harms of drug abuse and redirecting resources away from inefficient, ineffective, and unnecessarily punitive practices. My work is focused on promoting and implementing evidence based alternatives to policies that arrest, incarcerate, disenfranchise, and otherwise harm millions of nonviolent people.

My direct experience working on sentencing reform throughout the criminal justice system, from pre-arrest through post-conviction, includes:

- Evaluating California's drug sentences and serving as the lead DPA attorney on a legislative campaign, initiated by State Senator Mark Leno, to reduce penalties and reclassify drug possession offenses from felonies to misdemeanors;

- Working with the Dignity in Schools Campaign to evaluate school policies that contribute to school drop-out rates and fuel the school-to-prison pipeline. I also assisted with drafting a Model School Code to implement best practices based on fundamental human rights;

- Evaluating and proposing amendments to California's policies that contributed to the prison overcrowding crisis and being one of the primary drafters of Proposition 5, the Nonviolent Offender Rehabilitation Act, which was on the California ballot in 2008; and

- Working on Proposition 36 implementation issues, including serving as co-counsel in a lawsuit that successfully challenged legislative amendments to Prop 36 that were contrary to sound practices and would have allowed counties to incarcerate Prop 36 participants.

In addition to California, I have experience evaluating drug sentencing laws in a number of other states. I have worked on legislative proposals to promote alternatives to incarceration and recommended amendments to existing laws to implement front-end sentencing reforms with the aim of reducing recidivism. I have been actively involved in the legislative process and have worked on bills that seek to roll back the excesses of the drug war, block new, harmful initiatives, and promote sensible drug policy reforms. Further, I am familiar with the research on evidence-based practices, understand theories about sentencing reform and have collaborated with experts and organizations who are documenting the impact of current sentencing practices and developing and evaluating new practices.

About the Drug Policy Alliance

The Drug Policy Alliance ("DPA") is a major advocate for sentencing reform in California, having sponsored three measures on the California ballot since 1996 (Prop 215, Prop 36 and Prop 5). In particular, our organization has significant alternative sentencing expertise. Under Prop 36, which passed with 61% of the vote in 2000, over 200,000 drug possession offenders have already been diverted from prison to alternative sentencing in California (according to researchers at the University of California at Los Angeles).

DPA's Office of Legal Affairs, based in Berkeley, pursues these goals nationwide through impact litigation, legislative drafting for local and state bodies, and advocacy on behalf of public health interventions that address the problems associated with substance abuse at the individual, family and community levels.

Our office works with our state-based and Washington, DC offices on legislation related to a variety of issues, including but not limited to: reforming sentencing laws, including advocating for treatment instead of incarceration; reduction of suspicion-less drug testing and other pervasive surveillance technologies; eligibility for public benefits for individuals with drug problems or prior drug convictions; access to substance abuse treatment, including narcotic replacement therapies; provision of harm reduction services, including access to sterile syringes and overdose prevention programs; lawful use and supply of medical marijuana; adequate treatment of severe and chronic pain; combating the criminalization of pregnant substance abusers; and addressing racial disparities in drug laws and sentencing.

In addition to the Office of Legal Affairs, DPA maintains six other offices: in San Francisco and Los Angeles, California; New Mexico; New Jersey; New York; and Washington, DC.

Theshia Naidoo

— Lake Chabot Rd.; San Leandro, CA 94577
Work Phone: (510) 229-5214; E-mail: tnaidoo@drugpolicy.org

Education:

University of California, Los Angeles School of Law: **J.D. – 5/2000**
Moot Court Honors Alternate; Associate Editor, Chicano Latino Law Review

University of California, Berkeley: **B.A. – 5/1995**
Double majored in Political Science and Peace & Conflict Studies, *Magna cum laude*

Legal Experience:

Drug Policy Alliance, Oakland, CA **5/06 to present**
Staff Attorney, Office of Legal Affairs.

- Provided advice, counsel and litigation assistance on a variety of drug policy issues including:
  - diverting drug offenders from incarceration into rehabilitative programs,
  - increasing access to drug treatment programs,
  - addressing racial disparities in drug laws and sentencing,
  - decriminalizing the use of marijuana for medical purposes,
  - countering the drug war's attacks on reproductive rights, and
  - preventing unconstitutional and unreliable forms of drug testing.
- Analyzed, drafted and provided technical assistance on drug policy reform legislation, including alternatives to incarceration and sentencing reform, access to medical marijuana, and overdose prevention and other harm reduction legislation.
- Provided drafting assistance and worked on ballot measure campaigns.
- Researched and wrote briefs filed in state & federal courts, including the United States Supreme Court.
- Conducted trainings and presented at national and international conferences on drug policy issues.
- Drafted public education materials and assisted with media outreach efforts.
- Recruited medical, public health and patients' rights organizations to join amicus briefs.

Hoge, Fenton, Jones & Appel, Inc., San Jose, CA **9/00 to 4/04**
Associate Attorney, Employment Law Group.

- Litigated sexual harassment, disability, race and other employment-related claims in court and before administrative agencies.
- Handled cases from pre-complaint investigation through complaint drafting, case management, motion practice, written discovery, depositions, and trial preparation.
- Co-tried a five-defendant case to conclusion: wrote and argued motions in limine, prepared witness testimony, conducted direct and cross-examinations, and engineered settlement proposals.
- Presented at seminars and workshops on compliance with employment laws.

Kronick Moskovitz Tiedemann & Girard, Sacramento, CA **5/98 to 7/98**
Summer Associate.

- Researched legal issues and wrote memoranda in a variety of areas such as Labor & Employment, Education, General Litigation and Commercial Law.
- Updated a compliance manual on the Americans with Disabilities Act (ADA).

Public Defender, San Francisco, CA **6/98 to 8/98**
Legal Intern.

- Researched and wrote pretrial motions such as motions to dismiss, compel discovery, suppress evidence, and reduce bail.
- Interviewed clients and assisted in trial preparation.

Berkeley Own Recognizance Project, Berkeley, CA **1/94 to 8/94**
Student Intern.

- Interviewed clients at the city jail.
- Prepared documentation to be used in recommendations for release from custody.

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
(415) 554-5184 FAX (415) 554-7714

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BOARD OF SUPERVISORS
SAN FRANCISCO
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Application for Boards, Commissions and Committees

Application for Appointment to: San Francisco Sentencing Commission
Name of Board, Commission, Committee, or Task Force

Seat # or Category (If applicable): Sentencing Expert (to be appointed by the BoS) District:

Name: Allen Hopper

Home Address [redacted] Josephine Street, Sausalito Zip: 94965

Home Phone: 415 [redacted] Occupation: Attorney, Criminal Justice and Drug Policy Director

Work Phone: 415-621-2493 Employer: ACLU of Northern California

Business Address: 39 Drumm Street, San Francisco Zip: 94111

Business E-Mail: ahopper@aclunc.org Home E-Mail: [redacted] @gmail.com

Check All That Apply:

A citizen of the United States. ☑ At least 18 years old on or before Election Day. ☑

Not in prison or on parole for a felony conviction ☑

A resident of San Francisco ☐ Yes: ☑ No: (Place of Residence): Marin County

Please state your qualifications (attach supplemental sheet if necessary)
Please see attached

Education:
University of California, Davis, School of Law, J.D. 1992
New College of Florida, State of Florida Honors College for the Liberal Arts, B.A. 1988

Business and/or professional experience:
Please see attached.

Civic Activities:
Recipient of the UC Davis Martin Luther King, Jr. Award for Public Service; Board of Directors (since 2004), Cultural Heritage Imaging, dedicated to preserving culturally significant artifacts; public interest attorney for my entire career

Ethnicity: (optional) Caucasion Sex: (optional) ☑ M ☐ F

Have you attended any meetings of the Board/Commission to which you wish appointment? ☐ Yes ☑ No

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made.
(Applications must be received 10 days before the scheduled hearing.)
(Please Note: Once Completed, this form, including all attachments, become public record)

Date: May 3, 2012 **Applicant's Signature: (required)** [signature]
Please Note: Your application will be retained for one year.

FOR OFFICE USE ONLY:
Appointed to Seat #:_____ Term Expires:_____ Date Seat was Vacated: _____

12/04/09

Supplemental Sheet to Application of Allen Hopper for Appointment to

San Francisco Sentencing Commission

Qualifications, business and professional experience:

I am an attorney and the Criminal Justice and Drug Policy Director of the ACLU of Northern California. I work in the San Francisco office of the ACLU to develop and implement strategies to reform California's criminal justice system and drug policies. Specific areas of focus and expertise include sentencing reform, down-sizing California jails and prisons, drug law enforcement, medical marijuana implementation issues and broader marijuana law reform. I have co-authored two major ACLU reports on criminal justice realignment, available on our website at www.aclunc.org/realignment. I have attended and/or presented at numerous conferences and panels concerning criminal justice realignment since its inception last year. I have studied sentencing reform efforts from around the country and am in regular communication with ACLU offices in other states throughout the country about criminal justice and sentencing reform developments and issues. Prior to joining to the staff of the California ACLU, I was the Litigation Director of the National ACLU's Drug Law Reform Project, where I coordinated the ACLU's drug policy-related litigation and litigated cases across the nation as part of an overall strategy to combine impact litigation with policy and legislative advocacy, public education, media and grassroots-and-tops organizing to transform public understanding of, and government response to, drug use and drug policies. I published an analysis of the continued validity of state medical marijuana laws after the U.S. Supreme Court's 2005 decision in Gonzales v. Raich, and a similar analysis of the constitutional validity of California's 2010 marijuana legalization voter initiative, Proposition 19. I have been quoted extensively in the state and national news media on criminal justice realignment issues and numerous marijuana law reform topics. I testified as a constitutional law expert in October, 2009 before the California State Assembly Public Safety Committee during its hearings on the legalization of marijuana.

I received my undergraduate degree in 1988 from New College of Florida, the independent public honors college for the state of Florida, and my law degree from the University of California, Davis, School of Law in 1992, where I was the recipient of the Martin Luther King, Jr., Award for Public Service. Before joining the ACLU staff, I worked in private practice focusing on criminal defense, prisoners' rights and police misconduct litigation and was also a staff attorney for the California Appellate Project in San Francisco, established by the California Supreme Court and the State Bar to oversee and provide case assistance to the lawyers appointed by the Court to represent death row defendants in their state and federal post-conviction proceedings.

San Francisco
BOARD OF SUPERVISORS

Date Printed: June 26, 2012 Date Established: February 2, 2012

Active

SAN FRANCISCO SENTENCING COMMISSION

Contact and Address:

Phone:
Fax:
Email:

Authority:

Ordinance No. 10-12

Board Qualifications:

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

The Commission shall have the following powers and duties:
(a)Review and assess sentencing approaches locally and compare to other jurisdictions.
(b) Review and assess the City's capacity and utilization of services and alternatives to incarceration throughout the criminal justice continuum, including pre-adjudication and post-release.
(c) Review and assess the Justice Reinvestment Initiative recommendations to invest in best practices to reduce recidivism.
(d)Develop a recommended system of uniform definitions of recidivism for City departments to track and report on the outcomes of various criminal sentences and City programs meant to aid in reducing recidivism.
(e)Develop data collection standards and recidivism reporting standards.

"R Board Description" (Screen Print)

(f)Develop and recommend department specific goals to reduce recidivism for the City departments represented on the Sentencing Commission, and other relevant City departments.
(g)Make recommendations regarding changes that should be made to the Penal Code and any other state laws to remove barriers to effective implementation of best practices in criminal justice.
(h)Facilitate trainings on best practices in sentencing for various criminal justice agencies.
(i)Share information and work in collaboration with the Reentry Council, established pursuant to the San Francisco Administrative Code, and the Community Corrections Partnership, as established by the California Penal Code.

Meeting Frequency: The Commission shall meet at least three times a year.

Report: In December 2012, and on an annual basis thereafter, submit a report to the Mayor and the Board of Supervisors summarizing the findings of the Commission and making recommendations on the aforementioned categories.

Sunset Date: This legislation shall expire on June 1, 2015, unless the Board of Supervisors adopts an ordinance continuing its existence. The Commission shall submit a report to the Board of Supervisors no fewer than six months prior to the expiration date recommending whether the Commission should continue to operate, and if so, whether the Board of Supervisors shall consider legislative changes that would enhance the capacity of the Commission to achieve the goals underlying this ordinance. The Commission's recommendations shall include drafts of ordinances that would implement its recommendations.

"R Board Description" (Screen Print)