



## Reentry Council City and County of San Francisco

July 26, 2018

Honorable Malia Cohen, President of the Board of Supervisors  
Honorable Sandra Lee Fewer  
Honorable Jane Kim  
Honorable Rafael Mandelman  
Honorable Aaron Peskin  
Honorable Hillary Ronen  
Honorable Ahsha Safai  
Honorable Catherine Stefani  
Honorable Katy Tang  
Honorable Norman Yee  
Honorable Vallie Brown  
City Hall, 1 Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear President and Members of the Board of Supervisors,

The purpose of this letter is to recommend that the legislation authorizing the Reentry Council of the City and County of San Francisco be renewed with the revisions noted on Attachment A. San Francisco Administrative Code Sec. 5.1 established the City and County of San Francisco's Reentry Council for the purpose of coordinating local efforts to support adults exiting San Francisco County Jail, San Francisco Juvenile Justice System Out-of-Home Placements, the California Department of Corrections and Rehabilitation facilities, and United States Federal Bureau of Prison facilities.

The Council provides the Mayor, Board of Supervisors, the public, and any other appropriate agencies with comprehensive information about reentry barriers and programs, best practices, funding sources, and serves as a clearinghouse for local, state, and federal legislation that impacts the criminal justice system and reentry communities.

In September 9, 2008, Ordinance # 215-08 established the Reentry Council and in 2014, Ordinance # 83-14 renewed the Council. Presently, the Council has a sunset clause of June 1, 2019. Per section 5.1.6 of the Admin Code, the Council shall submit a report to the Board of Supervisors "recommending whether the Council should continue to operate, and if so, whether the Board of Supervisors shall consider legislative changes that would enhance the capacity of the Council to achieve the goals that the ordinance creating the council identifies."

Please accept this letter, along with Attachment A as the required report.

Since June 2014, the Full Reentry Council has met approximately 20 times, has enjoyed robust regular attendance by its members, San Francisco residents, members of the formerly

incarcerated community, and other stakeholders. The Reentry Council is proud to report that it has maintained quorum at all its meetings.

The Reentry Council is led by five dynamic and committed co-chairs: the Mayor's Office; the Adult Probation Department; the Sheriff's Department, and the Offices of the Public Defender and District Attorney. There are total 24 members inclusive of the co-chairs: A representative of the Board of Supervisors, the Juvenile Probation Department, the Police Department, the Department of Economic and Workforce Development, the Human Services Agency, the Department of Public Health, the Department of Child Support Services, the Department of Children, Youth, and Their Families, the Department of Homeless and Supportive Housing, the San Francisco Superior Court, the California Department of Corrections and Rehabilitation Division of Adult Parole Operations, and the United States Probation and Pretrial Services System. The Reentry Council is the only standing body in the city whose membership also includes seven formerly incarcerated individuals. In addition to the 24 standing members, the Reentry Council supports two dynamic sub committees, the Legislation, Policy and Practices Subcommittee, and the Direct Services Subcommittee.

The Reentry Council, with its broad reach into reentry policy and service matters, is the nucleus of adult criminal justice reform and coordination in San Francisco. Across the two sub-committees, there are approximately thirty formal members. Other criminal justice stakeholders and members of the public regularly attend meetings to advance criminal justice and reentry reform. The Council operates closely with other ad-hoc and statutory bodies such as the California Community Correction Partnership, the Sentencing Commission, the Juvenile Justice Coordinating Council and the Collaborative Courts partnerships. Council co-chairs and members pursue independent criminal justice and reentry efforts, and the Reentry Council stands as the clearing house for this information, resulting in a reduction of duplication of efforts, and a maximizing of support around important reentry matters.

### **Justice Reinvestment Initiative**

Since 2011, the Reentry Council of the City and County of San Francisco has been coordinating our jurisdiction's Bureau of Justice Assistance (BJA) – Justice Reinvestment Initiative (JRI) work. Through data analysis, Justice Reinvestment seeks to safely reduce corrections and related criminal justice spending and reinvest savings in efforts that effectively mitigate crime and support successful reintegration of previously incarcerated people into their communities. The award, which included both funds and technical assistance with the Crime and Justice Institute, challenged San Francisco to pursue three important objectives: Expanded and enhanced pretrial detention/ release practices, risk-based probation terms, and to dig deeper into racial and ethnic disparities in the criminal justice system.

### **Pretrial Detention/ Release Practices**

To address pretrial reform, the Reentry Council co-chairs requested support from the Laura and John Arnold Foundation (LJAF) to implement the Public Safety Assessment (PSA) tool, a validated pretrial risk assessment instrument, in San Francisco. In early 2015, the LJAF asked Justice System Partners (JSP) to assess San Francisco's readiness to implement the PSA. Reentry Council staff served as the primary point of contact for JSP and their assessment and the LJAF selected San Francisco as a PSA implementation site in June 2015.

Memorandums of understanding (MOUs) and a PSA Working Group were established in August 2015. The PSA Working Group is comprised of senior staff from key agencies in the City and County of San Francisco, including:

- San Francisco Sheriff's Department: Assistant Sheriff, and Director of Programs
- Superior Court of California – County of San Francisco: Criminal Court Administrator
- San Francisco Pretrial Diversion Project: Director, and Pretrial Services Manager
- San Francisco District Attorney's Office: Chief of the Criminal Division for Horizontal Units, Assistant District Attorney, and Principal Analyst
- Office of the Public Defender – San Francisco: Director of Specialty Courts and Reentry Programs; and Manager of Felony Unit
- San Francisco Criminal Conflicts Panel: Administrator of Criminal Conflicts
- Reentry Council/Adult Probation Department: Research Director
- Other partners who may participate: Mayor's Office, City Administrator's JUSTIS Program, San Francisco Police Department.

Through the PSA Working Group, key implementation activities have occurred in the City and County of San Francisco, including stakeholder education, creation and review of implementation documents (e. g., San Francisco decision making framework-DMF and court report templates), user trainings, fidelity reviews, and regular data analysis. Additionally, in October 2017 the California Policy Lab (CPL) agreed to assist with ongoing data analyses of the PSA implementation.

### Risk-based Probation Terms

The Justice Reinvestment Initiative (JRI) Phase I analysis found that the majority of probationers (64%) successfully complete their probation terms and those who do fail on probation do so in an average of 1.4 years, with 75 percent of those who fail doing so within two years. These findings derive from dichotomous supervision recommendations (i.e., recommendation for supervision or recommendation for incarceration) and would not have included additional recommendations on the length of the probation term. Research suggests that we can protect public safety while concurrently providing more effective, targeted, community supervision that addresses identified criminogenic needs.

In 2015, led by the Adult Probation Department, and guided by data, San Francisco criminal justice partners implemented a risk-based probation term initiative which aligned probation terms with risk need assessment (RNA) results and demonstrations of success. Clients are ineligible to receive a risk-based probation term if the current conviction requires sex offender registration or if state law mandates at least a three-year probation grant (this includes most domestic violence, driving under the influence, and child endangerment cases).

- Clients Assessed as High Risk: If eligible for the risk-based probation term, clients who are assessed as high risk may receive a 36-month probation term with a mandatory review for early termination upon completing 24 months on probation. Under this initiative, clients who are otherwise eligible for the risk-based probation term but whose current offense is either serious or violent may also be sentenced under this schema, regardless of whether they are assessed as low, medium, or high

risk. Early termination may be recommended based on progress while on supervision. Progress milestones include achievement of ITRP goals, demonstrated attempts at payment of victim restitution, compliance with reporting, and no new or pending law violations in the previous 12 months. The 24-month early termination reviews began in May 2017, as the first clients sentenced under this initiative completed 24 months on probation.

- Clients Assessed as Low or Medium Risk: If eligible for the risk-based probation term, clients assessed as low risk or medium risk may be recommended for 18-month or 24-month probation terms, respectively.

The Adult Probation Department continues to review the implementation of this initiative and will provide a report back in the developing decision point analysis.

### Racial and Ethnic Disparities in the Criminal Justice System

As San Francisco's African American population was going down, the disparity of African Americans in our criminal justice system was soaring. In 2014, through JRI, the Reentry Council sought to delve deeper into racial and ethnic disparities across its entire criminal justice system and advanced two efforts – 1.) Community stakeholder conversations and 2.) collaboration with the W. Haywood Burns Institute for Justice, Fairness and Equity (“Burns Institute”). The Burns Institute culled and analyzed available data from criminal justice partners, and facilitated several stakeholder conversations, which culminated in a report and presentation to the Reentry Council. The results of the Burns Institute report were not surprising given San Francisco's trends but were nonetheless damning and cause for continuing alarm. The report underscored expansive criminal justice data issues, data systems silos, and most poignantly, overrepresentation of African Americans at every point on the criminal justice system from arrest through sentencing. While San Francisco's African American population was less than six percent at the time, the report concluded that African Americans were 40 percent of people arrested, 44 percent of people booked into county jail and 40 percent of people convicted in San Francisco.

San Francisco's JRI work was highlighted in the Urban Institute Report, “Local Justice Reinvestment: Strategies, Outcomes, and Keys to Success” as one of seventeen jurisdictions across the country that had implemented policies to reduce jail populations and cost while improving public safety, and increasing the efficiency of their justice system. The Urban Institute credited San Francisco for being proactive in criminal justice reform.

In tandem with the Burns Report, the Reentry Council, members of its subcommittees, and community stakeholders hosted several town hall meetings throughout the city in the Bayview, Visitacion Valley, the Mission, Tenderloin and the Fillmore to discuss these disparities and think strategically about how to address them. Each of the community meetings was well attended with more than fifty members of the community, law enforcement and city departments, present. The meetings were facilitated by community partners and provided an inclusive space for members of the public to speak freely and candidly about the racial inequities and disparities existing in the City and County of San Francisco. Action steps included better engagement of community as catalysts for change, create/strengthen an unbiased, culturally sensitive police

force, improve data systems, review gang injunction policies, address fines and fees barriers, and increase and expand access to behavioral health services. It is exciting to note that between Reentry Council and independent member efforts; there has been movement on many of these action steps.

The JRI work continues to be a driving catalyst of the Reentry Council's focus and commitment. Another important off-shoot of the JRI work has been a commitment from Reentry Council co-chairs to have their respective departments complete a decision point analysis that seeks to identify where system pain points and implicit bias could be contributing to disparities in the criminal justice system. The District Attorney's and Public Defender's Offices have completed the analysis with the Sheriff's and Adult Probation Department's analysis still in progress. While these steps are important, the Reentry Council members are committed to staying vigilant about mitigating racial and ethnic disparities in the criminal justice system.

Nearly three years removed from the Burn's report, numerous city departments and agencies, inclusive of those that sit on the Reentry Council have signed on to support the City's commitment to achieve racial equity among its employees, hiring practices, and overall policies. These efforts have been spearheaded by the San Francisco's Human Rights Commission's partnership with Government Alliance on Race and Equity (GARE).

#### Government Alliance on Race and Equity (GARE)

In late 2016, the City and County of San Francisco's Human Rights Commission (HRC) came and talked to the Reentry Council about racial equity and racial disparities in city hiring practices, and policies. The Executive Director of the Human Rights Commission informed the Council of its new commitment to tackle issues regarding racial equity through its partnership with the Government Alliance on Race and Equity (GARE). During GARE's initial cohort with San Francisco County, not one criminal justice agency was represented. However, in the past and current cohort, there have been several criminal justice agencies that have signed on and declare their commitment to this work.

Presently in its third cohort, the following criminal justice departments are represented on GARE: Office of Police Accountability, Adult Probation, and the District Attorney's Office. These departments have signed a Memorandum of Understanding with HRC and have committed members of their staff to engage in GARE's 12-month intensive curriculum. As a result of HRC elevating the need to mobilize citywide racial equity efforts, racial equity report backs across Reentry Council departments has become a standing item on the Reentry Council agenda.

#### Subcommittees

As part of its formal structure, the Reentry Council operates subcommittees, ad-hoc bodies made up of city partners and community stakeholders who are all committed to criminal justice reform and strengthening systems and programs so that people exiting jails and prisons can successfully reintegrate into their communities.

Presently, the Reentry Council has two subcommittees that meeting bi-monthly:

- Legislation, Policy and Practices Subcommittee

- Direct Services Subcommittee

The Legislation, Policy and Practice Subcommittee is focused on assisting the Reentry Council in developing and supporting local laws, policy, and practices that help shape state and federal policy. Through the efforts of this subcommittee, the members have helped the Reentry council achieve four primary goals:

1. Reduce its reliance on incarceration
2. Facilitate the successful reentry of formerly incarcerated residents into the community
3. Remove barriers for individuals with criminal records, and
4. Reduce racial, ethnic, and socioeconomic disparities in the criminal justice system

Members of this subcommittees embrace inclusive and participatory review of local, state, and federal legislation, policy, and operational practices while providing equal consideration to community stakeholders voices. Moreover, this subcommittee is responsible for addressing the most pressing legislation impacting the reentry community.

The Direct Services subcommittee is focused on assisting the Reentry Council in supporting and investing in local, grassroots non-profits, advocacy and supporting movements or activities geared to servicing the incarcerated and formerly incarcerated community in the following six areas:

1. Violence Reduction
2. Permanent Housing
3. Education
4. Employment
5. Mental and Physical Health, and
6. Substance Abuse Recovery

The subcommittees meet bi-monthly and are also well attended. Since the work of these groups is strategically elevated towards Reentry Council meetings, this subcommittee/Reentry Council structure reduces the gap between the public and policy makers and presents an opportunity for stakeholders to present concrete policy and service strategies to key decision makers in San Francisco's criminal justice system.

The Reentry Council and subcommittees are truly committed to strengthening public safety by improving systems, mitigating root drivers of crime, and expanding dynamic pathways for people from jails and prisons back into their communities. This report will conclude with highlights of other past accomplishments.

### **Past Accomplishments**

- Creating the Getting out and Staying out Guide of resources for San Francisco residents exiting jails and prisons
- Collaborating with local efforts to stop the building of a new jail

- Partnering with the Restorative Justice Ministry of San Francisco Archdiocese to host an annual Community Appreciation Dinner for the previously incarcerated community and their loved ones
- Collaborating with a grassroots movement to support the Tenderloin Stop Violence Community Events, and Tenderloin Police and Community Basketball League that stem for the Stop violence Community event
- Numerous register to vote campaigns for justice involved individuals
- Partnering with Treasurers Office and city partners to support legislation to remove cumbersome criminal justice system fines and fees
- Voting to abolish San Francisco Gang injunctions and working with community stakeholders to get more than 80 individuals name removed for the existing injunctions
- Assisting with Governor Jerry Brown’s Driver’s License Amnesty program

**Conclusion**

In conclusion, the Reentry Council has had a remarkable past four years since the Council was reestablished. The Council is both a touch point and springboard for criminal justice reform and accountability. There is no collective board that has seventeen different city, state, and federal departments represented to meet the needs of the incarcerated and formerly incarcerated community.

We urge you to vote in support of renewing the authorizing legislation, and look forward to continuing to make recommendations on reentry services, policy and operational issues in the coming years. If you have any questions or would like additional information about any of these efforts, please contact Reentry Policy Planner, Geoffrea Morris at [geoffrea.morris@sfgov.org](mailto:geoffrea.morris@sfgov.org) or (415) 241-4241.

**Ordinance Amendment**

The recommended revisions to the Administrative Code, Section 5.1, as indicated in Attachment A include extending the Reentry Council’s sunset date to June 30, 2024, amending the report requirements from an annual report to a bi-annual report and a correction to section 5.1.4(a) and (b) under Power and Duties - the word “existing” was corrected to “exiting.”

Thank you for your support and consideration of this Administrative Code amendment request.

Sincerely,

Geoffrea Morris, Reentry Policy Planner  
 Reentry Council of the City and County of San Francisco

Cc: Co-chairs, and *Members of the Reentry Council of the City and County of San Francisco*

Attachments:

Attachment A: Proposed revisions to Administrative Code Sec. 5.1

Attachment B: Roster of Members