AGENDA

Wednesday March 30, 2015
10:00 a.m. – 12:00 p.m.
Hall of Justice
District Attorney Law Library
850 Bryant Street Room 322
San Francisco, CA 94103

Note: Each member of the public will be allotted no more than 3 minutes to speak on each item.

1. Call to Order; Roll call.

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

3. Review and Adoption of Meeting Minutes from December 9, 2015 (discussion & possible action).

4. Staff Report on Sentencing Commission Activities (discussion & possible action).

5. Recidivism Work Group updates (discussion only).

6. LEAD Work Group updates (discussion only).


10. Members’ comments, questions, and requests for future agenda items.

11. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.

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Persons who are unable to attend the public meeting may submit to the San Francisco Sentencing Commission, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Sentencing Commission. Written comments should be submitted to: Tara Anderson Grants & Policy Manager, San Francisco District Attorney’s Office, 850 Bryant Street, Room 322, San Francisco, CA 94102, or via email: tara.anderson@sfgov.org

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Members in Attendance: Family Violence Council appointee Jerel McCrary; Simin Shamji (San Francisco Public Defender’s Office); Reentry Council appointee Joanna Hernandez; Karen Roye (Reentry Council); Cristine DeBerry on behalf of George Gascón, San Francisco District Attorney (running late); Katy Miller (Young Adult Court); Board of Supervisors appointee Theshia Naidoo (Drug Policy Alliance); Ali Riker, San Francisco Sheriff’s Department, on behalf of Ross Mirkarimi, San Francisco Sheriff; Chief Deputy of Adult Probation Martin Krizay; Craig Murdock (Department of Public Health); Captain Robert Moser (San Francisco Police Department); Sara Schumann (Juvenile Probation); Chief Kenton Rainey (Chief of BART Police Department); Steven Raphael, PhD; Tara Anderson (Policy and Grants Manager); Guest presenter James Austin, PhD (JFA Institute).

1. Call to Order; Roll Call

At 10:12 a.m., Cristine DeBerry (filling in for District Attorney George Gascón) called the meeting to order and welcomed community members and members of the public to the San Francisco Sentencing Commission meeting.

2. Public Comment on Any Item Listed Below (Discussion Only)

No public comments were received.
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(Administrative Code 5.250 through 5.250-3)

3. Review and Adoption of Meeting Minutes from September 23, 2015 (Discussion and Possible Action)

DeBerry asked commission members to review minutes from the previous commission meeting and asked whether anyone had comments or edits.

Jerel McCrary noted that the minutes state that the next meeting of the Family Violence Council is February 18, 2016; the correct date was November 18, 2015. DeBerry thanked McCrary and noted the correction. DeBerry asked commission members whether anyone had more comments or edits. Seeing no comments, DeBerry opened the floor for public comments on the meeting minutes.

There were no more comments. Craig Murdock made a motion to accept the minutes from the September 23 meeting with said amendment, which was seconded by Steven Raphael.

4. Staff Report on Sentencing Commission Activities (Discussion and Possible Action)

Tara Anderson provided an update on the Sentencing Commission’s work since the September meeting. Anderson thanked her colleagues for their work behind the scenes to ensure that the Sentencing Commission meeting takes place in an appropriate and comfortable setting.

Anderson’s first update was related to staffing. The Sentencing Commission and NCCD have begun to develop a fellowship position that is scheduled to be filled in January 2016. This position would be a 12-month position open to graduate students with training in law, policy, and statistical analysis, who would aim to provide consistent and ongoing regular support to carry forward not only the larger Sentencing Commission but also its workgroups.

Next, Anderson provided an update on the 2015 San Francisco Sentencing Commission Annual Report. Anderson thanked NCCD for all its work on the Annual Report this year. She noted that the commission will go over the report in depth later in the agenda. The Annual Report reflects the hearings throughout the year and the various recommendations that have come out of the commission meetings and workgroups.

Anderson stated that she will be working with members’ staff to make sure next year’s meetings are a good fit for everyone’s calendar. They are working to ensure the committee meetings do not conflict with or fall during the same weeks as meetings of other large bodies. Anderson noted that in the past calendar year, this has only happened twice; they are working on being respectful of all of the various bodies.
Next, Anderson updated the committee regarding the Board of State and Community Corrections (BSCC). The BSCC is charged under Proposition 47 with awarding grants intended to reduce recidivism. As a part of Proposition 47, there will be a cost-savings projection that will come out of the governor’s budget in January 2016 and will be amended toward the end of the fiscal year. Of this dollar estimate, 65% will go back out to community programs. The county agencies are the primary applicants, and those departments can and should collaborate with community organizations to formulate their applications. Anderson commented that it is important to note that the BSCC will be determining the directions these funds will go towards at the end of the day—what strategies are funded and how, as well as what criteria will be used to decide who will be funded. To help move that work forward, the BSCC has created an executive steering committee, with two current members as committee chairs. One of the two chairs is Scott Butnick, founder of the Anti-Recidivism Coalition (ARC). The second chair is a newer member of the BSCC, Leticia Perez, who is currently on the County Board of Supervisors. The BSCC is currently in the process of figuring out who will be in charge of filling out the rest of the executive steering committee and creating an online application that county agencies can submit. Anderson emphasized that this body is important to the work of cost savings that comes out of Proposition 47.

Another piece of legislation that recently passed is Assembly Bill 1056, which provides additional programmatic priorities by specifying types of recidivism projects that will be funded, such as reentry housing for offenders, substance abuse treatment programs, and employment-related services.

DeBerry opened the floor to questions.

Jerel McCrary asked whether the fellowship position would be funded and if so, where the funds would be coming from. Anderson commented that the Sentencing Commission secured funding for NCCD as the technical assistance provider. That original funding will be relocated for the fellowship on a stipend basis. No new funding will be needed.

DeBerry commented that the Sentencing Commission has been discussing the goal of reducing racial disparity, and suggested discussing whether to appoint a research analyst to think about where the specific concerns of the Sentencing Commission lie and how to better utilize its resources. Steven Raphael stated that the National Institute of Justice (NIJ) has a program that will fund visiting scholars to spend a year and a half in an organization. DeBerry commented that the members of the Sentencing Commission collectively need to make sure that there is a logical place for this work in coordination with other bodies. DeBerry emphasized her passion for this issue and completing tangible work towards this goal.
DeBerry invited Katy Miller, the Chief of Programs and Initiatives at the District Attorney’s Office, to provide an update on Young Adult Court.

5. **Young Adult Court, Law Enforcement Assisted Diversion Program (LEAD), Recidivism Workgroup Updates (Discussion)**

Katy Miller gave an update on Young Adult Court. Young Adult Court became a reality in August 2015, when it began hearing cases every Tuesday afternoon. Today there are over 40 young people participating in the court, with a significant number on the sidelines as well.

The majority of cases are new cases, specifically referrals from the Probation Department of youth who are already on probation, are not doing well, and need additional support and supervision. It is believed that 50 to 60 cases of this type will come in during the new year. About one-third to one-half of the current caseload is made up of robbery cases. Other types of cases range from burglary to assault to drug cases. The program currently has one misdemeanor, and they are trying to keep it that way and to prioritize cases that are typically underserved. They are continuing to talk about the eligibility criteria for the pilot phase and how these criteria can be improved.

Young Adult Court is working with Family Service Agency of San Francisco (FSA) and Goodwill. FSA has developed the formal intake assessment process for young people when they first come into the court. Goodwill primarily addresses workforce development. Young Adult Court is continuing to work with other community agencies to further supplement the services provided for young people. Program staff are also working to finalize what the phases of the court will look like as a standard collaborative court model to ensure it is aligned with the development of young people.

Beginning in January, the District Attorney’s office will be combining funding into one grant for FSA and Goodwill to collaboratively support Young Adult Court. Right now both agencies are applying to the court with different goals and agendas; they would like to simplify the current process to make it as cohesive as possible.

The San Francisco Department of Children, Youth, and Their Families (DCYF) is taking the lead in working with Social Policy Research Associates (SPR), an outside evaluator, to finalize data collection and evaluation for the Young Adult Court program. This work will continue in the coming months.
Beginning in January, Young Adult Court sessions will move to Friday mornings. Judge Chan will be coming off of his rotation as supervising judge of the Criminal Court, which means he will potentially have more time for Young Adult Court, as well as the capacity to add to the current caseload.

In November, Vinny Schiraldi came to observe Young Adult Court and became committed to continuing discussions around this model. Representatives from the city of Brooklyn recently reached out to Young Adult Court to gather preliminary information and advice for their developing program. Young Adult Court is in the process of reaching out to Los Angeles, where the prospect of a Young Adult Court is being discussed.

In related news, Miller noted that Governor Dan Malloy of Connecticut announced two weeks ago that he is interested in introducing state legislation to raise the age of adulthood in the Connecticut criminal system to 21.

Ali Riker added that a trauma therapist from Behavioral Health recently began working with the District Attorney’s population in custody. The trauma therapist receives a regular report of everyone under the age of 25 who is in custody. The therapist assesses the needs of youth using the ACES assessment, and if they score 2 or 3, works to ensure they receive therapy in custody.

District Attorney George Gascón, having arrived at 10:28, opened the floor for comments concerning Young Adult Court. Seeing none, District Attorney Gascón introduced BART Chief Kenton Rainey.

District Attorney Gascón stated that Chief Rainey came into BART at a difficult time and spent time working to develop community-based services. This work brought Chief Rainey and District Attorney Gascón together. Several months ago District Attorney Gascón and Chief Rainey began a conversation about individuals who suffer from mental illness, substance abuse, or a combination of both, and their impact on public transportation. District Attorney Gascón spoke to Chief Rainey about the Law Enforcement Assisted Diversion (LEAD) program, which has been very successful in Seattle, and which this commission has been working on for nearly four years.

Upon hearing about LEAD, Chief Rainey indicated a desire to explore whether it was the right approach for the BART police department. Chief Rainey traveled to Seattle with some of the Sentencing Commission members to learn more. The commission provided Chief Rainey with all the resources they had available on LEAD, including Washington University’s assessment of the program, which indicates very clearly under scientific scrutiny that this is a good way for law enforcement to work on substance abuse and mental health programs. After talking to partners at the Drug Policy Alliance (DPA), the Sentencing Commission began working on a model that would allow BART police to take part in developing their own LEAD program.
Chief Rainey commented that as BART continues to grow, it experiences all the other issues that go along with crime and social disorder. BART leadership is acutely aware of the issues surrounding homelessness and mental health, issues that often go hand in hand. Unfortunately because of the lack of an adequate social safety net, police become the first responders. Community policing requires reaching out to all the various stakeholders who have impact, because these issues often become law enforcement problems when they are neglected.

Chief Rainey went on to say that five years ago, following a tragic shooting, BART made a commitment to provide a 40-hour Crisis Intervention Team (CIT) training for all officers, including sworn and unsworn personnel. BART does not have its own training center. Chief Rainey commented that he was happy to report five years later that 98% of BART staff have attended CIT training.

Chief Rainey emphasized his excitement regarding the LEAD program. BART receives numerous complaints about people who are living in the transportation system, and they have a duty and a responsibility to keep the passageways clear.

Chief Rainey stated in conclusion that he was thankful to be included in the commission meeting and appreciative of District Attorney Gascón’s leadership on these issues, especially in bringing the LEAD program to the attention of BART. Chief Rainey encouraged Sentencing Commission members to continue sharing information, with the aim of breaking the cycle of people living in the BART system. Although BART has put in place a very liberal system where they warn people three or four times before making an arrest, it can still become a revolving door.

Chief Rainey also noted that he has worked in six different agencies and has never seen anything like the restorative justice program District Attorney Gascón has in place. Chief Rainey commented that it is very progressive and should be emulated around the country.

District Attorney Gascón thanked Chief Rainey and opened the floor for comments.

Theshia Naidoo stated that she is very excited for the launch of LEAD. She spoke briefly on the role of the Drug Policy Alliance (DPA). The DPA would mainly be ensuring fidelity and providing project management in the areas of training, identifying funding sources, and general technical advocacy around the program. In general, DPA will be playing the advisory watchdog role with the program.

Craig Murdock commented that he, along with the Public Health Department of San Francisco, has several centers where officers do in fact send individuals to pre-services venues. This includes the Sobering Center and the Navigation Center in the Mission District, which is a portal
Chief Rainey responded that BART is definitely interested in working to enhance this scaffolding. He added that BART staff should play a supporting role to provide public safety and to give individuals the help they need, so that they do not have tragic situations that lead to tragic outcomes. He stated that he has been involved in CIT training since 1998, and it is a huge undertaking. The goal is for the local police department, the sheriff’s department, and BART to work collaboratively in providing great public service and safety.

Joanna Hernandez asked if there would be outreach teams, and if any of the agencies providing services are doing outreach before community members have the warning encounter with BART officers.

Chief Rainey answered that a couple of years ago, BART hired a mental health staff person to work with individuals identified by BART personnel before those individuals go into crisis. This staff person travels throughout the system, and is very familiar with the various resources in the four (soon to be five) counties BART serves. The staff person aims to get people connected with various resources and program services. Chief Rainey noted that this is a hard population to deal with for a variety of reasons, including size, and that the key is successful partnerships. For example, BART has been very successful by partnering with the organization Swords to Plowshares to connect veterans to resources.

Simin Shamji commented that she also went to Seattle to observe the LEAD program, and believes that BART is at the point where they are ready to begin implementing LEAD. There are times when it is possible to intervene before a mentally ill person commits the offense that lands her or him in the criminal justice system. Shamji noted that there are many expenses that go along with entry into the criminal justice system, including jail beds and lawyers, and if there are some offenses that do not necessitate entry into the system, this is very exciting. She agreed with Chief Rainey that many of the people with whom BART police come into contact do not have to go into the criminal justice system, but they are in need of other services. For this reason, she is very excited and happy to support the LEAD program.

District Attorney Gascón stated that it is important to keep fidelity with this program as it was implemented in Seattle; it is very important to have intensive case management and to keep the ratio of case managers to people in the system. District Attorney Gascón noted that Seattle is a blueprint that works, and thus it is very important not to deviate from it. District Attorney Gascón also noted that San Francisco is a service-rich city, but it has been criticized by the federal government and others looking at the city—not because of lack of services, but because
of lack of connection with services. We do not often spend money wisely because of this lack of connection. LEAD is one way that will be easy to plug and play.

District Attorney Gascón asked Tara Anderson to provide an update on the Recidivism Workgroup.

Anderson reported that the Recidivism Workgroup has not met since the September 2015 meeting, but notes from that meeting are in the Annual Report. Anderson reminded the committee that the Recidivism Workgroup shifted the definition of recidivism to a multi-component definition—subsequent criminal justice system contact—and are focusing on a plan they hope to build out in the next year. This plan is a cohort-style review of subsequent criminal contact at the point of arrest, arraignment, and conviction. Anderson noted that the developing fellowship position would have some responsibility to move the recommendations of the Recidivism Workgroup forward.

District Attorney Gascón noted that this item was listed as potentially an item for action, and asked the group if there were any thoughts regarding action on this item. Seeing none, District Attorney Gascón opened the floor for public comments. Seeing no public comments, District Attorney Gascón moved forward.

District Attorney Gascón asked the committee if they would like to see a report next meeting on how BART police are working with other members to talk about LEAD within BART. Noting interest, District Attorney Gascón asked Anderson to add this to next meeting’s agenda. District Attorney Gascón moved on to item 6.

6. Presentation: “Eliminating Mass Incarceration: How San Francisco Did It” by James Austin, JFA Institute (Discussion and Possible Action)

District Attorney Gascón introduced James Austin as a key investigator in the criminal justice system. District Attorney Gascón noted that Austin has spent a lot of time in San Francisco and that his work plays a major role in stimulating the conversation about the San Francisco prison population, including what works and what does not work. Austin recently published a report that talks about the impact of Proposition 47 and realignment. He was recently hired by the San Francisco city controller to look at the San Francisco jail system, with a narrow focus on answering two to three core questions.

Austin began by introducing his work and the perspective he brings as a criminologist. Austin began his work in 1970, working in the state penitentiary of Chicago. In 1970, there were 180,000 people in the United States prison system. As a criminologist, Austin stated that he is
true to the research approach, but within that approach, his purpose for this work is to reverse increases in incarceration through research, analysis, programs, and policies.

Austin noted that he has most recently been working in Sonoma, Sacramento, and Los Angeles. Throughout these jurisdictions there are a lot of people against mass incarceration, though not much is being done to bring change. Austin is interested in studying jurisdictions that changed their approach to mass incarceration and researching their success. With this goal, Austin has studied New York City, which has redefined felonies, with the effect of reversing the numbers of felonies and misdemeanors. For example, Rikers Island has gone from housing 22,000 people to 10,000. Contra Costa County is an example of a jurisdiction with low rates across the board. Contra Costa has very low probation rates—the lowest rate in the state, and one of the lowest in the country, because they decided to change probation to 12 months, and no more than 24 months. From this, Austin concluded that length of stay for probation is key.

Austin is currently studying San Francisco. San Francisco has decreased the prison rate, probation rate, and parole rate. Austin illustrated these numbers with a chart that showed incarceration and total correctional control rates (with numbers per 100,000 people) of San Francisco, versus California as a whole, versus the United States as a whole. San Francisco’s corrections rate is 677 of 100,000 people in the correctional system, compared to 1,674 for California and 2,869 for the United States as a whole. San Francisco’s incarceration rate is 279, less than a third of the nation’s rate (935). San Francisco is leading the country, and these rates of incarceration are now back to the levels they were at in the 1960s. Austin’s research seeks to answer the question of how San Francisco attained these numbers, and how these low numbers can be sustained. Austin also noted that he will use San Francisco’s success as a model across California.

Austin commented that administrative actions such as the San Francisco Reentry Council, the California Risk Assessment Project, and the Community Corrections Partnership—as well as the work of Wendy Still as Chief Adult Probation Officer—have been integral to San Francisco’s low rates.

Next, Austin looked at San Francisco’s decrease in state prison commitments. He stated that the change here begins with the police—how they process a case, how well public defenders represent their cases, and whether you have a judge who is willing to go with the field.

San Francisco decreased its prison population from 1700 prisoners in 2007 to 921 in 2015. The jail population has dropped by 50%, and adult jail probation has dropped by 50%. Adult parole has dropped, largely due to realignment, which means that the only people who are now being supervised at the state level are those who are going to that state prison and have a required period of parole supervision to complete. The total number of people in the California
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Correctional system has dropped by one quarter; in comparison, the number of people in San Francisco’s correctional system has dropped by 56%.

Austin then focused on San Francisco’s changing jail population: it is increasingly composed of pre-trial inmates, which is typical in California. An atypical example is Los Angeles, where about half of the jail population has been sentenced. San Francisco has always been reluctant to use the jail as punishment—instead, jail is used to hold individuals until they are sentenced and then they are processed out.

Austin also discussed his research on the optimal length of stay in prison for supervision and custody. He concluded that there is no relation between a person’s length of stay in prison or jail and recidivism rates. There is no significant difference between a length of stay of four months, six months, or nine months. Longer lengths of stay of five or 10 years do have maturation effects; but when you control for age there is no change in recidivism rates.

Austin noted that similar research on length of stay is currently being done on probation. In Alameda, the standard length of stay is five years. Research shows that the majority of people who recidivate do so within the first six months, and the next largest group of people do so within 12 months. Austin concluded that if you can get people through the first six to 12 months, there is no point in keeping them on supervision for five years—except to make money. He noted that some probation departments are feeding off of supervision costs.

Next, Austin showed a chart illustrating San Francisco’s arrest rate for drugs. The fact that San Francisco has stopped arresting people for drugs is a major contributor to the dramatic decrease in arrest rates.

Austin briefly discussed the decrease in juvenile arrests, adding that this topic is being underplayed overall, although studies are currently ongoing in Florida. Age of first arrest is the strongest predictor of future criminality, and the length of that criminal career. The rate is well below 50% of what it was a few years ago, which means a very large number of young people have graduated to adulthood without a juvenile record. Austin emphasized that this is great for the public safety and for the lives of those youth—this is something that needs to be studied in depth, because the effects are only positive.

Simin Shamji asked Austin whether demographics impact this number, given the shifting demographics of San Francisco in which communities that have been highly policed in the past are moving out. Austin first commented that this question is unique to San Francisco—he is discussing the national juvenile trend. The national trend is a 45% drop in juvenile arrest rates, controlling for juvenile arrests. This is a national phenomenon, though there may be some nuisances here. San Francisco’s rate has dropped even more than the national rate.
Next, Austin looked at a negative trend for San Francisco: San Francisco has always had a higher crime rate compared to the state of California. Austin commented that he, along with other criminologists, is being asked to look at the arguments around the effect of Proposition 47 on increasing crime rates. He noted that in California, two of the three cities that have seen an increase in reported crime are San Francisco and Los Angeles. The increase in crime is primarily due to an increase in larceny thefts, or breaking into cars. Austin added that he is personally very convinced that there is a reason behind the increase.

Austin’s last chart illustrated the percentage of San Francisco residents who did not report a crime between 1986 and 2014: approximately 95 to 96%. To put this number into perspective, Austin commented that San Francisco is unique, in that every day 180,000 people come into the city to work, and San Francisco also brings in 17 million visitors per year. Overall, the probability of being a victim is extremely low.

Austin opened the floor for questions.

Steven Raphael commented that he noticed the crime increase began in 2009, about the same time employment began increasing. Given that San Francisco is the only county in the entire state of California where the population swells dramatically during the day, it seems that the city has so many unique factors that one might have a hard time contributing things to policy.

Austin responded that criminologists are taught to see things in a two-year timeframe, and to separate the data within this timeframe. Given current research, the only conclusion he can make is that the uptick is mostly due to an increase in larceny thefts of $50 or less, and that this is usually through the act of breaking into cars. He also noted surprise that police chiefs have begun interpreting data as self-taught criminologists.

Shamji asked Austin to clarify the percentage (95%) of people who did not report crimes.

Austin answered that this number is literally the number of crimes that are reported in comparison to the population.

District Attorney Gascón asked if this includes visitors.

Austin answered that visitors are not included because it is very difficult to quantify that number, since visitors are only here for a few days, and are concentrated (as crime is) in specific geographical areas.

A member of the public commented that they noticed police officers in the field seem to have low morale regarding jobs and effectiveness on the job. They asked Austin if this is something he has been noticing, and if so, what he attributes this to.
Austin first commented that although crime has increased, in some places—including Los Angeles County—arrests have gone down. There is not enough research to show why this is occurring. He noted that this could be a morale problem, but that it is important to also look at the nature of the crime. In general, a person can commit an average of 10 to 15 low-level crimes before being caught. Police are not responsible for catching people unless they are observing a crime—their primary job is to respond. It is very unlikely that police will be able to prevent a crime through routine patrol activities.

A member of the public asked if Austin had a rate for mass incarceration versus non-mass incarceration.

Austin responded that he has a rate for “no longer mass incarceration.” The “no longer” rate would be approximately 100 to 110 per 100,000 at the state prison level, and the same number for jail. This rate is taken by going back to the 1960s rates, which are by definition rates that would signify the elimination of mass incarceration. Austin also noted that “mass incarceration” is an interesting term because the real mass incarceration happens in jails. The prison system has approximately 700,000 people a year, versus 10 to 12 million people per year in jail. Over time, the use of jails has fundamentally changed—jail used to be a place only for people who committed violent crimes. Today, if you do not pay citations or other fees, you will end up in jail. Austin noted that in Malibu, where he lives, there is an extremely high per capita rate of police patrols, and their job is not to stop crime, but to make money through tickets. He said that the last crime he committed was jaywalking at LAX, and the fine was $25, but the fees were $550. Austin noted that he could pay it, but many people cannot, and so they end up in jail.

A member of the public commented that they heard arrest rates would soon increase due to an increased number of newly hired officers, and asked Austin if he thought this was true.

Austin responded that it depends how the officers are deployed and what their job is. He stated that where he works in New Orleans, the arrest rate has gone down dramatically, although they recently added new officers. He added that this is one of the good things that has happened in Los Angeles County; by targeting hotspots, LAPD has been able to bring down crime in those areas.

Seeing no additional comments, District Attorney Gascón moved on to item 7.

7. San Francisco Sentencing Commission 2015 Annual Report (Discussion and Possible Action)
Anderson highlighted the updates in the executive summary and recommendations from the 2015 Annual Report. There are six recommendations in the executive summary.

The first recommendation, staffing, was discussed previously during the meeting.

The second recommendation is to develop relationships with outside research organizations. This recommendation was derived from Michael Jacobsen’s presentation and his emphasis on the importance of data-driven decision making. This recommendation formalizes conversations the Sentencing Commission has been having around ensuring academic and data-driven research partnerships coincide with public discourse around sentencing reform.

The third recommendation is to expand Sentencing Commission membership. This recommendation is derived from the addition of Chief Rainey, and from his commitment to leveraging existing resources to incorporate all enforcement agencies when strategizing and thinking about how to make the best use of correctional resources.

The fourth recommendation is to incorporate trauma-informed approaches throughout the criminal justice system. This recommendation is derived from continual conversations and presentations around Young Adult Court implementation, as well as a subsequent commitment from members to use the lessons learned beyond Young Adult Court, in all reforms.

The fifth recommendation is to establish a working definition of recidivism. This has been discussed at several meetings, and the workgroup is moving away from a singular definition to a multi-component definition of subsequent criminal justice system contact.

The sixth recommendation is to create a recidivism dashboard from JUSTIS, the Justice Tracking Information System. JUSTIS staff gave a presentation about their responsibilities in connecting everyone to the mainframe. The Sentencing Commission discussed leveraging JUSTIS as stewards to help carry forward questions from members about how the system is working—having a neutral data holder that can serve to answer research questions from the community and from the Sentencing Commission.

In addition to the executive summary in the report, Section Three: Recommendations in Review has five recommendations where there are updates provided on the commission’s continued work.

The first is the reauthorization of the Sentencing Commission. The commission was originally scheduled to sunset in June 2015. Recognizing that the state has still unfortunately failed to take up the torch of a statewide sentencing commission, and recognizing that there was still work to be done at the local level, the city reauthorized the Sentencing Commission.
The second is creating a specialty court for young adults aged 18 to 25, which was a recommendation in last year’s Annual Report. This item updates the San Francisco mayor and Board of Supervisors on the work that has been done thus far for Young Adult Court.

The third item is investing in improvements for criminal justice data collection, data sharing, and data analysis. This continues to be a recommendation of the Sentencing Commission, and has been brought to light around work on racial disparity and ways to streamline data.

The fourth item is Proposition 47: The Safe Neighborhoods and Schools Act. Proposition 47, stemming from the 2013 recommendation to reduce the classification of low-level drug offenses from felonies to misdemeanors, continues to be a recommendation. The Sentencing Commission has included regular updates on Proposition 47, because it is an important issue to the commission.

The last item is investing in pre-booking and pre-charging diversion programs for drug offenses. This is an update on all the conversation the Sentencing Commission has had on the Law Enforcement Assisted Diversion Program (LEAD).

The other sections of the Annual Report are relatively the same as last year—listing the major subject matter the commission has addressed over the last year, as well as changes in membership. The only change in membership this year was the retirement of the Chief of Adult Probation, Wendy Still; Karen Fletcher has taken over the position.

Anderson welcomed any questions, edits to, or comments on the Annual Report. Anderson also mentioned that the “Future Activities” section of the report was pulled from conversations at Sentencing Commission meetings, and noted that this may be a specific area where members may have notes or edits. Anderson reminded members that the Annual Report will go to the mayor and the Board of Supervisors by the end of this month, as the regular report of Sentencing Commission activities.

District Attorney Gascón opened the floor for comments from members.

Hearing none, District Attorney Gascón opened the floor to comments from the public.

Hearing none, Theshia Naidoo moved to accept the meeting minutes; Steven Raphael seconded. The motion passed and District Attorney Gascón moved on to item 8.
The San Francisco Sentencing Commission
City & County of San Francisco
(Administrative Code 5.250 through 5.250-3)

8. Members’ Comments, Questions, and Requests for Future Agenda Items

District Attorney Gascón opened the floor to members’ questions, comments, and future agenda items.

Anderson noted that per the earlier discussion, she will add a LEAD pilot program update as a standing agenda item.

Hearing no other comments, District Attorney Gascón moved on to item 9.

9. Public Comment on Any Item Listed Above, As Well As Items Not Listed on the Agenda

No comment was raised.

10. Adjournment

Simin Shamji moved to adjourn the meeting at 11:36 a.m.; Ali Riker seconded. Meeting adjourned.
SUBMITTING WRITTEN PUBLIC COMMENT TO THE SAN FRANCISCO SENTENCING COMMISSION
Persons who are unable to attend the public meeting may submit to the San Francisco Sentencing Commission, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Sentencing Commission. Written comments should be submitted to: Tara Anderson Grants & Policy Manager, San Francisco District Attorney’s Office, 850 Bryant Street, Room 322, San Francisco, CA 94102, or via email: tara.anderson@sfgov.org

MEETING MATERIALS
Copies of agendas, minutes, and explanatory documents are available through the Sentencing Commission website at http://www.sfdistrictattorney.org or by calling Tara Anderson at (415) 553-1203 during normal business hours. The material can be FAXed or mailed to you upon request.

ACCOMMODATIONS
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TRANSLATION
Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Tara Anderson at tara.anderson@sfgov.org or (415) 553-1203 at least two business days before the meeting.

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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.

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Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102-4683.
Telephone: (415) 554-7724
E-Mail: soft@sfgov.org

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.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco CA 94102, telephone (415) 581-2300, FAX (415) 581-2317, and web site
San Francisco Criminal Case Statistics

• Superior Court of California, County of San Francisco
• San Francisco District Attorney’s Office

March 31, 2016
I. Superior Court: Felony Filings, 1992-2015

Source: CMS; Unit: Court Numbers
II. San Francisco District Attorney’s Office: Felony Incident Filing, 2010-2015 (Incident Numbers)

Felony Arrest Incidents Presented & Filed 2010-2015

Source: DAMION; Unit: Incident Numbers
III. San Francisco District Attorney’s Office: Adult Arrests, Drug Arrests & Felony Complaints, 2004-2014 (James Austin, JFA)

Figure 6. San Francisco Adult Arrests and Felony Complaints Sought 2004-2014

- Total Adult Arrests
- Total Drugs
- Complaint Sought
IV. Superior Court:
Felony Sentencings, 1992-2015

Source: CMS; Unit: Court Numbers

Source: CMS; Unit: Court Numbers
VI. Superior Court: Felony Sentencing Outcomes, 2015

Felony Sentencing Outcomes, 2015

- Felony Probation Grants, 798, 73%
- Prison Commitments, 236, 22%
- 1170h Split, 49, 4%
- 1170h Jail Only, 9, 1%

Source: CMS (Adapted); Unit: Court Numbers
### 1170(h) Sentencing Trends
January 2015 through February 2016

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<thead>
<tr>
<th>1170h Sentences since October 1, 2011:</th>
<th>773</th>
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</thead>
<tbody>
<tr>
<td>% Straight Sentences per 1170(h)(5)(a)</td>
<td>41%</td>
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<tr>
<td>% Split Sentences per 1170(h)(5)(b)</td>
<td>59%</td>
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#### Number of Sentences

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</thead>
<tbody>
<tr>
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<tr>
<td>Number Sentenced to Split Sentence</td>
<td>4</td>
<td>5</td>
<td>7</td>
<td>12</td>
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<td>5</td>
</tr>
<tr>
<td>% Split Sentences</td>
<td>57%</td>
<td>100%</td>
<td>78%</td>
<td>92%</td>
<td>82%</td>
<td>100%</td>
<td>60%</td>
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<td>89%</td>
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<td>89%</td>
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</tr>
</tbody>
</table>

Prepared by the San Francisco Adult Probation Department
For more information, contact
Leah Rothstein, Research Director
leah.rothstein@sfgov.org / 415.553.9703
**1170(h) Sentencing Trends**

**January 2015 through February 2016**

**Number of 1170(h)(5)(a) Sentences since Oct 2011:** 318

**Shortest Sentence Length:** 3 months

**Longest Sentence Length:** 144 months

**Average Sentence Length:** 27 months

Prepared by the San Francisco Adult Probation Department

For more information, contact:

Leah Rothstein, Reentry Division Research Director

leah.rothstein@sfgov.org / 415.553.9703

**1170(h)(5)(a) Jail Sentence Lengths and Average Time Served**

<table>
<thead>
<tr>
<th>Months</th>
<th>0</th>
<th>5</th>
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<td>Dec-15</td>
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<td>Feb-16</td>
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</tbody>
</table>
1170(h) Sentencing Trends
January 2015 through February 2016

1170(h)(5)(b) Split Sentence Lengths and Average Time Served

Number of 1170(h)(5)(b) Sentences since Oct 2011: 455

Jail Sentences:
- Shortest: 0.0 months
- Longest: 55 months
- Average: 12 months

Mandatory Supervision Sentences:
- Shortest: 1 month
- Longest: 78 months
- Average: 26 months

Prepared by the San Francisco Adult Probation Department
For more information, contact Leah Rothstein, Reentry Division Research Director
leah.rothstein@sfgov.org / 415.553.9703
1170(h) Sentencing Trends
January 2015 through February 2016

Total Sentenced Under 1170(h)(5)(a) - Straight Jail

- **Male**: 97%
- **Female**: 3%

Total Sentenced Under 1170(h)(5)(b) - Split Sentence

- **Male**: 88%
- **Female**: 12%

Prepared by the San Francisco Adult Probation Department
For more information, contact:
Leah Rothstein, Reentry Division Research Director
leah.rothstein@sfgov.org / 415.553.9703
# 1170(h) Sentencing Trends

**January 2015 through February 2016**

Data source: Superior Court, Court Management System

## Total Number of 1170h sentences

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<td>9</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>7</td>
<td>114</td>
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## Number Sentenced to Jail Only

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<td>2</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>29</td>
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## Number Sentenced to Split Sentence

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<td>6</td>
<td>8</td>
<td>5</td>
<td>4</td>
<td>8</td>
<td>5</td>
<td>85</td>
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</table>

## % of 1170h Sentences that were Split Sentences

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<td></td>
<td>57%</td>
<td>100%</td>
<td>78%</td>
<td>92%</td>
<td>82%</td>
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<td>60%</td>
<td>38%</td>
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<td>89%</td>
<td>71%</td>
<td>50%</td>
<td>89%</td>
<td>71%</td>
<td>75%</td>
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## 1170(h)(5)(a) - Jail Only Sentences

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<tbody>
<tr>
<td>Low Sentence Length (in months)</td>
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<td>NA</td>
<td>24</td>
<td>36</td>
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<td>NA</td>
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<td>16</td>
<td>16</td>
<td>8</td>
<td>24</td>
<td>12</td>
<td>16</td>
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<tr>
<td>High Sentence Length (in months)</td>
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<td>36</td>
<td>36</td>
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<td>60</td>
<td>8</td>
<td>24</td>
<td>24</td>
<td>16</td>
<td>36</td>
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<tr>
<td>Average Sentence Length (in months)</td>
<td>37</td>
<td>NA</td>
<td>30</td>
<td>36</td>
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<td>16</td>
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<td>8</td>
<td>24</td>
<td>19</td>
<td>16</td>
<td>36</td>
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## Number Whose Jail Sentence is Served with CTS*

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## Ave Time Served in Jail after CTS (if >0) (months)

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<td>3</td>
<td>13</td>
<td>5</td>
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## Sex of those sentenced under 1170(h)(5)(a)

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<tbody>
<tr>
<td>Male</td>
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<td>Female</td>
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## Race of those sentenced under 1170(h)(5)(a)

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Prepared by the San Francisco Adult Probation Department
For more information, contact
Leah Rothstein, Reentry Division Research Director
leah.rothstein@sfgov.org / 415.553.9703
### 1170(h) Sentencing Trends
January 2015 through February 2016

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* Represents the number of people who were released after sentencing, as their jail sentence is deemed served with credits for time served pre-trial.