

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

AGENDA

Wednesday, December 12, 2012

10:00 a.m. – 12:00 p.m.

Hall of Justice

Room 551

850 Bryant Street

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; Agenda Changes.
2. Public Comment on Any Item Listed Below (discussion only).
3. Review and Adoption of Meeting Minutes from August 8, 2012 (discussion & possible action).
4. Staff Report on Sentencing Commission Activities (discussion only).
5. Sentencing Legislation and Policy Update from Californians for Safety and Justice (discussion only).
6. Presentation of the San Francisco Arrest Data Analysis and Findings of the Council of State Governments, Justice Center site visit (discussion only).
7. Presentation of the San Francisco Superior Courts Data on Felony Sentencing outcomes and Juvenile Probation Department Data on Juvenile Sentencing Outcomes (discussion and possible action).
8. Presentation of the California Sentencing Institute by Center on Juvenile and Criminal Justice (CJCJ) (discussion only).
9. Presentation by the National Council on Crime and Delinquency (NCCD), technical assistance provider to the Sentencing Commission (discussion only).
10. Review and Adoption of the San Francisco Sentencing Commission Report to the Mayor and Board of Supervisors (discussion & possible action).
11. Members' comments, questions, and requests for future agenda items.
12. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
13. Adjournment.

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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 941023, 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

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Tara Anderson at tara.anderson@sfgov.org or (415) 553-1203 at least two business days before the meeting.

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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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

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DRAFT MINUTES

Wednesday, August 8, 2012

10:00 a.m. – 12:00 p.m.

City Hall

Room 305

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Members in Attendance: Public Defender Jeff Adachi; Director of Health Barbara A. Garcia (Department of Public Health); District Attorney George Gascón (Chair); Interim Sheriff Vicki Hennessy; Family Violence Council Appointee Minouche Kandel (Bay Area Legal Aid); Reentry Council Appointee Catherine McCracken (Center on Juvenile and Criminal Justice); Board of Supervisors Appointee Theshia Naidoo (Drug Policy Alliance); Deputy Chief David Shinn (Police Department); Chief William Sifferman (Juvenile Probation Department); Chief Wendy Still (Adult Probation Department).

Members Absent: Mayoral Appointee Professor Steven Raphael (Goldman School of Public Policy, UC Berkeley); Reentry Council Appointee Karen Roye (Director, Department of Child Support Services).

1. Call to Order; Roll call; Agenda Changes.

At 10:11 a.m., District Attorney George Gascón called the meeting to order, and welcomed commission members and members of the public to the inaugural meeting of the San Francisco Sentencing Commission, the first of its kind local sentencing commission. Gascón invited the commission members to introduce themselves, noting the diversity of agencies represented. He then reviewed the procedure for public comment, and asked if the public would like to comment on agenda item 1. Hearing none, the hearing proceeded to the next item.

2. Overview of Sentencing Commission Members and Terms (discussion only).

Gascón thanked Supervisors Cohen and Weiner for sponsoring the San Francisco Sentencing Commission Ordinance that was unanimously supported by the Board of Supervisors and the Mayor. In addition, he thanked Chief Wendy Still for her partnership in the development of the Sentencing Commission.

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Gascón noted that the 13 member seats of the commission represent criminal justice proceedings from time of arrest to post release, including the critical access points for support services provided to victims and survivors of crime. Gascón asserted that the commission members will ask tough questions and make well-informed decisions that preserve public safety, hold offenders accountable, support victims and ultimately create safe and livable communities in San Francisco.

Gascón then reviewed County Ordinance 10-12, the amendment to the San Francisco Administrative Code that created the Sentencing Commission by adding Article 25, Sections 5.250 through 5.250-3. This legislation dictates who will be on the Sentencing Commission, and how the members will conduct themselves. The San Francisco Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors, with the following member seats: District Attorney's Office, Public Defender's Office, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Police Department, Department of Public Health, Reentry Council, Superior Court, member of a nonprofit organization serving victims chosen by the Family Violence Council, member of non-profit org working with ex-offenders chosen by the Reentry Council, sentencing expert chosen by the Board of Supervisors, and an academic researcher with expertise in data analysis appointed by the Mayor.

Gascón explained that the membership of the commission was created to ensure representation from city and county partners directly involved in the criminal justice system, and those who come in contact with it, as well as experts in sentencing and statistical analysis, in order to contribute to the development of sustainable improvements to sentencing practices. Others will also be invited to present to and inform the proceedings of the commission.

Gascón asked if any member of the public would like to comment, and hearing none, proceeded to the next item.

3. Overview of Sentencing Commission Mission Powers and Duties (discussion only).

Gascón explained his vision for the San Francisco Sentencing Commission: to establish and maintain an effective, fair, and efficient sentencing system for San Francisco that enhances public safety and creates a livable San Francisco; a sentencing system that retains meaningful judicial discretion, avoids unwarranted disparity, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options.

Gascón noted that San Francisco has demonstrated excellence in the use of criminal justice strategies that result in focusing resources on the most violent offenders, holding those offenders accountable, and restoring victims and communities. Additionally, San Francisco is a leader in the implementation of Criminal Justice Realignment, exemplified by the fact that our jails are at the lowest population in decades, while other county jails are overflowing.

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Gascón also noted that in November, two ballot initiatives, which he supports, will provide California voters the opportunity to decide on the future of three strikes reform and the replacement of the death penalty. If passed, these initiatives will inform the work of the San Francisco Sentencing Commission.

Gascón explained that over the course of the next two years, the Sentencing Commission will: evaluate effective and appropriate sentences for the most violent offenders; explore opportunities for drug law reform; examine inconsistencies in the penal code related to Realignment sentencing; and, identify and define the most important factors that reduce recidivism.

He asserted that the commission is responsible for ensuring that individuals receive appropriate sentences and do not re-victimize our communities. Good sentencing practices prohibit individuals from hurting again.

Gascón stated that he believes the commission will propose change to Sacramento, implement changes in local practices within the latitude of current law, and raise awareness of San Francisco's values for public safety, and that these goals are shared by all commission members.

Gascón then asked the commission members to share their goals for the commission:

Chief Wendy Still recognized District Attorney George Gascón, Supervisor Weiner and Supervisor Cohen for their great leadership in this area. She stated that after 30 years working at the state level, she has seen many great initiatives fail to move forward, including sentencing commissions. She said that this commission has a special opportunity to look for alternatives other than incarceration, for sentences and strategies based on evidence that give people a way out of the criminal justice system and provide opportunities to develop skills.

Director of Health Barbara Garcia stated that her goal is to address addiction and mental health issues. She noted that people are often held in custody for addiction issues rather than receiving treatment. The San Francisco Department of Public Health, which had one of the first Harm Reduction policies in the country, has worked on this issue for a long time. She concluded that the Department's resources are available to assist with this effort.

Public Defender Jeff Adachi thanked the District Attorney for his leadership. He noted that a recent study comparing juvenile justice rates found that San Francisco had one of the lowest levels of incarceration and Kings County had one of the highest. He acknowledged what San Francisco has been doing right, including the Reentry Council and a long history of juvenile and criminal justice reform. He stated that if we implement evidence-based practices and measure our success, we could be a model for the rest of the state.

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Adachi also noted that it was unfortunate that the Court is not represented. He stated that the Court has previously taken the position that there is a conflict of interest in sitting on policy bodies like this commission. He said that the commission might want to ask the Judicial Council to look into this question. Without the Court's input, he fears the commission will not be as successful as it could be.

Chief William Sifferman expressed appreciation for being included and noted the importance of the commission's work in guiding and directing juveniles so that they do not get further involved in the system. He stated that he is particularly interested in Three Strikes reform, and noted that in baseball "three strikes you're out" is not always the rule, there is also the dropped 3rd strike. He said that he would be interested in looking into a dropped 3rd strike rule for juveniles that might take the form of a follow up hearing after the 3rd strike is entered, to confirm the 3rd strike.

Sheriff Vicki Hennessy thanked District Attorney Gascón. She expressed interest in developing data collection and recidivism reporting standards, noting that booking statistics, for example, often don't match from county to county. Perhaps the commission could recommend statewide legislation that would enable more accurate comparisons.

Family Violence Council Appointee Minouche Kandel thanked the District Attorney and stated that she is grateful that there is a voice on the commission for victims and survivors, whose input regarding their needs is so important.

Board of Supervisors Appointee Theshia Naidoo also thanked Gascón and the Board of Supervisors. She stated that this is a wonderful opportunity for San Francisco to critically evaluate sentencing practices with a particular focus on drug sentencing practices, and perhaps become a model.

Deputy Chief Shinn thanked District Attorney Gascón and Chief Still. He noted that the SFPD's role as a first responder, seeing victims and suspects, has changed his views over time: we can't arrest our way out of this. He is interested in learning about what kinds of custodial programs work to reduce recidivism. He has seen people arrested and back on the street within three days doing the same thing, and this is something he would like to change. He is interested in creating behavior change that can be a model for the rest of the nation.

Gascón then summarized and responded to the remarks of the commission members. He noted that the commission has a historic opportunity to do things not only in San Francisco, but also for the state and perhaps beyond. The fact that the system has a 70 percent recidivism rate cries for a different approach. Incarceration is not the answer. Unquestionably, some people need to be incarcerated, but many would probably be better served through alternatives.

He agreed with Barbara Garcia that substance abuse and mental health are often driving bad behavior that won't be corrected through extended incarceration.

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Gascón expressed that the Three Strikes issue raised by Chief Sifferman is very dear to his heart. The goal of Three Strikes reform – to avoid incarceration for life for nonserious, nonviolent offenses – has long been the case in San Francisco. He said that he hopes that what has been working for San Francisco can work for the rest of the state.

Gascón welcomed the idea of asking the Judicial Council to render its opinion regarding a possible conflict of interest for the Court in serving on the Sentencing Commission. He noted that the commission can do a lot on its own, but being informed by the judiciary would also be helpful.

Gascón expressed his agreement with the Sheriff regarding the importance of uniform data collection, and urged the commission to develop a base of knowledge and meaningful policies that can be measured effectively.

Additionally, he said that it was so important that the issue of victims was raised, stating that at the end of the day, if we aren't making the community safer in a thoughtful and meaningful way, then we aren't doing our job. Gascón noted that San Francisco has long history of doing this, but there is still room for improvement. He said that we have to make sure that every community, and every group feels comfortable walking the streets, using parks, etc. Unfortunately that is not true today – some communities are under siege, and there are places where the young and elderly won't venture into parks at dark. Young men of color are dying at an unacceptable rate. He concluded that this group can have important influence in shifting this paradigm.

Tara Anderson, Grants & Policy Manager for the District Attorney's Office and Sentencing Commission staff then provided an overview of the powers and duties of the commission as set out in the governing legislation.

Gascón asked if any member of the public would like to comment, and hearing none, proceeded to the next item.

4. Adoption of By-Laws (discussion & possible action to adopt by-laws).

Gascón explained that the general purpose of the By-Laws is to set ground rules for the conduct of the Sentencing Commission. He asked Tara Anderson to provide a review of the draft by-laws before the Sentencing Commission for consideration. Tara emphasized that the quorum for the commission is ten, higher than the standard outlined in the Good Government Guide, and solicited comments and questions regarding the By-Laws from the commission members and the public. Theshia Naidoo noted a few small typos, which Tara recorded and which will be corrected. There was no public comment. Gascón asked if there was a motion to approve the by-laws. Chief Sifferman moved to approve the by-laws and Sheriff Hennessy seconded. All members voted in favor and the motion passed.

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5. Overview of Reporting Requirements (discussion only).

Gascón explained that according to the Sentencing Commission Ordinance and Administrative Code, the Sentencing Commission is required to submit annual reports to the Mayor and the Board of Supervisors in December of each year.

Additionally, the Sentencing 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 should consider legislative change that would enhance the capacity of the commission to achieve the goals underlying its purpose.

Gascón solicited comment from the commission members and the public and hearing none, proceeded to the next item.

6. Review Two-year Work Plan (discussion and possible action).

Gascón asked Tara Anderson to present the draft outline of the high level Two Year Work Plan to guide the work of the commission, before the commission for discussion and possible action.

Tara reviewed the plan, and noted that starting in December 2012, annual reports are to due to the Mayor and the Board of Supervisors in December of each year, as well as in June 2015.

Tara stated that we are looking at the 2nd week of December for the next commission hearing, at which point we can discuss the outcomes of the state ballot initiatives, as well as review the first 12 months of Realignment.

Minouche Kandel noted that there is no meeting before the first annual report is due, and wondered how the content of the first report would be developed. Chief Still responded that we will get the report in November, to review and discuss it at the December meeting, and that the commission has until the end of December to submit the report.

Gascón also clarified the first report will be a blueprint for the direction of the commission, that will serve as the basis, like a working agenda, for future meetings. There will be several individual conversations and off line work prior to the next meeting to develop the questions and specific items that the commission wants to explore further to be included in the first report. Tara Anderson will manage the process of compiling this content.

Gascón asked if there was any public comment, and hearing none, asked the commission if there was a motion to approve the Two Year Work Plan. Barbara Garcia moved to approve the Two Year Work Plan, and Chief Still seconded the motion. All members voted in favor and the motion passed.

7. Public comment on items not listed on the agenda.

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Gascón asked if any member of the public would like to comment on anything, and hearing none, proceeded to the next item.

8. Members' comments, questions, and requests for future agenda items.

Gascón solicited comments and questions from the commission members.

Sheriff Hennessy inquired about the process for submitting agenda items. Gascón responded that all items should be submitted to Tara Anderson for distribution to the entire commission. He wondered if it might be possible to create a secure website to share information quickly, and to ensure full communication and understanding so that everyone is consistently benefiting from the thought process. Katherine Miller (Director of Policy for the Office of the District Attorney) said there might be Sunshine Ordinance considerations, but that she would look into a solution.

Jeff Adachi inquired about the existence of baseline statistics for areas that the commission intends to explore. He stated that each agency keeps its own statistics, though there may be differences across agencies. For example, the following would be helpful: people in custody (pre-trial, post-sentencing), the number of individuals in Diversion programs, etc. He wondered if there was a way for commission members to offer available statistics and keep a rolling list of statistics that would be important for the commission's deliberations.

Barbara Garcia asked if it would be possible to obtain a list of the specific penal codes to be examined. Gascón responded that we can certainly share specific sections of the Penal Code that the commission hopes to address, and noted that these may change over time as the process moves forward.

Sheriff Hennessy suggested collecting statistics from multiple years in order to examine trends from this year, last year, and the year before.

Chief Still offered that the results of the Justice Reinvestment Initiative are going to be very important to the commission's work. She noted that the preliminary results would be shared at the next meeting of the Reentry Council on August 21. Additionally, it would be useful if each agency on the Sentencing Commission could share their organization's statistics. For example, the Adult Probation Department would be happy to share its Realignment statistics. She also fully supported looking at trends over time.

Gascón responded that the commission can compile some baseline information and statistics trended over two or three years. Hennessy requested that, in addition to the data, departments state where the data comes from and how it is compiled. Gascón noted that San Francisco faces a big challenge regarding data quality and data disparities between departments, and that obtaining and cleaning the data to reconcile differences will be critical to the work of the commission. He then asked the commission how the members should share the data and what kinds of data the

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commission was interested in compiling.

Chief Still noted that it would be important to include the Controller's Office, which is tasked with collecting all Realignment data for San Francisco, in addition to significant efforts by the Adult Probation Department and Sheriff's Department.

Tara stated that she would send out time bound guidelines for data collection from the members, and solicit a list of the kinds of information that the commission members are interested in. She also noted that research regarding other sentencing commission outcomes, including a preliminary literature review, would be shared with the commission.

Jeff Adachi suggested looking at South Carolina, which conducted a comprehensive sentencing reform two years ago. He also suggested coordinating the efforts of the Sentencing Commission with those of the Reentry Council to the extent possible, particularly in the area of recidivism.

Chief Still recommended the Washington Institute of Public Policy's body of work, as well as other state's examination of alternatives to incarceration. Tara responded that she will be working closely with Professor Steven Raphael to compile evidence-based practices.

Gascón agreed that it will be critical to really understand what has been done elsewhere, and use this information to inform the commission's conversations. He requested that commission members please let Tara and the commission know of any work that should be reviewed, particularly given that while two years might seem long, it can go quickly. He stated that he really hopes that the commission can come up with real world, workable solutions that can be implemented quickly, and to that end, his staff will endeavor to make sure that they get information to you quickly. He asked members to feel free to comment on the guidelines and the format of the information that Tara sends. He concluded by stating that all of the commission members are very talented and accomplished, with an incredible knowledge basis. He wants the members to feel comfortable coming forward with concerns. He hopes that at some point, there is disagreement among the members, because that means that the commission is being earnest, having a real dialogue and creating real action items.

Chief Still thanked Gascón and noted that San Francisco was one of four counties that collected and shared arrest information that should be released within the next 30 days. She said that it is important to be aware of who is actually being arrested, and to do another review to see how many of those arrests involve the Realignment population.

Gascón responded that when he was Chief of Police, he volunteered to obtain San Francisco arrest data and reached out to other jurisdictions. As a board member on the Council of State Governments, he really wants to further the knowledge base to do what's real, as opposed to anecdote. He noted that the results are coming out soon, and that they will be very helpful, as people often propose ideas based on limited information, and having hard data is really

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important.

There were no additional comments from the commission or the public, so the commission proceeded to the next item.

9. Adjournment.

Gascón asked if there was a motion to adjourn the first meeting of the Sentencing Commission. Jeff Adachi moved to adjourn and Minouche Kandel seconded. All members voted in favor and the motion passed.

The first meeting of the San Francisco Sentencing Commission adjourned at 11:10 a.m.

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Sentencing Commission Reports, Findings, and Recommendations

Annotated Bibliography

Prepared by

Amanda Charbonneau, Graduate Intern, San Francisco District Attorney's Office

[National Association of Sentencing Commissions](#)

The NASC facilitates information sharing among state sentencing commissions at a yearly conference. Twenty-three state sentencing commissions participate. The next conference is August 5-7, 2012. They also publish short summaries of conference topics annually.

[United States Sentencing Commission](#)

The United States Sentencing Commission is an independent agency in the judicial branch of government. Its principal purposes are: (1) to establish sentencing policies and practices for the federal courts; (2) to advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and (3) to research a broad array of information on federal crime and sentencing issues.

[Research](#)

Research topics include: the impact of The Fair Sentencing Act, legislative analyses pertaining to specific offenses, judge surveys, and sentencing alternatives.

[Alabama Sentencing Commission](#)

[2012 Report](#)

The 2012 report summarizes truth-in-sentencing research and projects prison population based on several policy scenarios. It also examines the implications of *Brown v. Plata* for Alabama and states that Alabama must address prison capacity issues. Finally, it reports on compliance with the ["Initial Voluntary Sentencing Standards."](#) This analysis uses worksheets submitted by the courts to the sentencing commission. They compare sentences to recommendations and look at compliance with the worksheet process in each county.

[Arkansas Sentencing Commission](#)

[2011 Sentencing Standards](#)

The Arkansas Sentencing Commission produces sentencing standards, grids, and worksheets. The 2011 Benchbook contains the most recent sentencing standards and grids.

[Connecticut Sentencing Commission](#)

[2011 report](#)

The 2011 report is the Connecticut Sentencing Commission's first report since transitioning from an interim Task Force. In its first year, the commission divided into six

subcommittees: Steering; Legislative; Sentencing Structure, Policy and Practices; Recidivism Reduction; Research, Measurement and Evaluation. The last 3 subcommittees developed questions for further research within these topic areas: offender population, end of sentence services, penal code, sex offenders, longitudinal/life course understanding of offender populations, correctional system strengths/weaknesses, social ties and incarceration, offender assessments, and evaluation of the Supervised Diversionary program.

[Delaware Sentencing Accountability Commission](#)

[2012 Benchbook](#)

The Delaware Sentencing Accountability Commission is a part of the Criminal Justice Council. It publishes sentencing guidelines and summarizes legislation in the Benchbook.

The Statistical Analysis Center under the Criminal Justice Council produces research on sentencing policy, prison populations, etc. for the Sentencing Commission and other groups:

[2007 Superior Court Drug Case Sentencing Patterns](#)

Analysis of drug sentencing during one calendar year.

[SENTAC 11 § 4217 Early Release Process: An Outcome Evaluation](#)

Between 2002-2004, the Sentencing Accountability Commission initiated a review of prisoners and set-up a pre-screening process in order to identify low-risk offenders for early release. 180 people were eventually released early. This evaluation compares rearrest and recidivism among early releases and those who served their entire sentences.

[District of Columbia Sentencing and Criminal Code Revision Commission](#)

[2011 Annual Report](#)

Analysis of felony sentences, judicial compliance with voluntary sentencing standards, modifications to the Sentencing Guidelines, ranking of new felony offenses, criminal code revision, data quality improvement. The commission receives data from the Superior Court on offenses and sentencing electronically, and is working toward collecting offense history data electronically. They also review the entire Criminal Code and propose revisions.

[2012 Sentencing Guidelines Manual](#)

The Voluntary Sentencing Guidelines Manual provides sentencing grids and potential aggravating and mitigating factors.

[Illinois Sentencing Policy Advisory Council](#)

[2010 Annual Report](#)

The Council began meeting in 2010. Meetings included presentations on evidenced-based practices, Virginia's Sentencing Commission's experiences, and data analysis/gaps. The

strategic plan includes a retrospective analysis of the sentenced population, piloting data collection for fiscal impact analyses, and building collaborative partnerships.

[Illinois Felony Sentencing: A Retrospective](#)

Analyzes arrest trends, case filings, and sentencing for felony offenses. The report was produced in collaboration with Loyola University under a Bureau of Justice Assistance grant.

[Kansas Sentencing Commission](#)

[2011 Annual Report](#)

Presents data on offenders and sentencing, conformity to sentencing guidelines, and provides projections on sentencing and prison population. The Commission also produces separate reports on prison population projections and changes to the criminal code, available [here](#).

[2011 Desk Reference Manual](#)

Summarizes changes in sentencing law and instructs on the application of sentencing guidelines.

[Louisiana Sentencing Commission](#)

[Overview of the Louisiana Sentencing Commission](#) (PDF of PowerPoint presentation)

Overview of the commission's history, process, and research questions. The commission was established in 1987 but dormant for many years. Work started again in 2010, with a legislative mandate to review the state's sentencing structure and practices, parole and supervision, and use of alternatives to incarceration. Committees include: Front-End Framework (legal/policy framework from charging to sentencing), Release Mechanisms, Re-Entry and Evidence-Based Corrections, Research and Technology. They established short and long term research objectives within each of these areas with a particular focus on pending legislation. The commission partners with Pew and VERA.

[Maryland State Commission on Criminal Sentencing Policy](#)

The commission is primarily responsible for maintaining [sentencing guidelines](#) and collecting data on their usage and reasons for departures from the guidelines. They occasionally publish other reports, but have not done so since 2006. Previous topics included Public and Correctional Options, Racial Disparities, and Truth-in-Sentencing. These reports are available [here](#).

[2011 Annual Report](#)

Provides information on changes to the sentencing guidelines and presents data on judicial compliance with the guidelines.

[Massachusetts Sentencing Commission](#)

[Sentencing Guidelines and Master Crime List](#)

[Survey of Sentencing Practices FY 2010](#)

Analysis of sentencing practices in 2010. The commission analyzes data from a centralized database of court activity.

[Comprehensive Recidivism Study](#)

The commission selected a sample of people released from incarceration and people participating in community based-based programs. They linked databases in order to track new arrests, probation violations and parole violations for these samples.

[Minnesota Sentencing Guidelines Commission](#)

[Sentencing Guidelines](#)

[Report to the Legislature](#)

Summarizes data on sentencing and departures from the guidelines, and commission activities. Special reports on drug sentencing, re-entry and drug courts, and recommendations after a relevant Supreme Court ruling (*Blakely v. Washington*) are also here.

[Sentencing Practices Data Reports](#)

Presents annual data on all convictions and sentences.

[Missouri Sentencing Advisory Commission](#)

[Recommended Sentencing 2009](#)

Biennial report. Analyzes sentencing disparities (within state, compared to other states, and racial disparities), recidivism, death penalty sentencing, and provides recommended sentencing matrices.

[Alternative Sentencing Resources](#) (see menu on left)

Describes alternative sentence programs, criteria and processes under the Department of Corrections and state-sponsored programs. Provides links to drug courts and local alternative programs.

[Publications](#) (see sidebar on left)

A monthly report on the prison population. Special reports on death penalty statistics, recidivism, and sex offenders.

[New Mexico Sentencing Commission](#)

Committees: Data (comprised mainly of criminal justice agency Chief Information Officers), Justice Information Sharing Council, Juvenile, Sex Offender Management Board, Legislative, Sentencing Reform

Receives funding from the state and received a technical assistance grant from IJIS.

[Strategic Plan](#) (see menu on the left)

Prepared for an appropriations request. Describes the commission's activities and collaborations. Goals include: analyzing all criminal justice bills introduced by the legislature, provide research reports from a coordinated and cross-agency perspective, provide multi-agency data infrastructure including an offender database that is accessible to practitioners.

[Reports](#)

Publications dating back to 2000. 2011 topics: the impact of earned meritorious deductions, offenders eligible for controlled release, comparison of assault case outcomes (in household versus non-household cases), prison population forecast, and disproportionate minority contact.

[New York State Permanent Commission on Sentencing](#)

Established in October 2010 with the goal of comprehensively evaluating sentencing laws and practices and recommending reforms that will improve the quality and effectiveness of statewide sentencing policy. No published reports.

[North Carolina Sentencing and Policy Advisory Commission](#)

Established in 1990. Goals: classify criminal offenses, recommend sentencing structures, develop a correctional population simulation model, recommend a comprehensive community corrections strategy and organizational structure for the State, study and make additional policy recommendations. The commission is staffed by 9 researchers (including 2 PhDs and 4 research and policy associates).

[“Punishment Grids”](#)

Minimum and maximum sentence recommendations for felonies and misdemeanors

[Publications](#)

[Prison Population Projections](#)

Annual projections of the adult and juvenile prison populations. Also describes prison capacity and relevant policies.

[Statistical Reports](#)

Annual data on felony and misdemeanor convictions and sentencing under the Structured Sentencing Act.

[Recidivism Reports](#)

Biennial reports on recidivism of offenders in the adult criminal justice and juvenile justice systems.

[Annual Reports on Proposed Legislation](#)

Each year, the commission analyzes all proposed legislation and determines whether each bill is consistent with the structured sentencing offense classification criteria. The commission also assesses the potential impact of the bill. The commission does not take a position on a bill unless it is specifically proposing the legislation.

[Study reports](#)

[Study of House Bill 642: the Justice Reinvestment Act](#)

The commission analyzed the Justice Reinvestment Act, looking at legal and policy issues, impact, and options. They did not recommend specific options or take a position on the bill overall. The commission also conducted an initial impact evaluation, available [here](#).

[Research Findings And Policy Recommendations From The Correctional Program Evaluations, 2000-2008](#)

Synthesizes 8 years of research on recidivism and makes policy recommendations based on that research. Specifically, they recommend the use of risk-assessment tools in sentencing and increasing access to juvenile records by key decision-makers. The commission recommended against expanding post-release supervision in the absence of cost-benefit analyses supporting expansion.

[Community Corrections Reports](#)

One of the commission's original responsibilities was to recommend a comprehensive community corrections strategy and structure. Now they publish an annual compendium of community corrections and related pre-trial programs.

[Ohio Criminal Sentencing Commission](#)

[Sentencing Reference Guides and Summaries](#)

Quick reference guides for sentencing and summaries of legislation.

[Publications](#)

Recent reports are summarized below. Older reports include comprehensive plans for adult and juvenile sentencing reform.

[Prison Crowding: The Long View, with Suggestions](#) (2011)

Discusses and presents data on crowding in Ohio prisons. Recommendations: revive length-of stay guidance, and drug offense equalization (using the same sentencing grids for drug and non-drug offenses). The report mentions other potential recommendations that the commission has not yet voted on.

[Criminal Statutes after the *Colin, Horner, and Johnson* Cases](#) (2011)

Examines the impact of cases regarding mental state and culpability.

Biennial report on the impact of sentencing reforms. In 2009, the commission surveyed judges, prosecutors, and defense attorneys, focusing on felonies.

[Oregon Criminal Justice Commission](#)

Purview extends beyond sentencing to long-range public safety planning, funding and evaluating drug courts, conducting research, and administering grants. Funding: general fund and forfeiture collection. Some reports also cite grant funding.

[Sentencing Guidelines](#)

Guidelines, grids, and implementation manuals.

[Statistical Analysis Center](#)

Established in 1974, brought under the Oregon Criminal Justice Commission in 1994. Publishes crime, arrest, and victimization statistics.

[Publications](#)

Particularly relevant and recent reports listed below. There are more than 20 other reports available.

[Cost Benefit Methodology](#): develops a cost-benefit model for criminal justice programs that aim to reduce crime, based on a model developed by the Washington State Institute of Public Policy.

[Measure 57 Implementation and Impact](#): Assessment of the practical and fiscal impact of a measure that created a sentence of 13 months for repeat property crimes offenders. It was a response to SB 1145, which mandated that people sentenced to less than 12 months serve their time in local jails rather than state prison.

[Oregon Revocation Study](#): Analysis of risk factors for revocation. Identifies the following factors to be significantly correlated with an increased likelihood of

revocation: lower age, male, African American, prior felony conviction, violent crime, prior imprisonment, prior arrests, property crime, and greater length of incarceration.

[Pennsylvania Commission on Sentencing](#)

Created in 1978 to create and maintain a consistent and rational statewide sentencing policy through the adoption of guidelines that promote fairer and more uniform sentencing throughout the Commonwealth. In 2008, additional mandates directed the Commission to develop resentencing guidelines, state and county parole guidelines, and state recommitment ranges.

[County and State-Level Sentencing Data](#)

Counties are legislatively mandated to report sentencing data, and the commission publishes county and state-level reports.

[Guidelines and Related Statutes](#)

Guidelines on sentencing, resentencing, parole, and county reentry programs.

[Research Publications](#)

The commission has a research director and a partnership with Pennsylvania State University. A number of studies are required by legislation (including evaluations of intermediate sanction programs and a recidivism risk reduction incentive program). Other research studies are undertaken on a one-time basis and/or grant-funded.

Recent research findings:

- 32% of eligible offenders are referred to the State Intermediate Punishment program
- The Motivational Bootcamp Program saves money and does not increase recidivism

[Utah Sentencing Commission](#)

[Adult and Juvenile Sentencing and Release Guidelines](#) (see menu on right side)

[Criminal Justice Legislative Tracking](#)

The sentencing commission takes a position on criminal justice legislation and tracks all bills.

[2011 Annual Report](#)

Summarizes the commission's activities.

[Virginia Criminal Sentencing Commission](#)

[Annual Report](#)

Analysis of compliance with the sentencing guidelines during fiscal year (FY) 2011. Describes the Commission's current study to revalidate the risk assessment instrument for nonviolent offenders sentenced in circuit court. Makes recommendations for revisions to the felony sentencing guidelines system:

- Increase the length of prison incarceration recommended for offenders convicted of a third or subsequent offense relating to the distribution, sale, or manufacture of a Schedule I/II drug
- Amend the Schedule I/II Drug sentencing guidelines to add the crime of manufacturing methamphetamine
- Amend the Assault sentencing guidelines to add the offense of driving while intoxicated (DWI) resulting in permanent and significant physical impairment to another

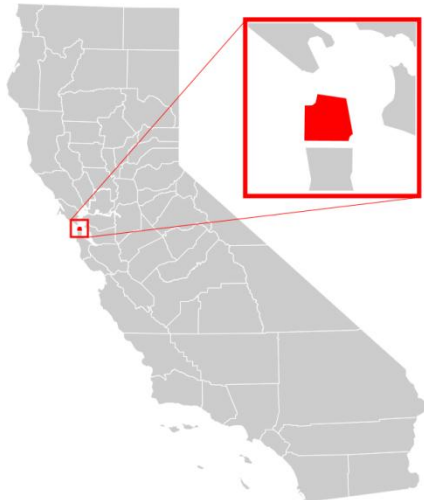
- Amend the Felony Traffic sentencing guidelines to add the third conviction for driving on a suspended license following a conviction for driving while intoxicated (DWI)

Washington State Sentencing Guidelines Commission
Caseload Forecasting Center

Assumed some of the Sentencing Commission responsibilities when it was eliminated as an independent body in 2011. Publishes sentencing guidelines, statistical reports on sentencing, and correctional caseload.



City and County of San Francisco Sentencing Commission



JUSTICE ★ **CENTER**
THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

December 12, 2012

Michael Thompson, Director

Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Represents all three branches of state government
- Provides practical, non-partisan advice informed by the best available evidence



Justice and
Mental Health
Collaboration
Program

Reentry Policy
Council and
National Reentry
Resource Center

Justice
Reinvestment

Presentation Overview

- **The Challenge: Making the Most of Limited Resources**
- Insights from Arrest Analysis
- Maximizing Impact by Addressing Behavioral Health Needs
- Opportunities for San Francisco

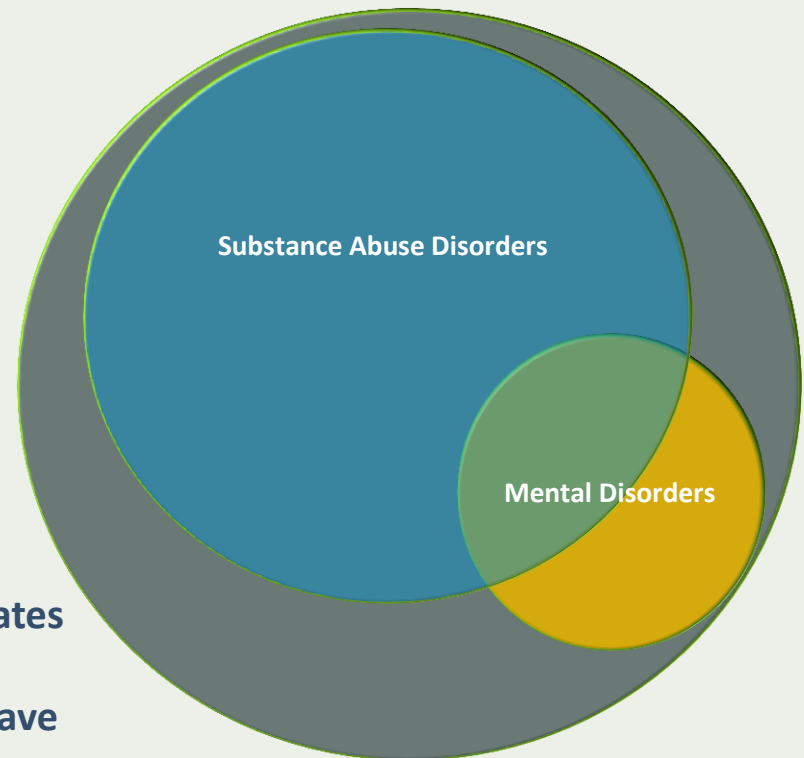
Estimated Proportion of Substance Use, Mental Health, and Co-Occurring Disorders in Jails

Nationally:

- An estimated 14.5 percent of men and 31 percent of women entering jail met criteria for a SMI.
- An estimated 72 percent of individuals with SMI have a co-occurring substance use disorder.

According to the SF Department of Public Health:

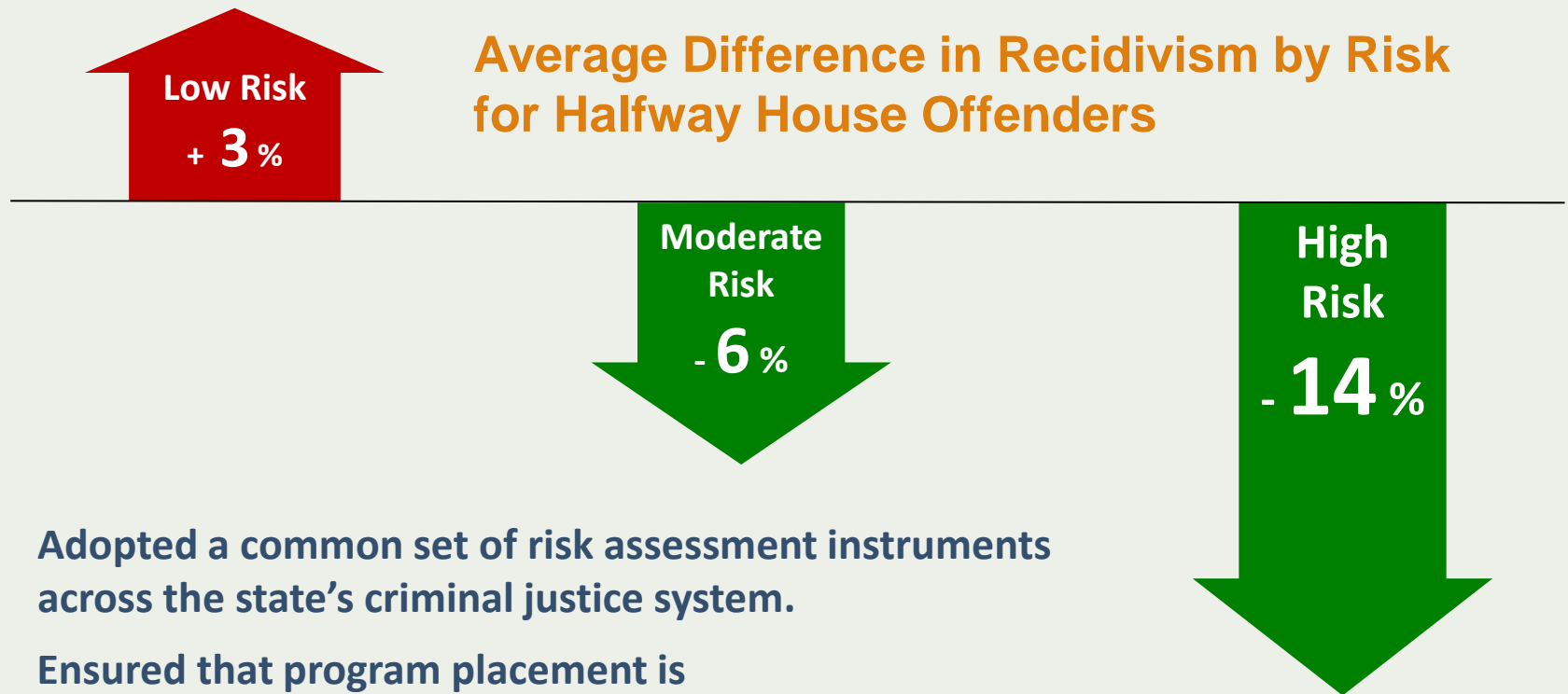
- An estimated 75 to 80 percent of jail inmates have substance abuse problems.
- An estimated 14 percent of jail inmates have significant mental health problems.



Sources:

Steadman, Osher, Robbins, Case, and Samuels (2009); Lamb and Weinberger (1998); Mumola and Karberg (2004).
San Francisco Department of Public Health. 2010/2011 Annual Report.

Focus on individuals most likely to reoffend (Ohio)

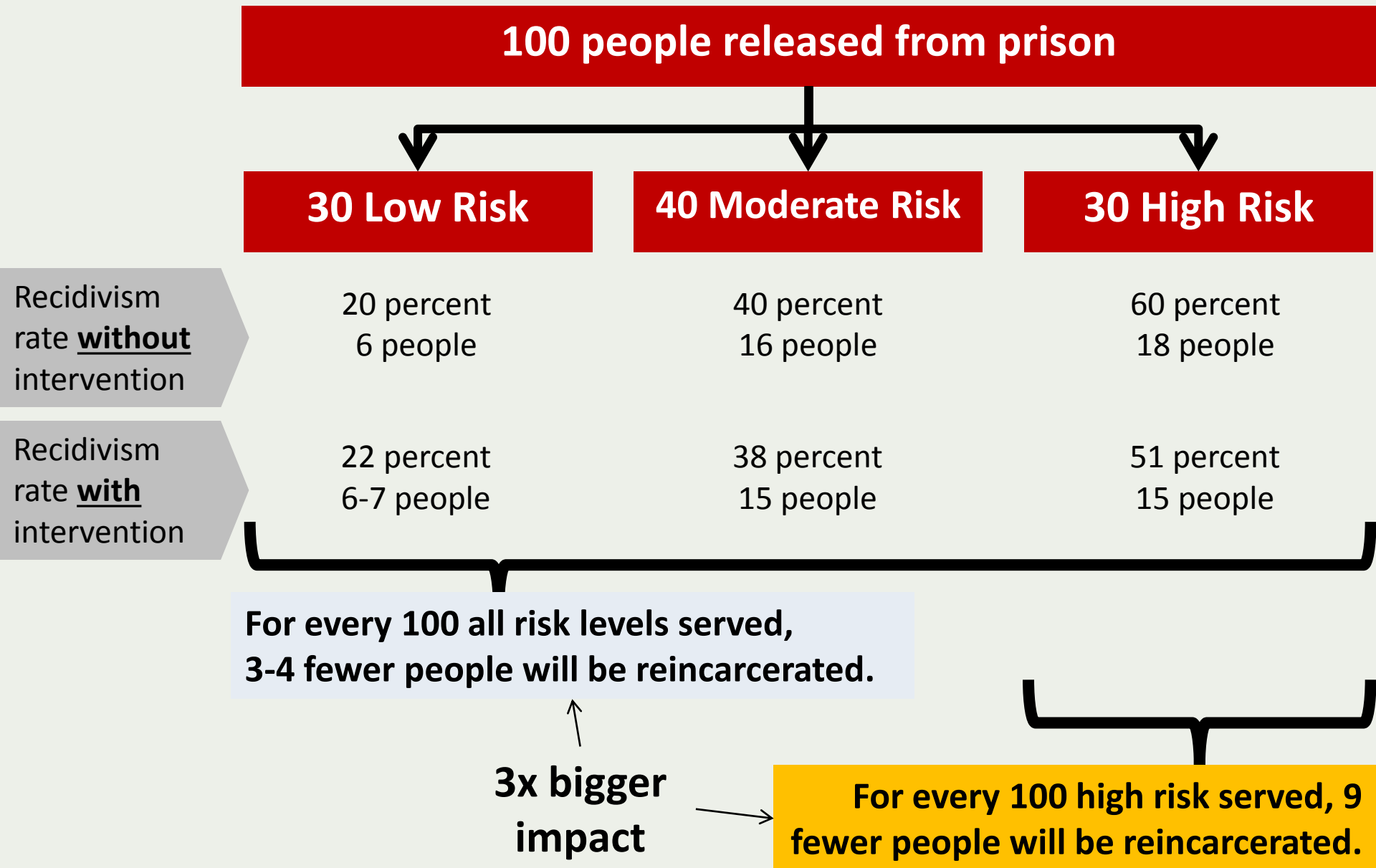


- Adopted a common set of risk assessment instruments across the state's criminal justice system.
- Ensured that program placement is driven by risk assessment score.

Source: Presentation by Dr. Ed Latessa, "What Works and What Doesn't in Reducing Recidivism: Applying the Principles of Effective Intervention to Offender Reentry".

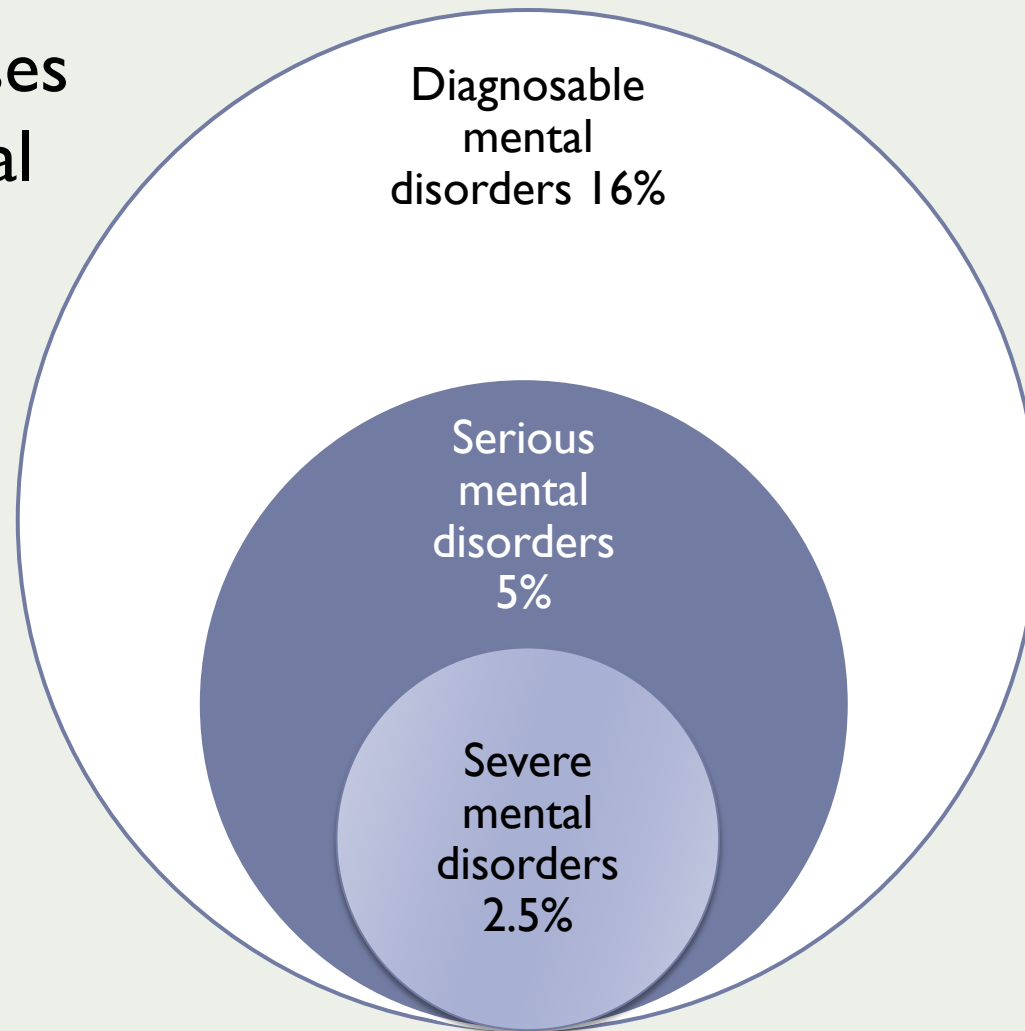
Risk Impacts Program Outcomes

Draft 12 10 2012

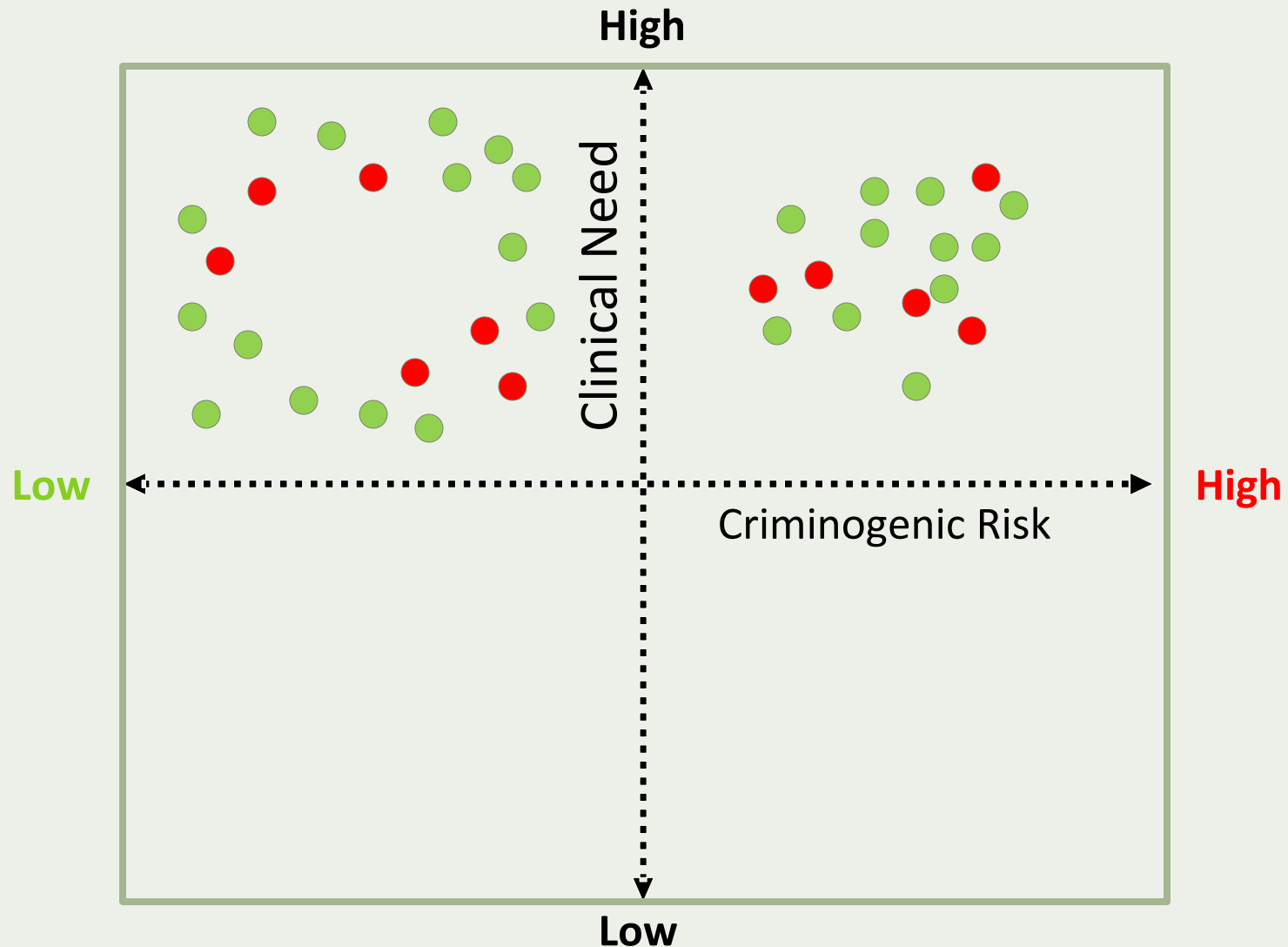


Not All Mental Illnesses Are Alike

Mental Illnesses In the General Population

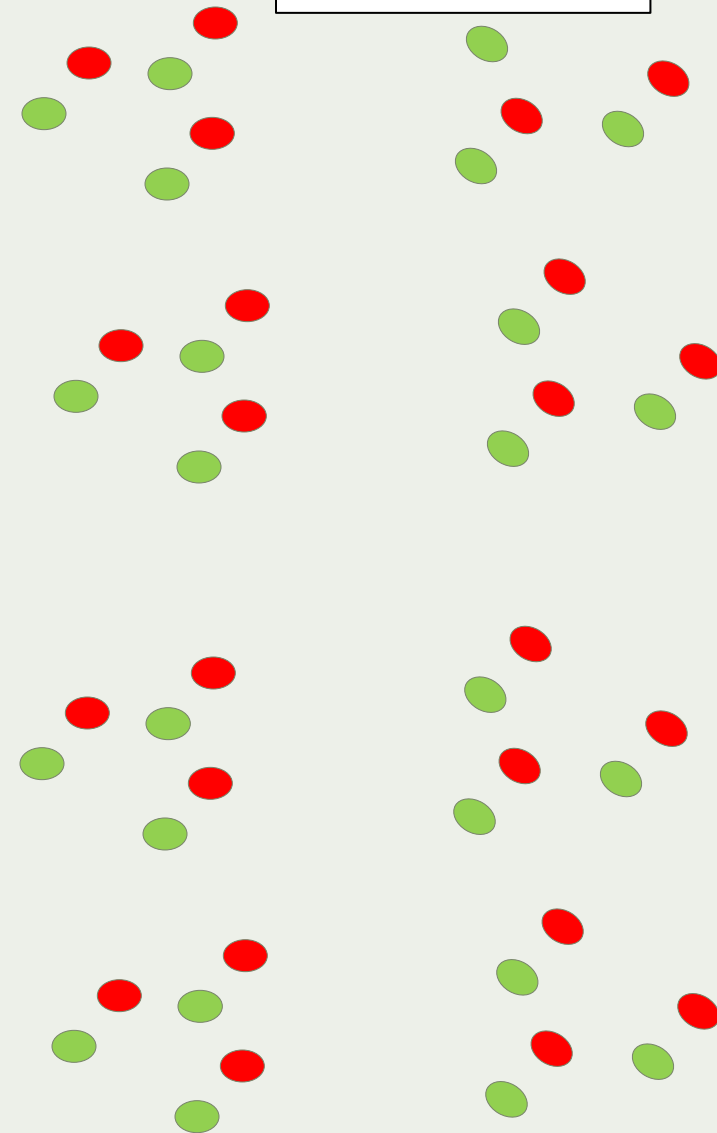
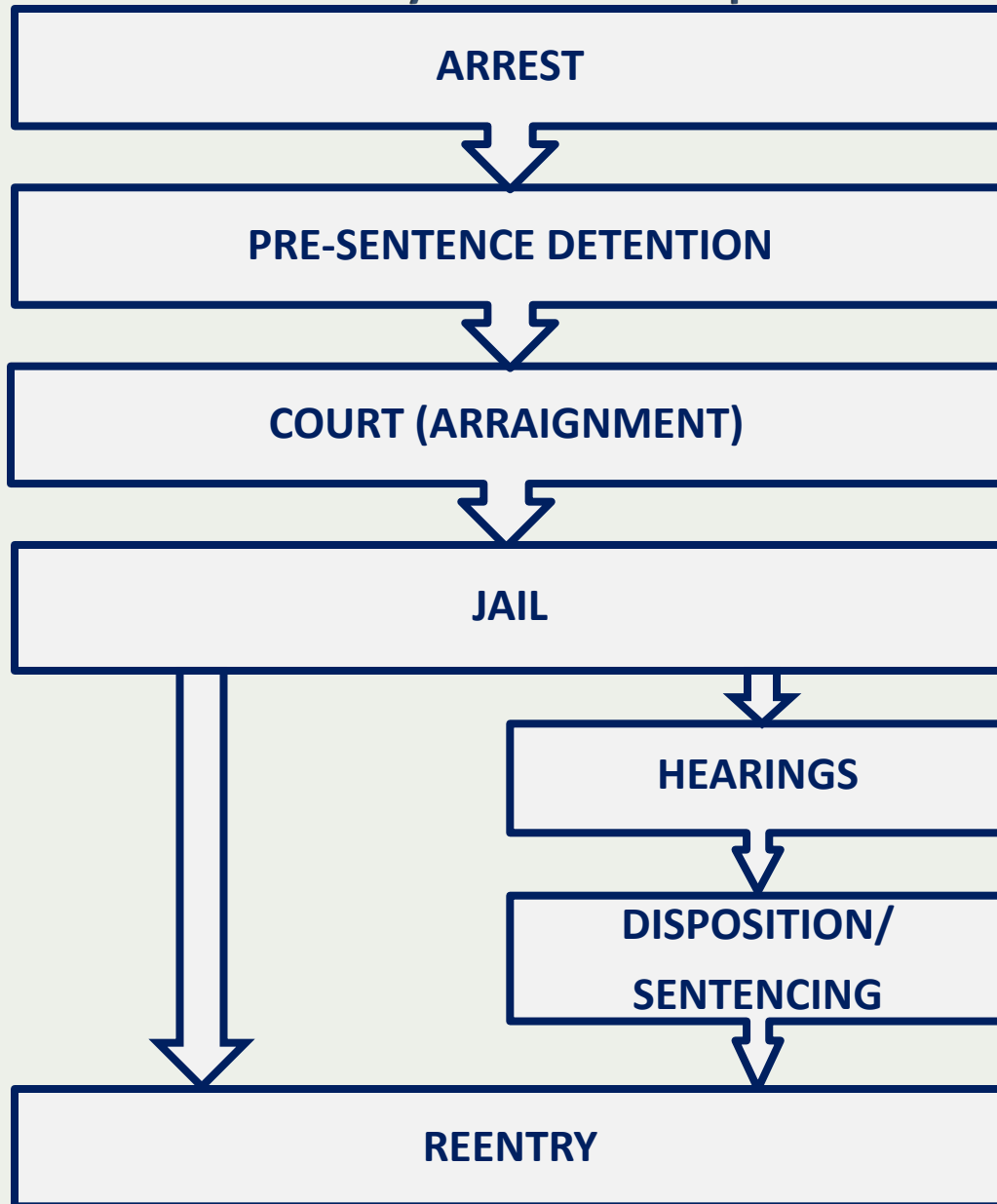


Using assessment to target resources. . .



Across many decision points. . .

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Improving Public Safety in San Francisco

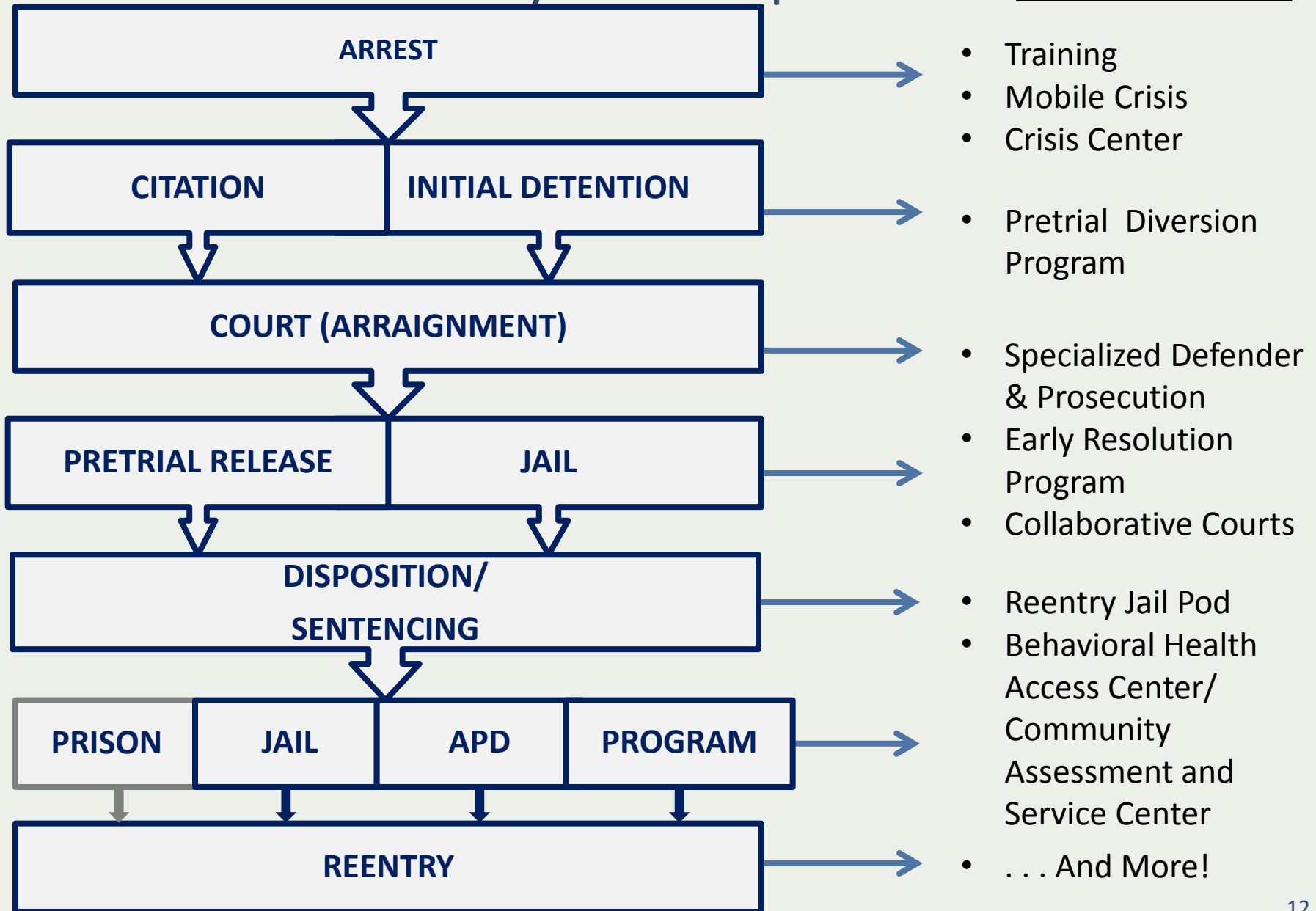
- **Strong federal support of criminal justice initiatives**
- **Behavioral health/criminal justice initiatives across many decision points**
- **Numerous system-level planning efforts**





Initiatives across many decision points

Draft 12 10 2012



Numerous system-level planning efforts

- **Sentencing Commission**
- **Reentry Council**
- **Community Corrections Partnership**

Develop strategies and coordinate local efforts aimed at shared goals:

- **Prioritize public safety**
- **Reduce recidivism**
- **Target resources**

Identify opportunities for state policy changes

Challenges Cited in JRI Application

High Rates of Recidivism

- 78% in comparison to a statewide average of 67.5%

Disproportionate Incarceration of African Americans

- 59.8% compared to 6.8% of the general population

Significant Proportion of Non-Violent, Non-Serious Offenders in State Prison

- Non-violent, non-serious offenders represent 65% of San Francisco's prison commitments



Source: Crime and Justice Institute. "Justice Reinvestment At The Local Level City and County of San Francisco, California." July 2012.

So what's needed to maximize the impact potential?

Draft 12 10 2012



Presentation Overview

- The Challenge: Making the Most of Limited Resources
- **Insights from Arrest Analysis**
- Maximizing Impact by Addressing Behavioral Health Needs
- Opportunities for San Francisco

Funding and Partners

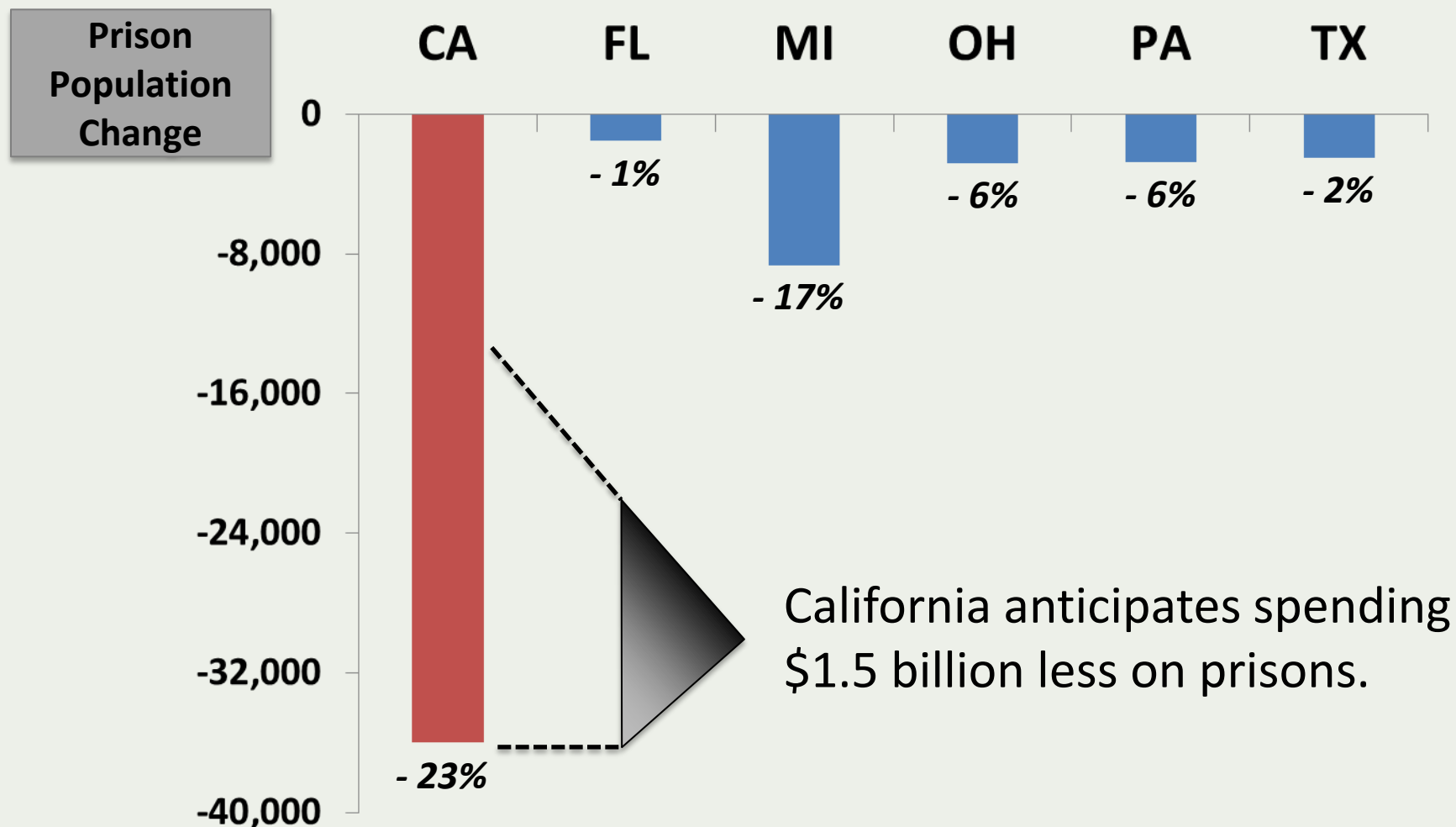
ROSENBERG FOUNDATION



Fund For Nonviolence

Impact of California's Policy Changes to Reduce Prison Population Go Beyond Those of Other States

Draft 12 10 2012



Source: CA Department of Corrections and Rehabilitation, "The Future of California Corrections," April 2012; MI Dept. of Corrections Report to Legislature, Feb 2012; TX Dept. of Criminal Justice, Annual Statistical Reports; Florida Sun Sentinel Mar. 17, 2010; CSG Justice Center.

Impacts of Recent Policy Changes Raise Questions about Impacts to Public Safety

Draft 12 10 2012

**CA Prison
Population
Has
Declined
by
~30,000**

**Due to shifts in responsibility
from State to Local
jurisdictions**

**Parole
Population
Will Continue
to Drop**

**Probation
Populations
Will Increase**

**As more
people are
supervised by
probation, will
there be a
corresponding
increase in
crime, as
measured by
arrest activity?**

Chiefs of Police Asked Justice Center to Study Impact of Parolees and Probationers on Arrests

Draft 12 10 2012

February 1, 2010

Michael Thompson
Director
Council of State Governments Justice Center
100 Wall Street / 20th Floor
New York, NY 10005

Dear Mr. Thompson:

As chief law enforcement executives in cities in California, we are writing to request intensive technical assistance from the Council of State Governments Justice Center. We seek assistance in analyzing how people recently released from prison contribute to crime and developing a set of strategies that helps local law enforcement executives better respond to the state's plan to downsize the prison population.

Nationally, state spending on corrections has risen faster over the past 20 years than spending on nearly any other state budget item, and yet at the same time, reoffense and reincarceration rates among people released from prison and jail remain unacceptably high. State policymakers, looking to cut costs wherever they can, are taking steps to downsize prison populations. This story is no different in California. As California's budget problems have worsened, crowding in our state prisons has intensified, and the federal courts have ordered the state to reduce the state prison population by 40,000 people.

We, together with our counterparts across the state, recognize that state policymakers must do something to alleviate prison crowding in addition to the new California Department of Correction and Rehabilitation (CDCR) policies. The potential impact of these policies leaves law enforcement officials uncertain about the relevant impact on public safety at the local level.

For these reasons, we would like your assistance collecting and analyzing data that will improve our understanding of how people recently released from prison contribute to crime in our communities. We are interested in answering questions such as these:

- (1). What subsets of the population of people involved with the criminal justice system (e.g., recently released from prison or jail, under parole supervision, etc.) are most likely to re-offend? What risk factors do these people share in common?
- (2). What additional research needs to be conducted to inform law enforcement executives about the relationship between crime and people who have been released from prison or who are under community supervision?

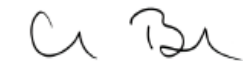
We request your assistance in using the results of these analyses to work collectively to identify strategies that law enforcement can employ to better respond to the influx of people returning from prison, who are under community corrections supervision and who return back without any supervision. We also are interested in designing a plan that will ensure the reinvestment of dividends earned through reduced corrections spending in effective strategies to fight crime locally.

We, together with staff we designate from our police departments, commit our cooperation (including access to appropriate information systems) to carry out the data analysis requested above and the development of plan that acts on the results of these analyses. We look forward to hearing back from you in response to this request and to working with the Justice Center in the near future.


Sincerely,




Chief George Gascon, San Francisco PD



Chief Charlie Beck, Los Angeles PD



Chief Jim Buermann, Redlands PD

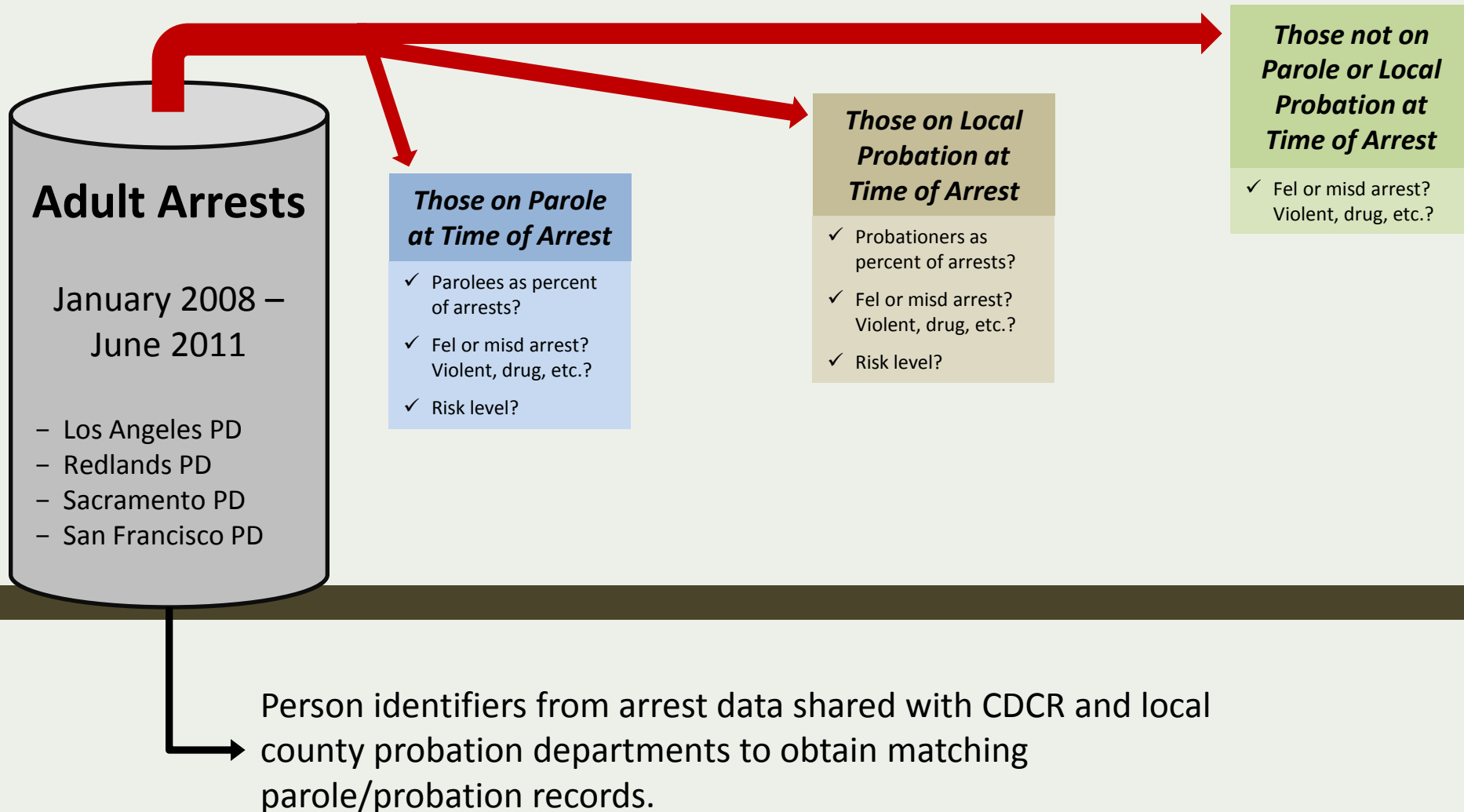


Chief Rick Brazil, Sacramento PD

Aim of Research:

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Identify Arrests of People on Parole or Probation

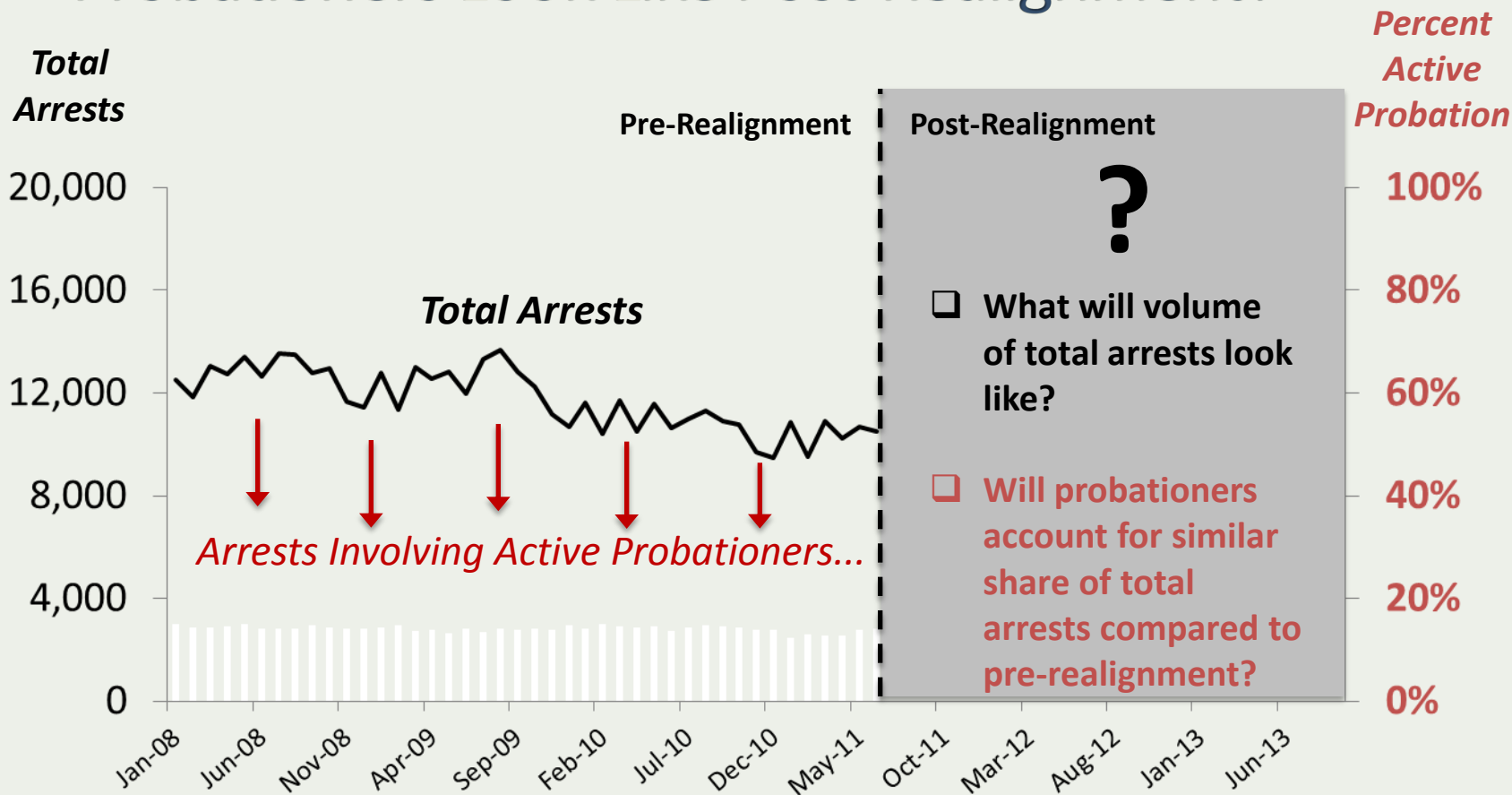


Summary of Key Findings

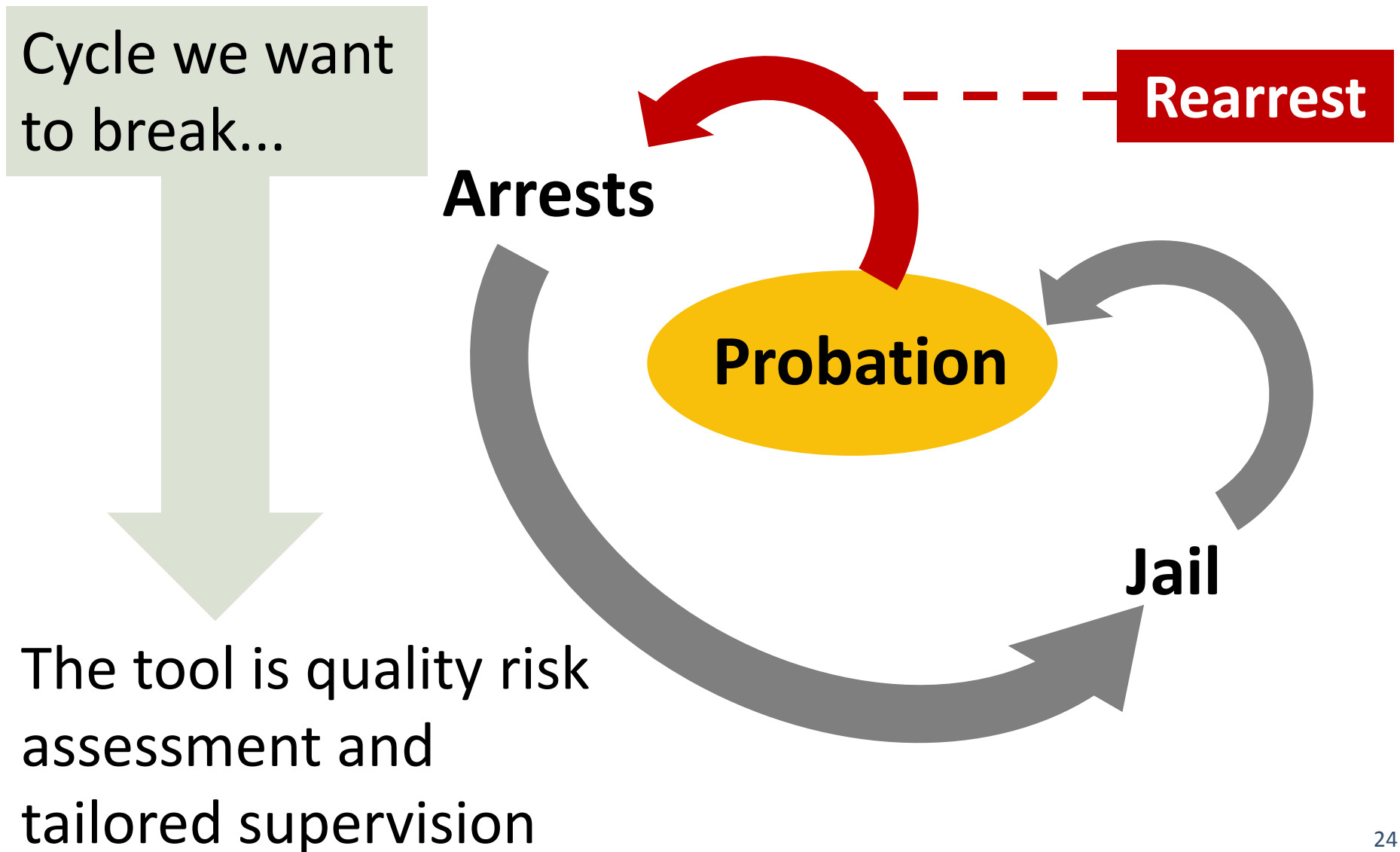
1. Arrests involved a smaller share of people on parole or probation supervision than expected.
2. Arrests involving those on supervision are driven mostly by drug related offenses, with half as many driven by violent offenses.
3. Risk levels of parolees fit with rates of arrest while on parole. The same can be said for probation in some jurisdictions, but not in others.

What Will the Share of Arrests Attributable to Probationers Look Like Post-Realignment?

Draft 12 10 2012



Effective Probation Supervision Is Essential to Success



Measuring Realignment's Big Picture Questions

1.

Policy & Practice:

Are you doing what is needed to change behavior and reduce recidivism?

Are you doing what works?

2.

Outcomes:

Are you reducing the degree to which offenders are rearrested?

Are you seeing it work?



What Works to Reduce Recidivism?

Policy & Practice

1. Focus on the offenders most likely to commit crime

Require validated risk assessment instruments & share data statewide

Require supervision resources to be focused on high risk offenders

2. Invest in programs that work, & ensure they are working well

Fund the most cost-effective programs & limit programming to higher risk offenders

Require assessment of program quality & demonstrated improvement.

3. Strengthen supervision and deploy swift & certain sanctions

Establish minimum standards for effective supervision practices

Collect data on probation effectiveness by risk & incentivize performance

Recommendations Moving Forward

1. Employ use of validated risk assessment tools across probation agencies.
2. Target enhanced supervision and treatment resources for those with higher probability for rearrest.
3. Law enforcement and supervision agencies should collaborate to share data and develop strategies for coordinated supervision.
4. Continue the collection of arrest and supervision data for purposes of tracking share of arrests accounted for by those on supervision.

The scale and scope of California's policy changes are unlike any other state.

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**CA Prison
Population
Has
Declined
by
~30,000**

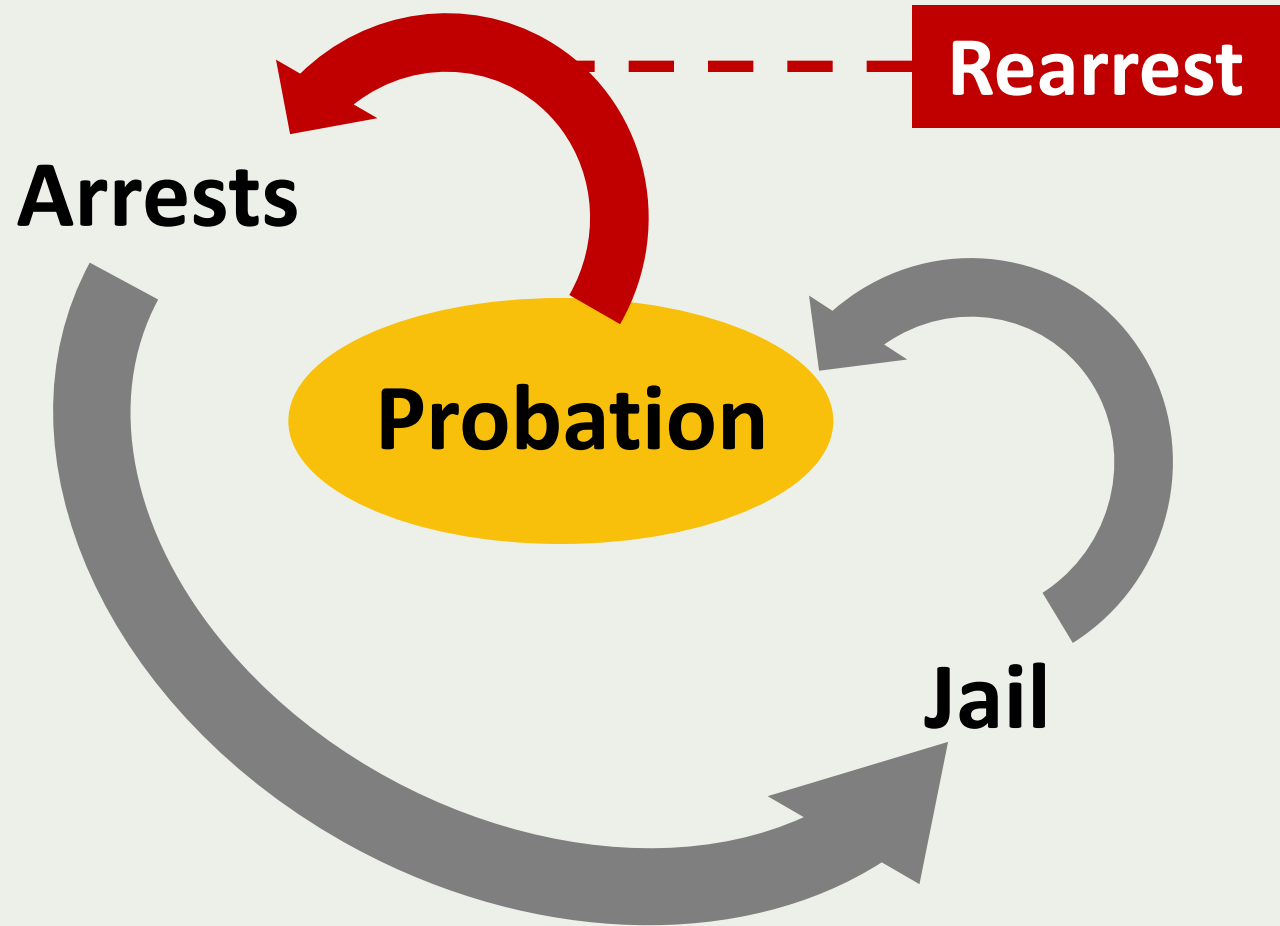
**Due to shifts in responsibility
from State to Local
jurisdictions**

**Parole
Population
Will Continue
to Drop**

**Probation
Populations
Will Increase**

**Will there be a
corresponding
increase in
crime, as
measured by
arrest activity?**

Effective Probation Supervision Is Essential to Success



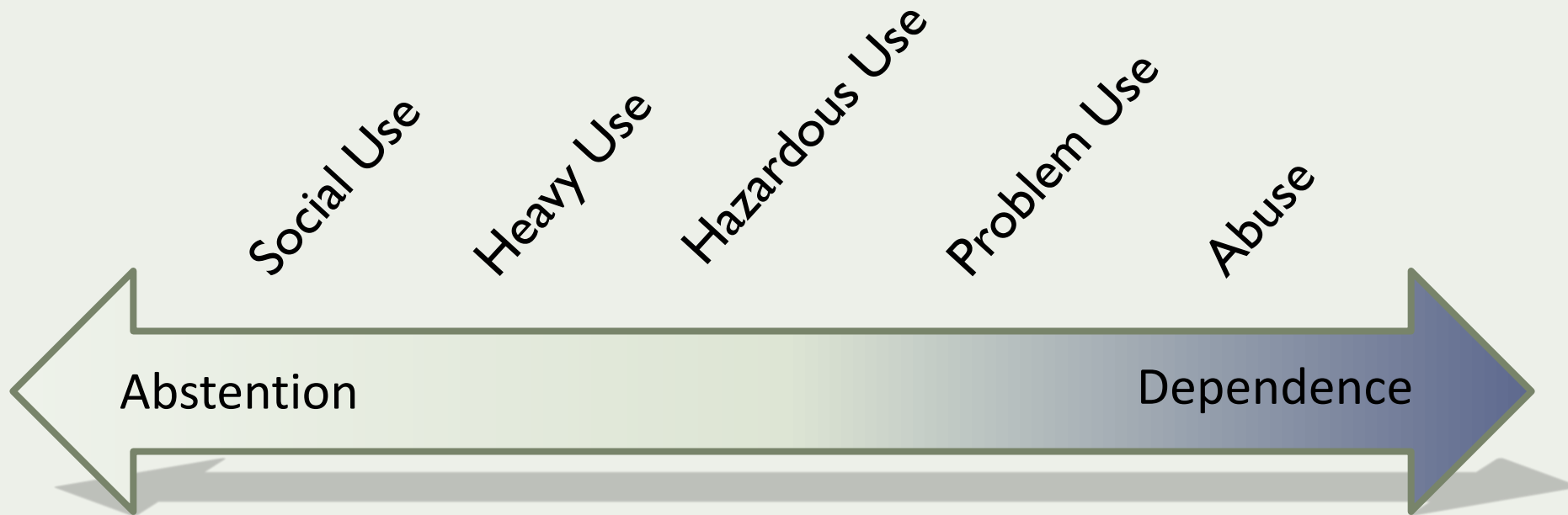
1.
Are you doing
what works?

2.
Are you seeing
it work?

Presentation Overview

- The Challenge: Making the Most of Limited Resources
- Insights from Arrest Analysis
- **Maximizing Impact by Addressing Behavioral Health Needs**
- Opportunities for San Francisco

Not all Substance Use Disorders are Alike



The Substance Abuse Continuum

ADULTS WITH BEHAVIORAL HEALTH NEEDS UNDER CORRECTIONAL SUPERVISION:

Draft 12 10 2012

A Shared Framework for Reducing Recidivism and Promoting Recovery

Federal Support:



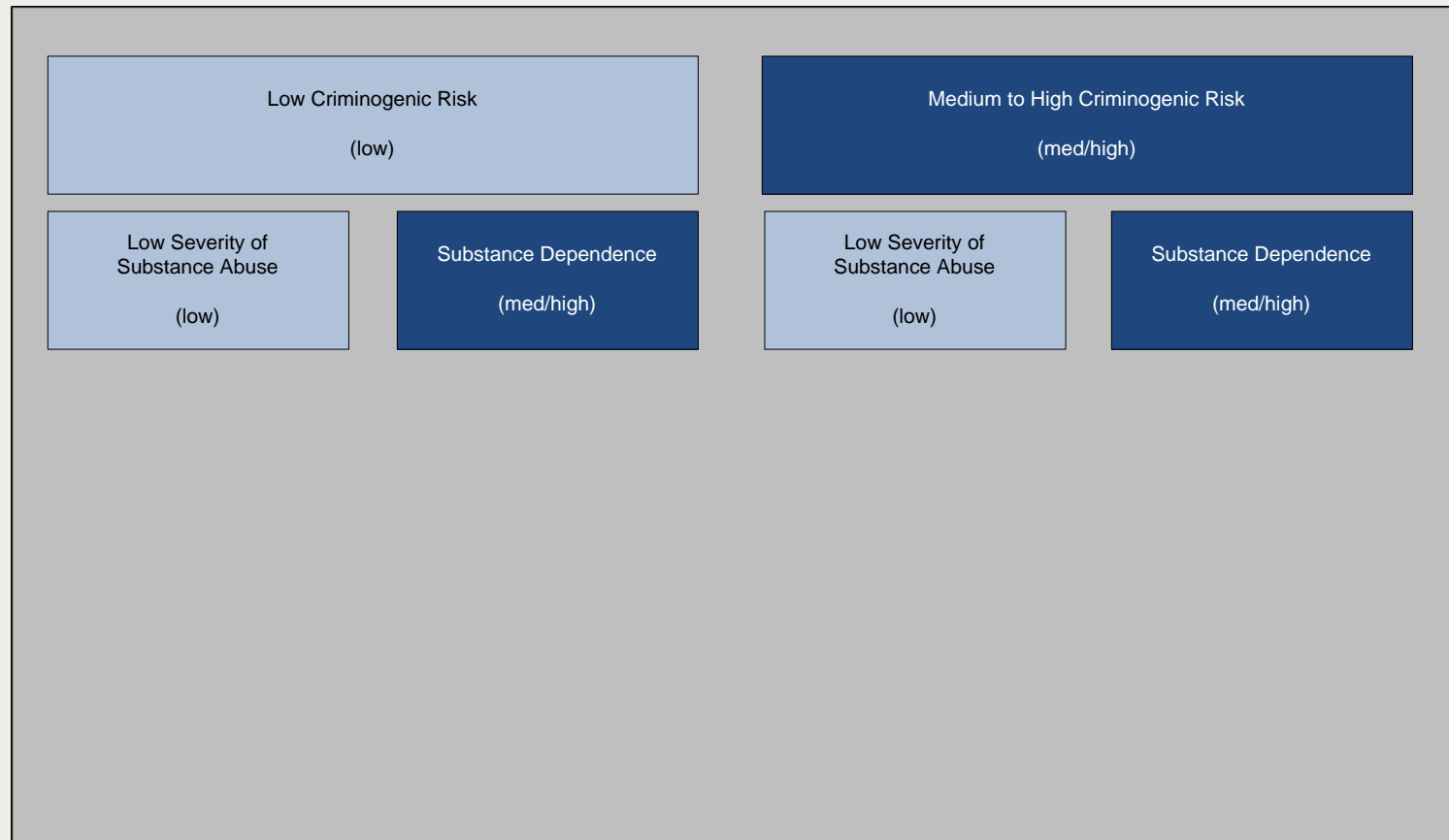
Framework to Address SA and MH Needs of Individuals under CJ Supervision

Draft 12 10 2012

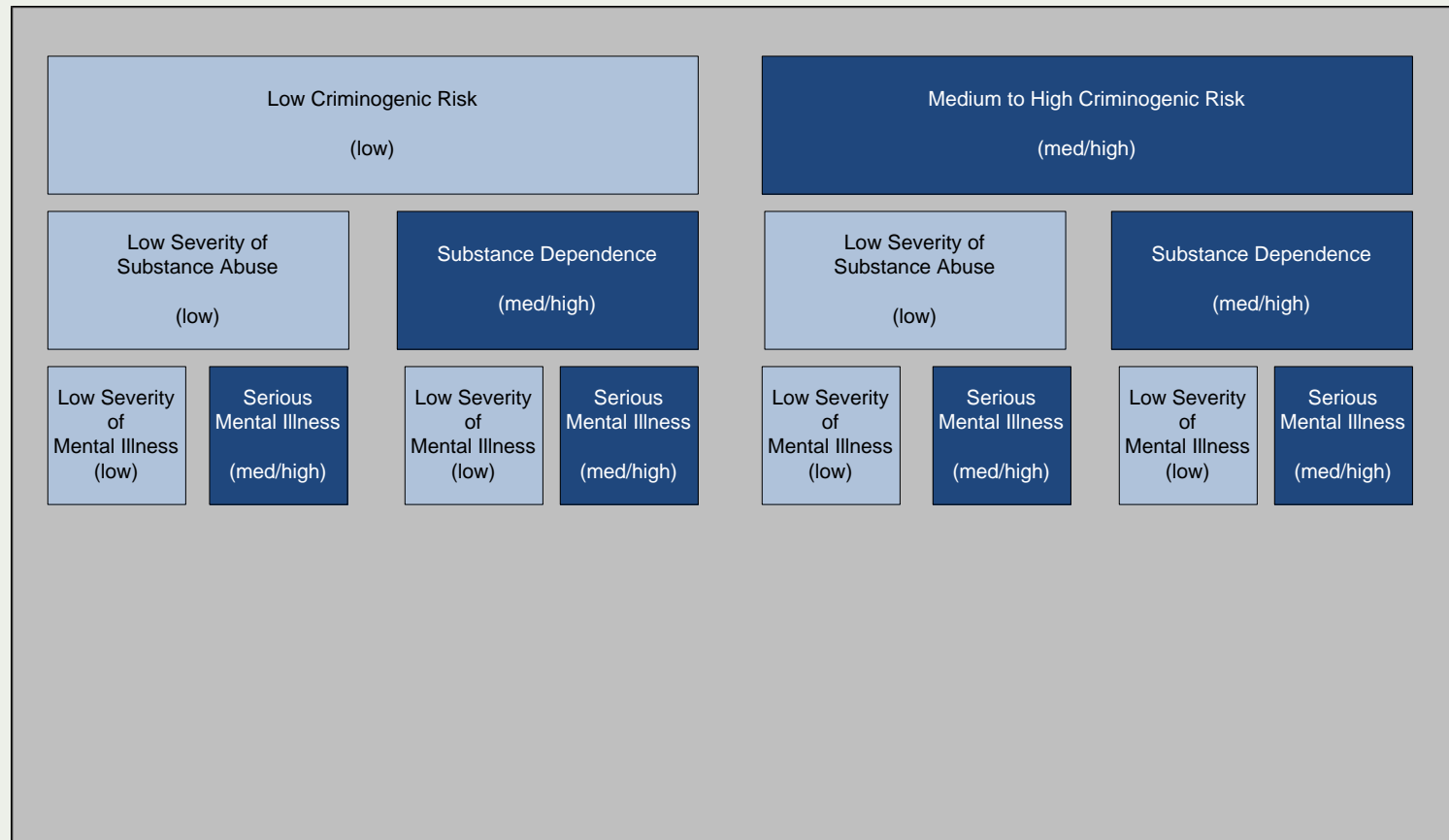


Framework to Address SA and MH Needs of Individuals under CJ Supervision

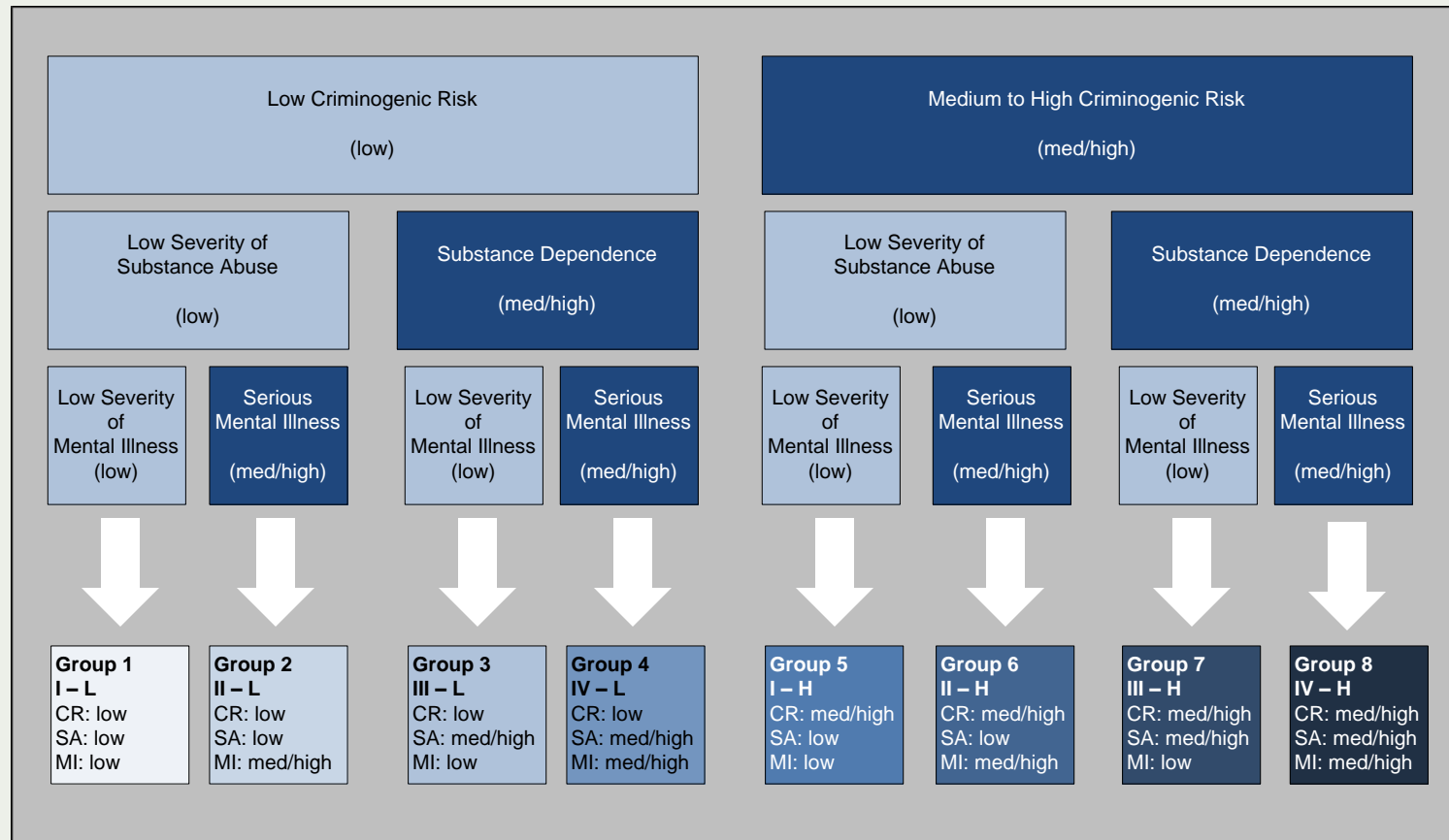
Draft 12 10 2012



Framework to Address SA and MH Needs of Individuals under CJ Supervision



Framework to Address SA and MH Needs of Individuals under CJ Supervision



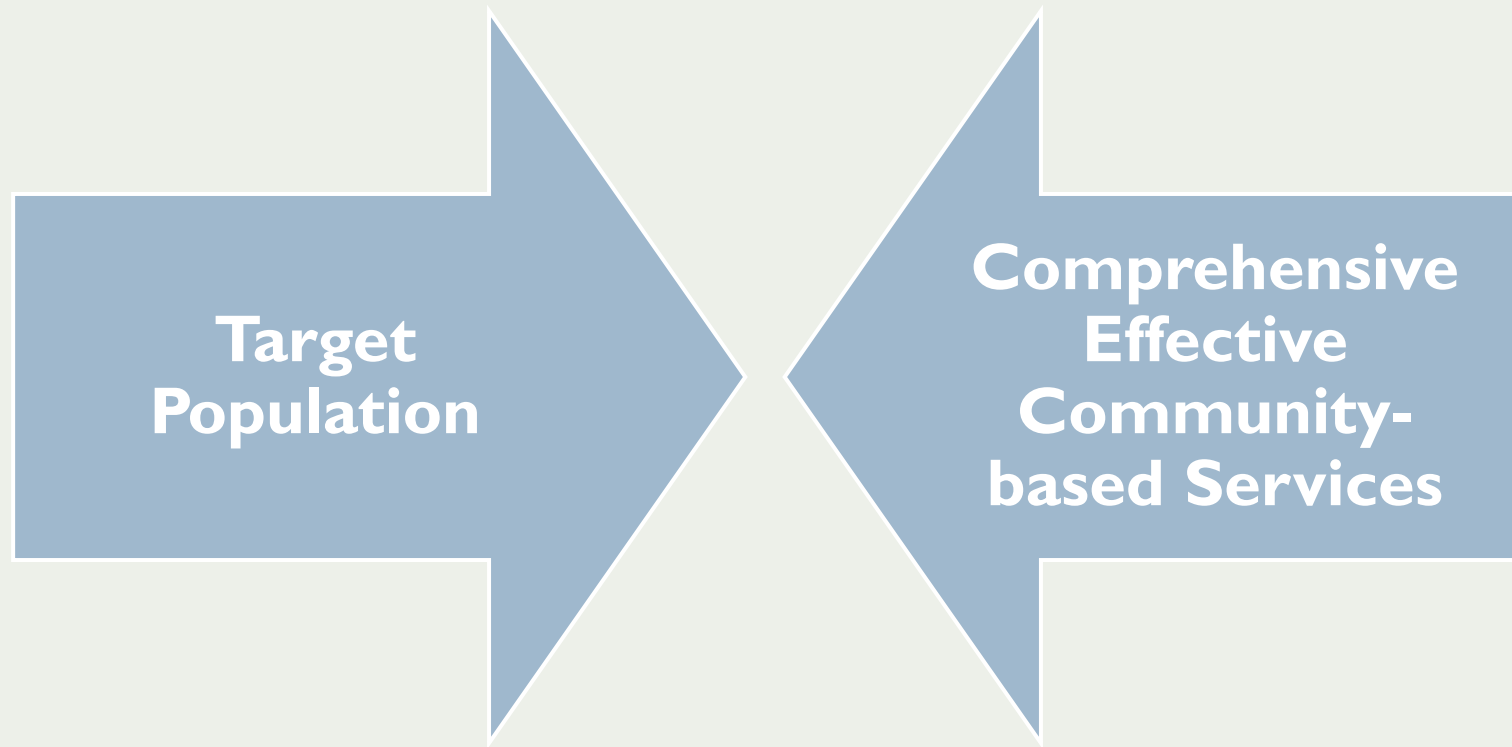
High Criminogenic Risk with High Behavioral Health Treatment Needs

Draft 12 10 2012

Group 6	Group 7	Group 8
CR: MED/HIGH	CR: MED/HIGH	CR: MED/HIGH
SA: LOW	SA: MED/HIGH	SA: MED/HIGH
MI: MED/HIGH	MI: LOW	MI: MED/HIGH

- Priority population for corrections staff time and treatment
- Intensive supervision and monitoring; use of specialized caseloads when available
- Access to effective treatments and supports
- Enrollment in interventions targeting criminogenic need including cognitive behavioral therapies

Two Critical Components



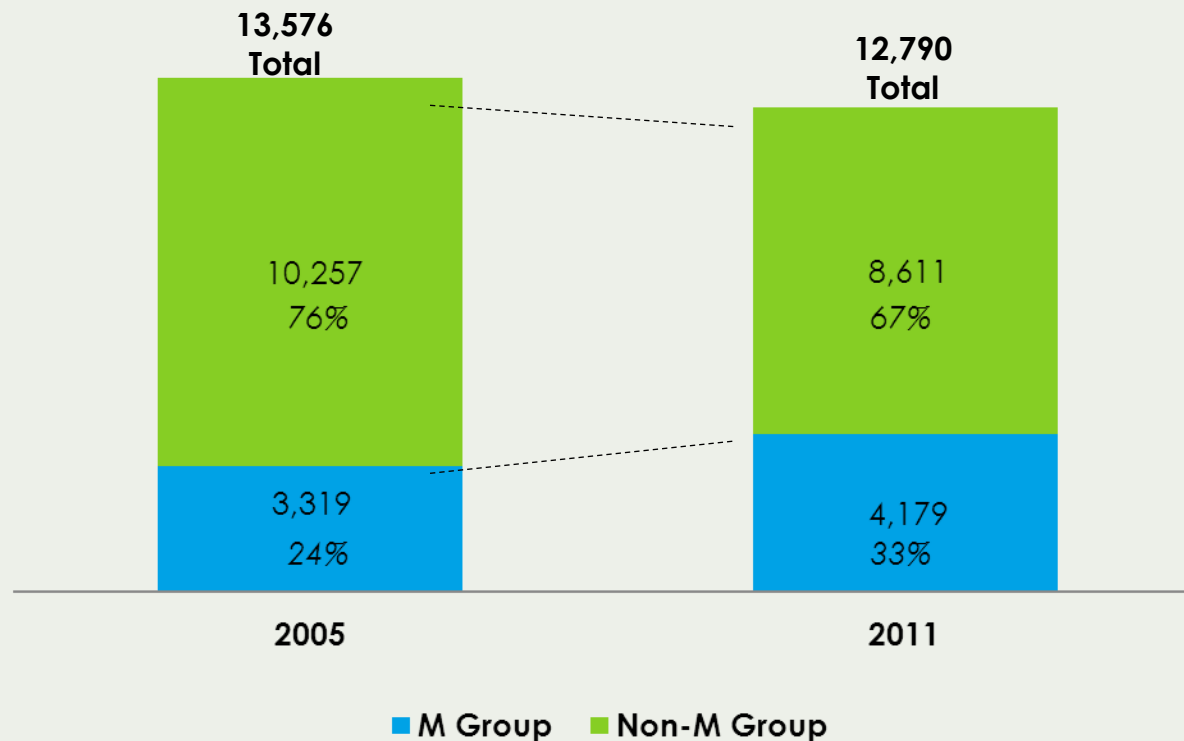
Case Study: New York City

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Average Daily Jail Population (ADP) and ADP with Mental Health Diagnosis (2005-2011)

With total average population declining (-6%) and the sub-population with mental health diagnoses increasing (+26%), a **greater proportion** of the average daily jail population has a mental health diagnosis.

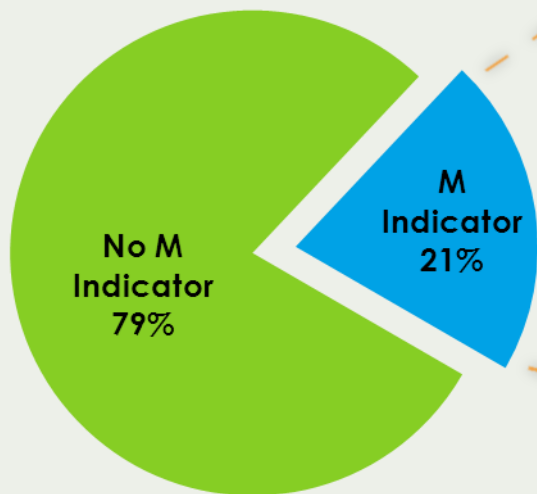
Average Daily Jail Population (ADP)



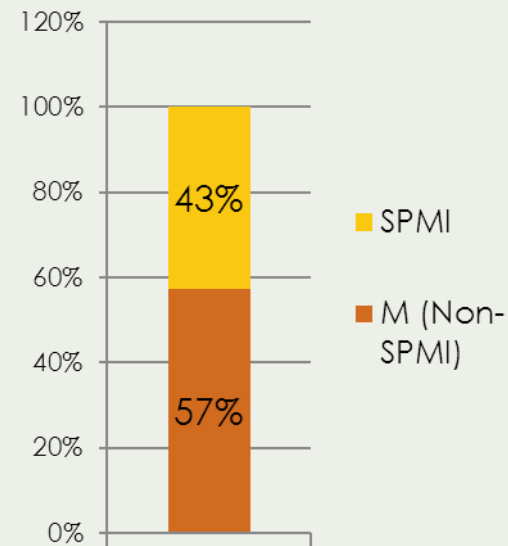
Who are “individuals with mental illnesses” in NYC DOC?

Diverse mental health needs within the 21% of admissions with the M Indicator

Admissions (LOS > 3 days)



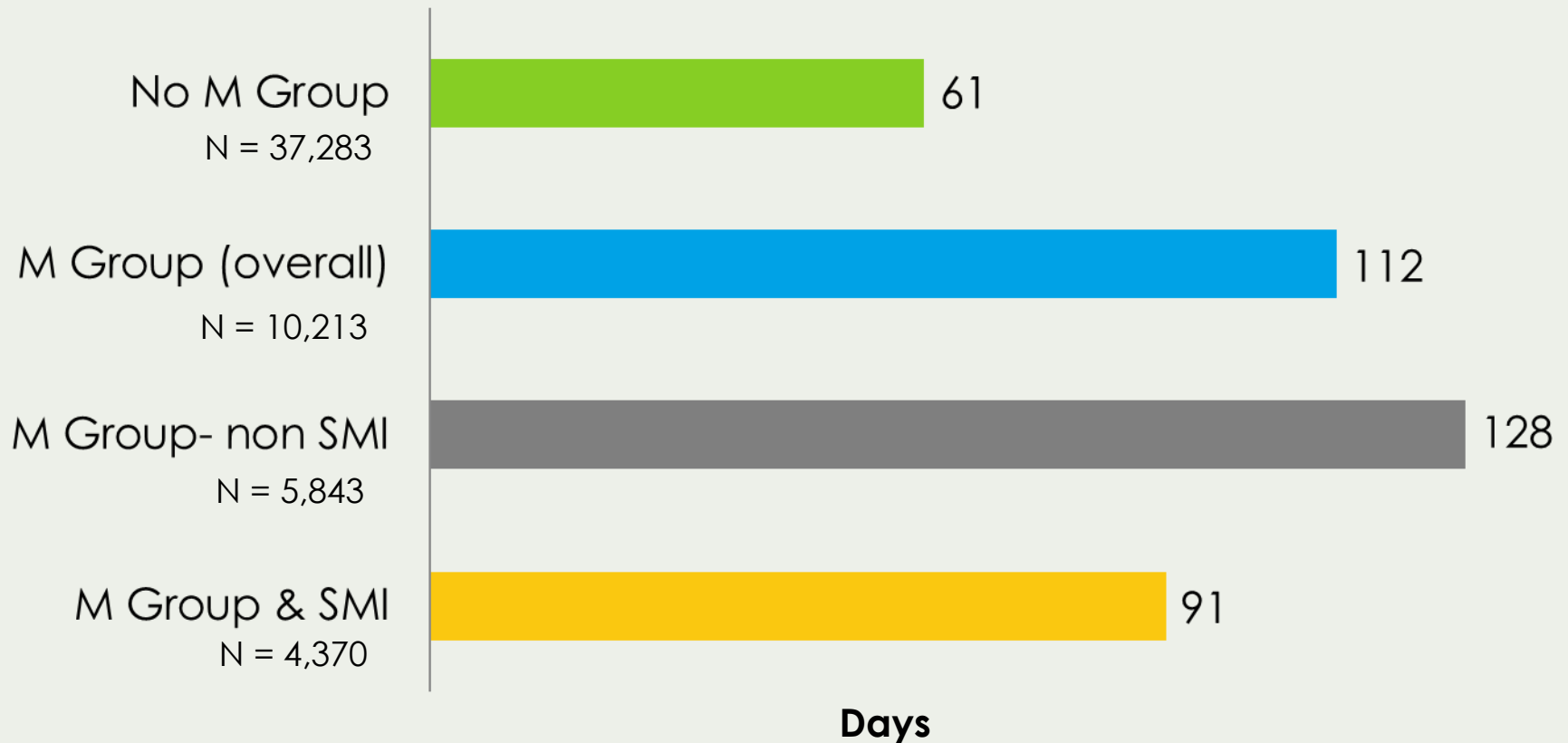
Admissions with M Indicator (LOS > 3 days)



*M indicator at discharge. 34% ADP.

**SPMI based on New York Office of Mental Health definition of serious and persistent mental illness. Individuals with an SPMI have functional impairments due to their mental illness that can be expected to continue over an extended period of time. Individuals with an SPMI have a high level of need for treatment and supports. An SPMI diagnosis is required for entry into many adult public mental health treatment programs.

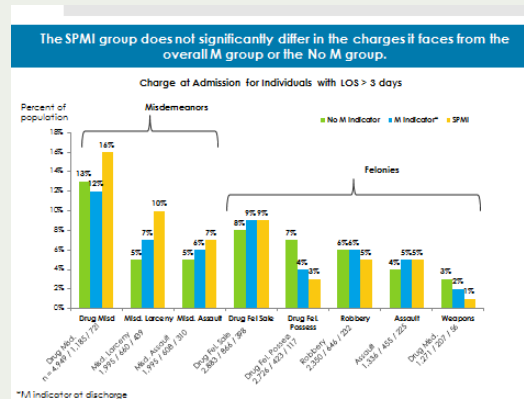
Average Length of Stay by Mental Health Status



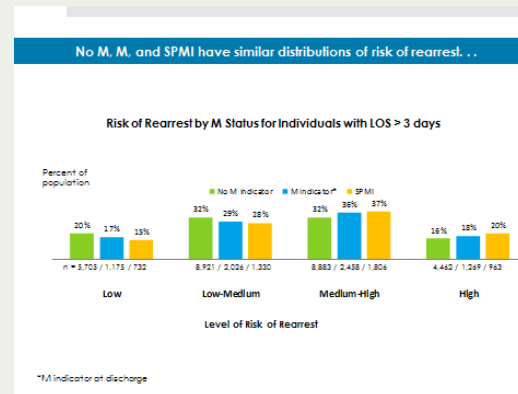
Source: The City of New York Department of Correction & New York City Department of Health and Mental Hygiene
2008 Department of Correction Admission Cohort with Length of Stay > 3 Days (First 2008 Admission)

How does the population with mental illness differ from the general population?

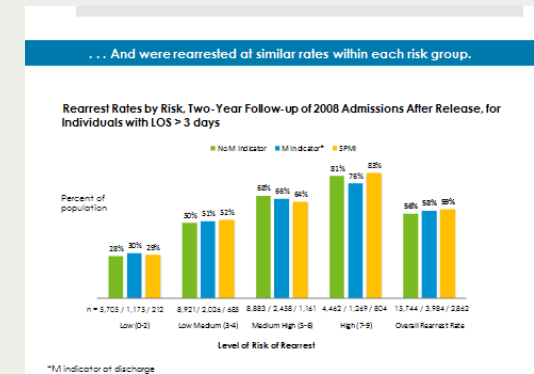
No significant differences in charges



Similar risk of recidivism



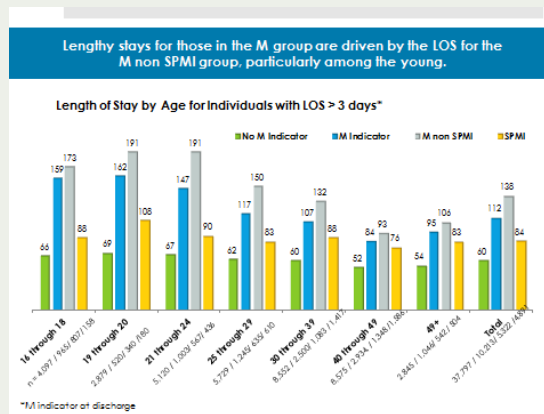
Similar re-arrest rates over 2 years following release. . .



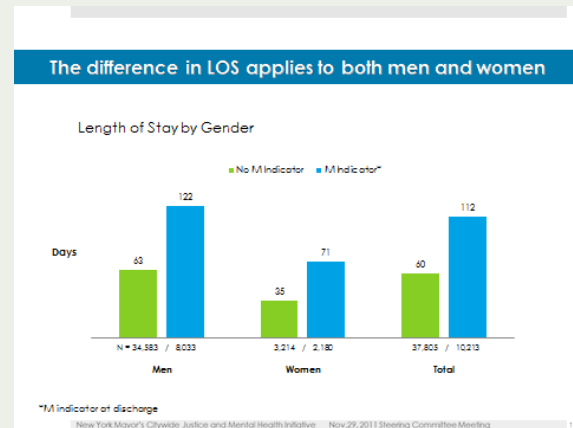
How does the population with mental illness differ from the general population?

... Increased lengths of stay persist across different dimensions:

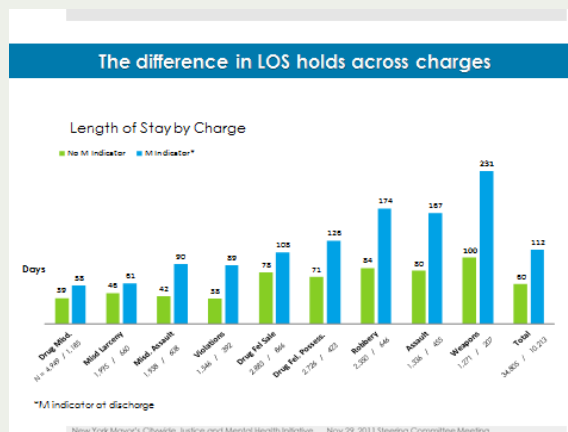
Age



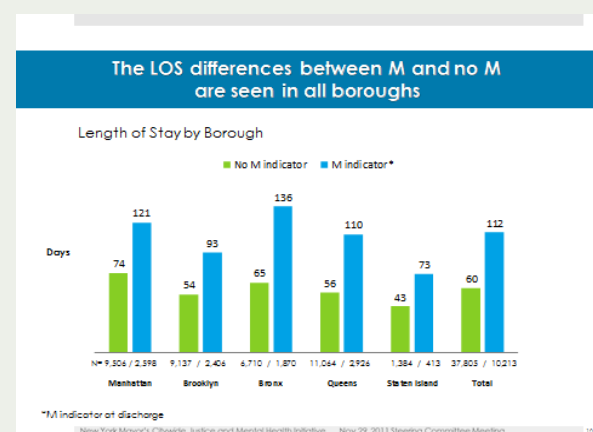
Gender



Charge



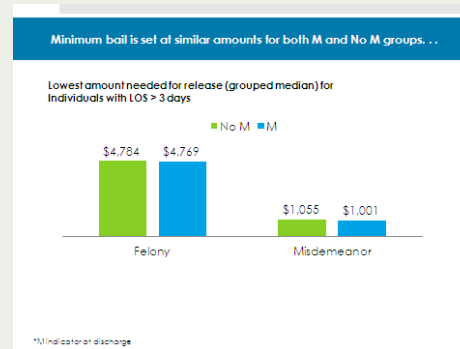
Borough



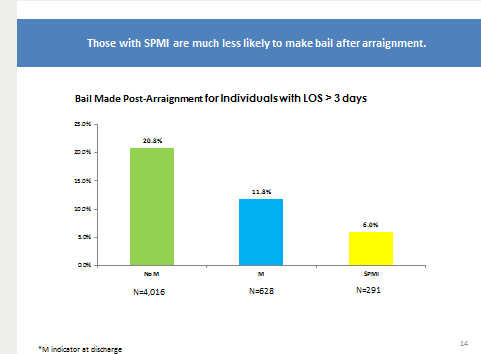
What's driving significant pretrial differences?

Draft 12 10 2012

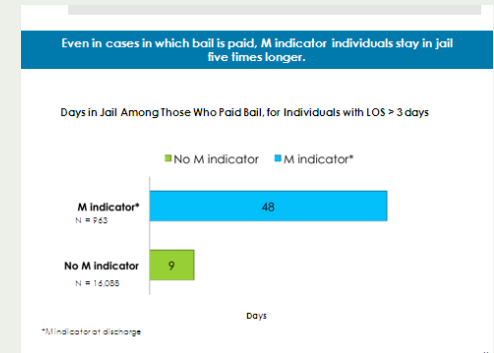
Ms and No Ms have similar bail amounts set



BUT Ms are less likely to make bail, particularly those with SPMI



AND when they do, it's taking 5 times longer



Conclusions from Focus Group Findings and Stakeholder Feedback

Draft 12 10 2012

At each stage of the criminal justice system, things “slow down” for individuals with mental illnesses for the following reasons:

- The needs/risks of this population are often unknown and sometimes assumed.
- Decision-makers have insufficient information about the needs/risks and insufficient community-based options for safe release.
- Time is spent identifying and brokering deals for community-based treatment and supervision.
- These individuals challenge traditional management approaches.
- Community treatment and supports are frequently lacking.

Presentation Overview

- The Challenge: Making the Most of Limited Resources
- Insights from Arrest Analysis
- Maximizing Impact by Addressing Behavioral Health Needs
- **Opportunities for San Francisco**

Opportunities for San Francisco (Placeholder)

Next Steps

Thank you!

For additional information, please contact:

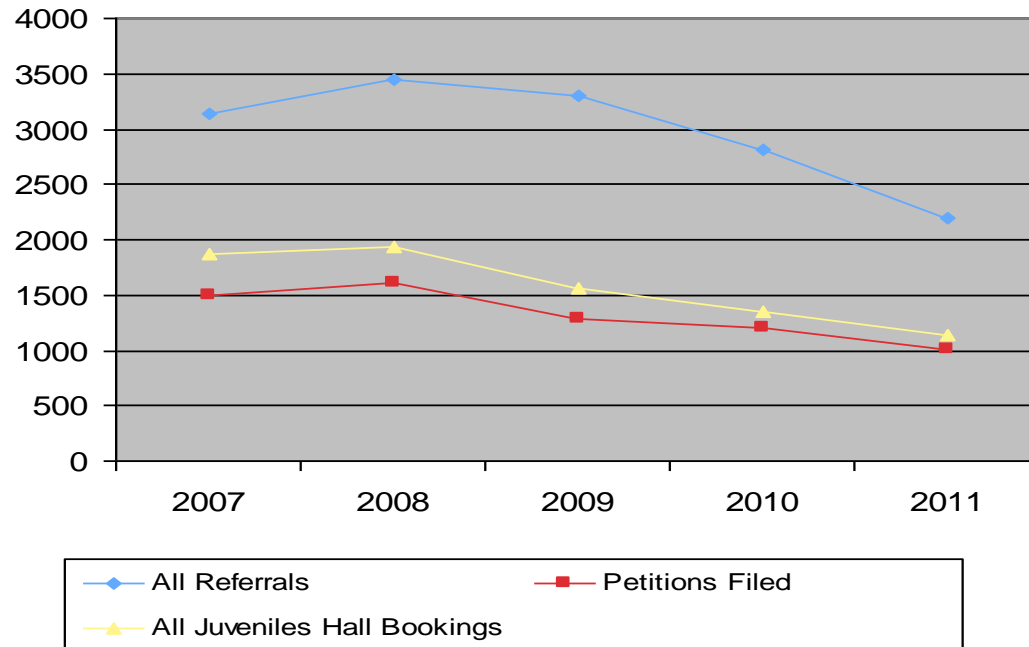
Hallie Fader-Towe
Program Director, Courts
hfader@csg.org



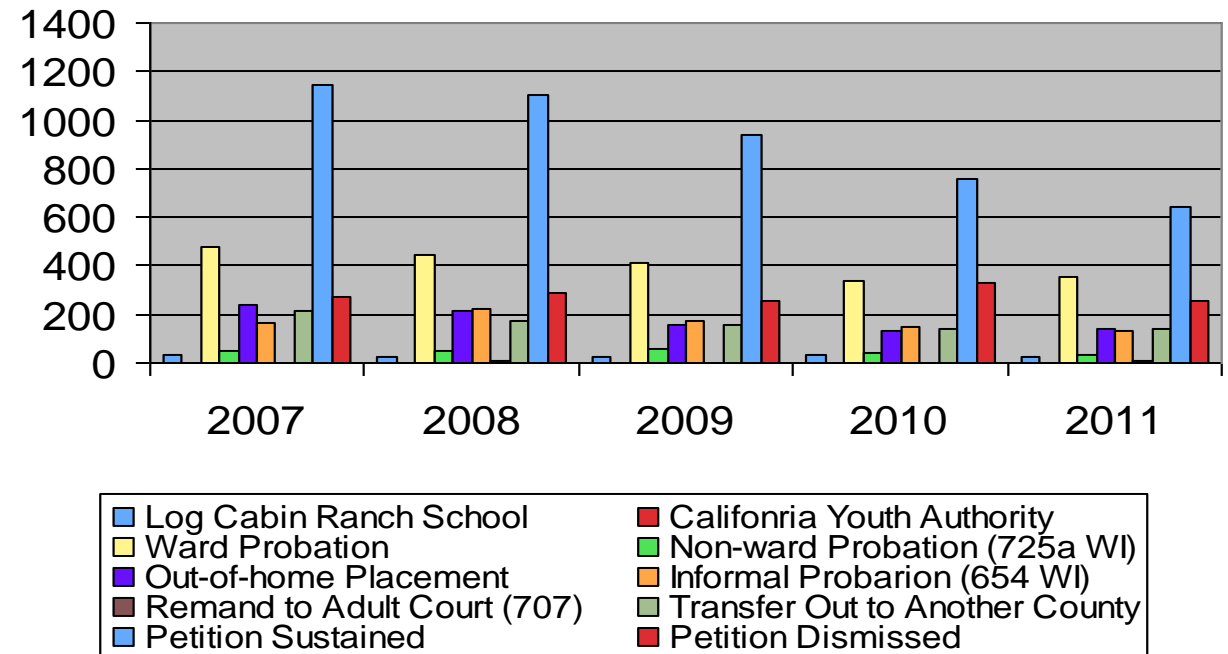
www.justicecenter.csg.org

This presentation was prepared by the Council of State Governments Justice Center. Presentations are not externally reviewed for form or content. The statements reflect the views of the authors and should not be considered the official position of the CSG Justice Center or the members of the Council of State Governments.

Juveniles Probation Department Statistical Summary 2007-2011



Juvenile Outcomes Summary 2007-2011



**THE SAN FRANCISCO SENTENCING COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

(San Francisco Administrative Code 5.250 thru 5.250-3)

Agenda Item 7.

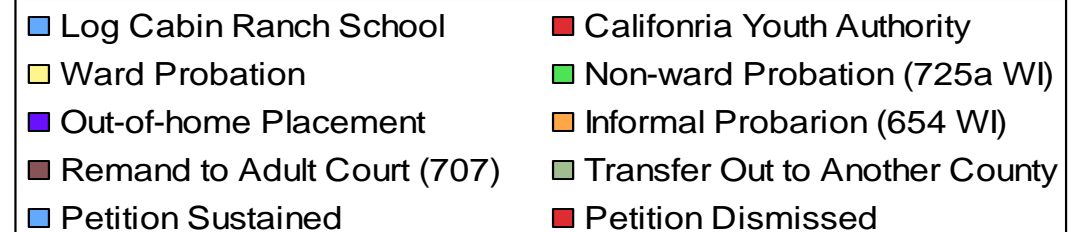
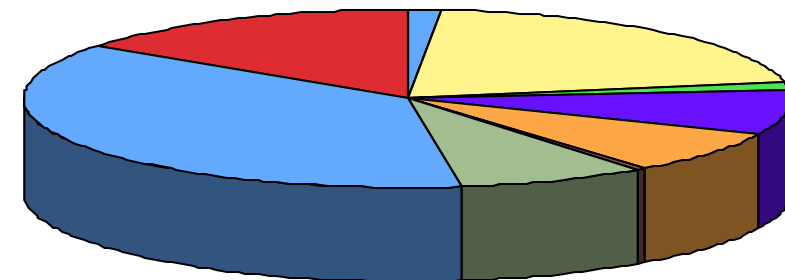
Source: San Francisco Juvenile Probation Department
Juvenile Hall Bookings Statistical Summary

Jose Luis Perla, IT Director Information Technology Unit **All Referrals Includes Court Orders, Violation of Probation, Home Detention Failures, Warrants, Transfers from other Counties, Citations, Certifications from Adult Court, Placement Failures, Log Cabin Medical plus all criminal offenses.*

The total number of outcome (court dispositions) will not agree with the number of petitions and referrals since some petitions filed in 2011 will be decided in 2012 and multiple petitions are combined with one final outcome only.

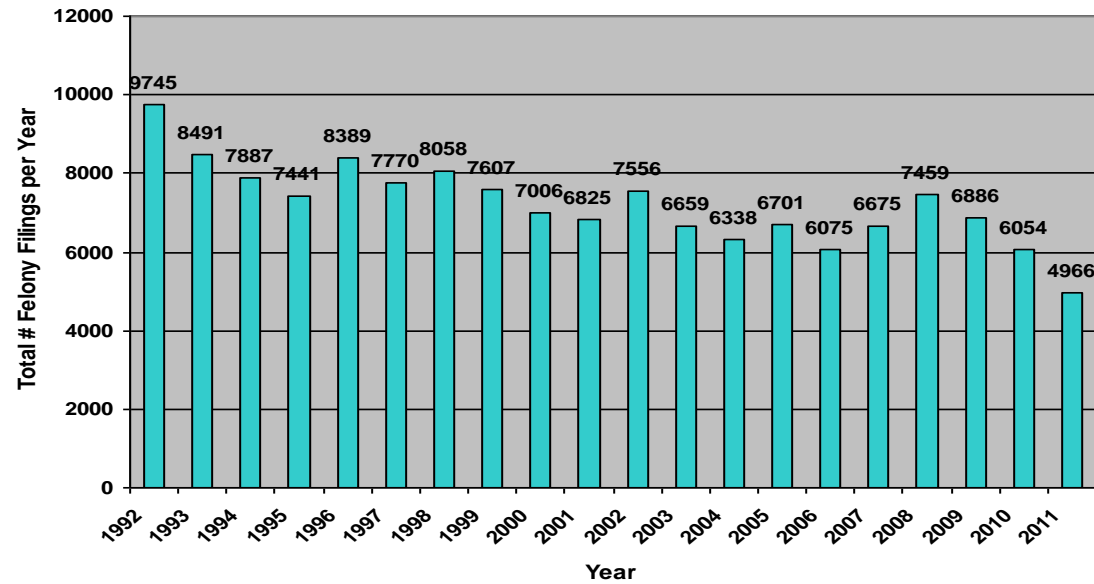
Not all referrals resulted in a petition filed.

2011

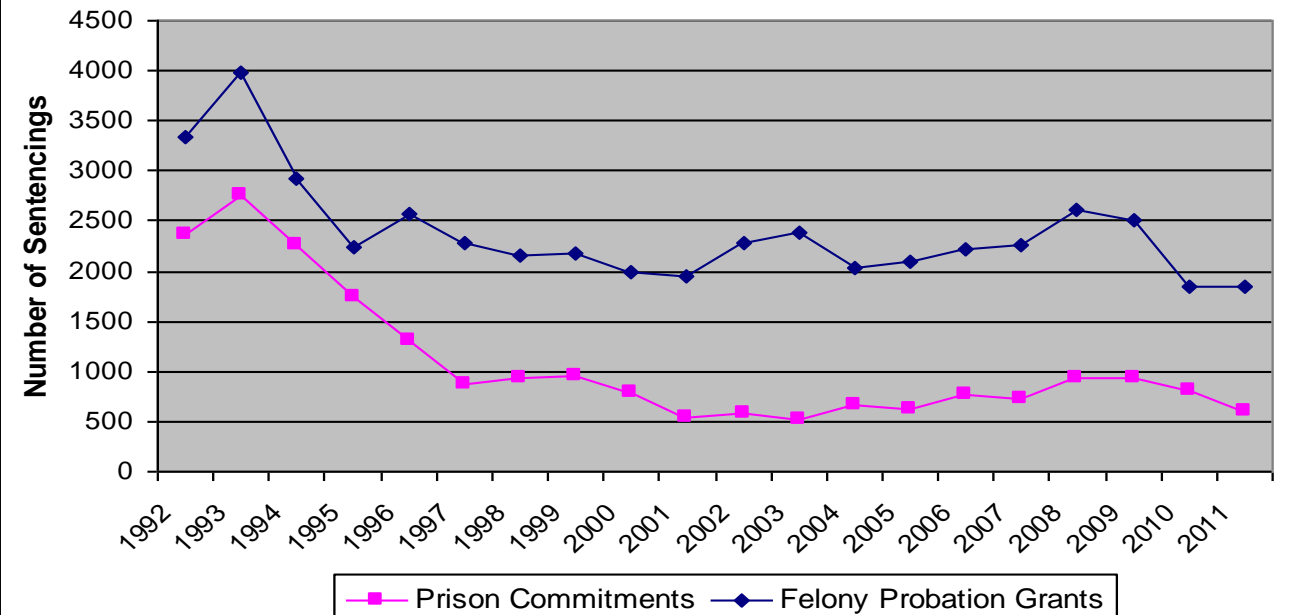


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MIR 4541- Felony Filings 1992-2011



MIR 4538/4539 - Felony Sentencings, 1992-2011



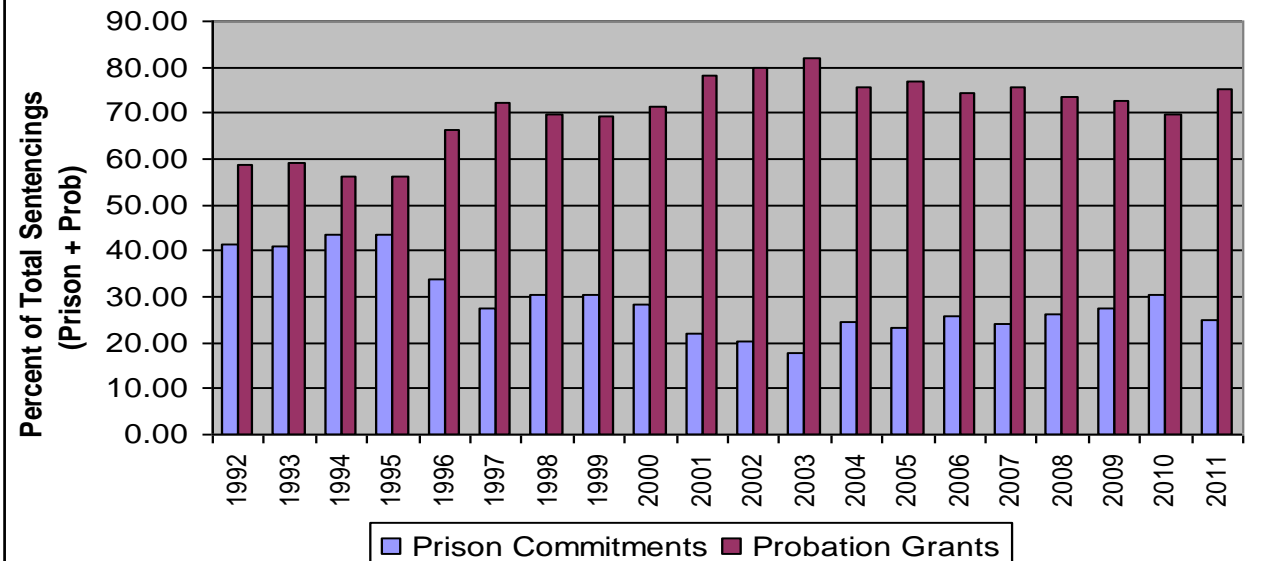
**THE SAN FRANCISCO SENTENCING COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

(San Francisco Administrative Code 5.250 thru 5.250-3)

Agenda Item 7. Felony Outcomes Summary 1992-2011

Source: Superior Court of California, County of San Francisco
Business, Planning & Research, Principal Management Analyst
Michael A. Corriere

**MIR 4538/4539 - Felony Sentencing, 1992-2011
Prison and Probation, as % of Total Sentencings**



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Promoting data-driven sentencing reform in California

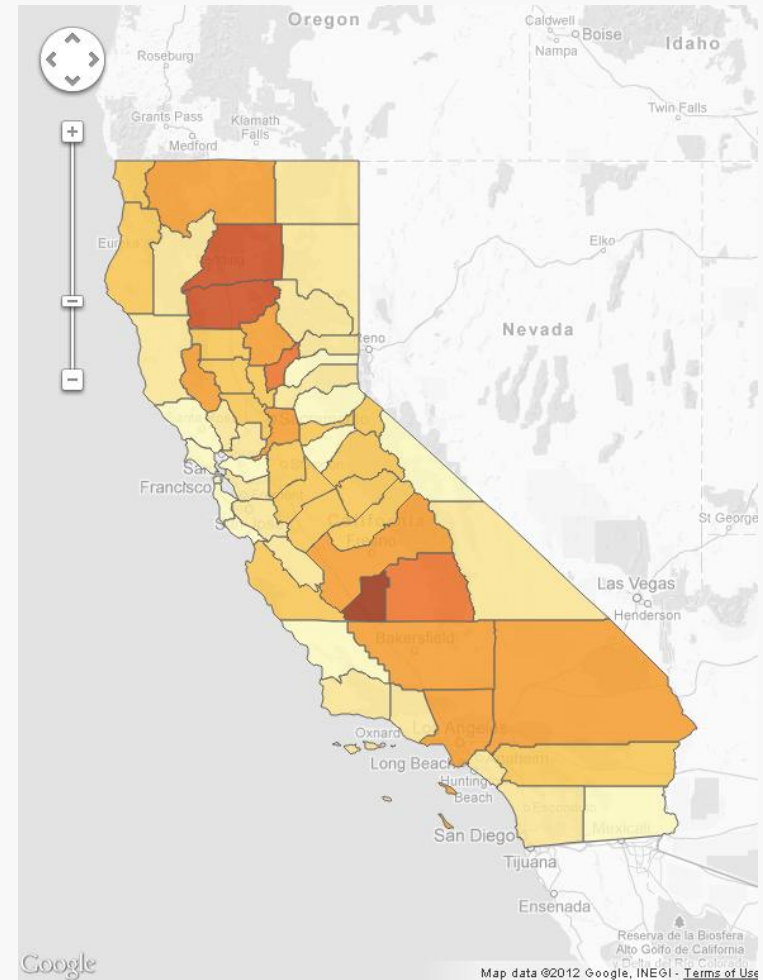
California Sentencing Institute (CASI)

Kate McCracken, Program Director
Selena Teji, Communications Specialist
Center on Juvenile and Criminal Justice (CJCJ)

December 12, 2012

California Sentencing Institute (CASI)

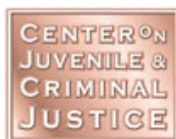
Visit CJCJ's California
Sentencing Institute:
<http://casi.cjcj.org/>



Sources

About

Since 1985, [CJCJ](#) has conducted premier research and policy analysis promoting more effective approaches to criminal and juvenile justice policies, which further long-term public safety. CJCJ has published numerous reports on topics ranging from juvenile justice reform to analyses of drug policy enforcement.



In 2009, CJCJ developed the [California Sentencing Institute](#) as the foundation for data and research driven commentary on the broader public policy dialogue. The interactive map presents detailed crime and incarceration numbers, rates, and trends for California and each of its 58 counties. This resource is designed to provide comprehensive analysis of sentencing policies and practices across the state.

[Download data](#)

[More about this project »](#)

Sources

Offender Information Services Branch, California Department of Corrections and Rehabilitation. Characteristics of Inmate Population (December 31). Sacramento, CA: CDCR.

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United States Census Bureau. American Community Survey 5-year estimates, 2006–2010. Washington, DC: Department of Commerce.

Department of Finance, Demographic Research Unit. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change—January 1, 2009 and 2010. Sacramento, CA: State of California.

California Division of Juvenile Justice. Characteristics of the Division of Juvenile Justice Population, December. Sacramento, CA: DJJ.

California Division of Juvenile Justice. First Commitment Characteristics. Calendar Year. Sacramento, CA: DJJ.

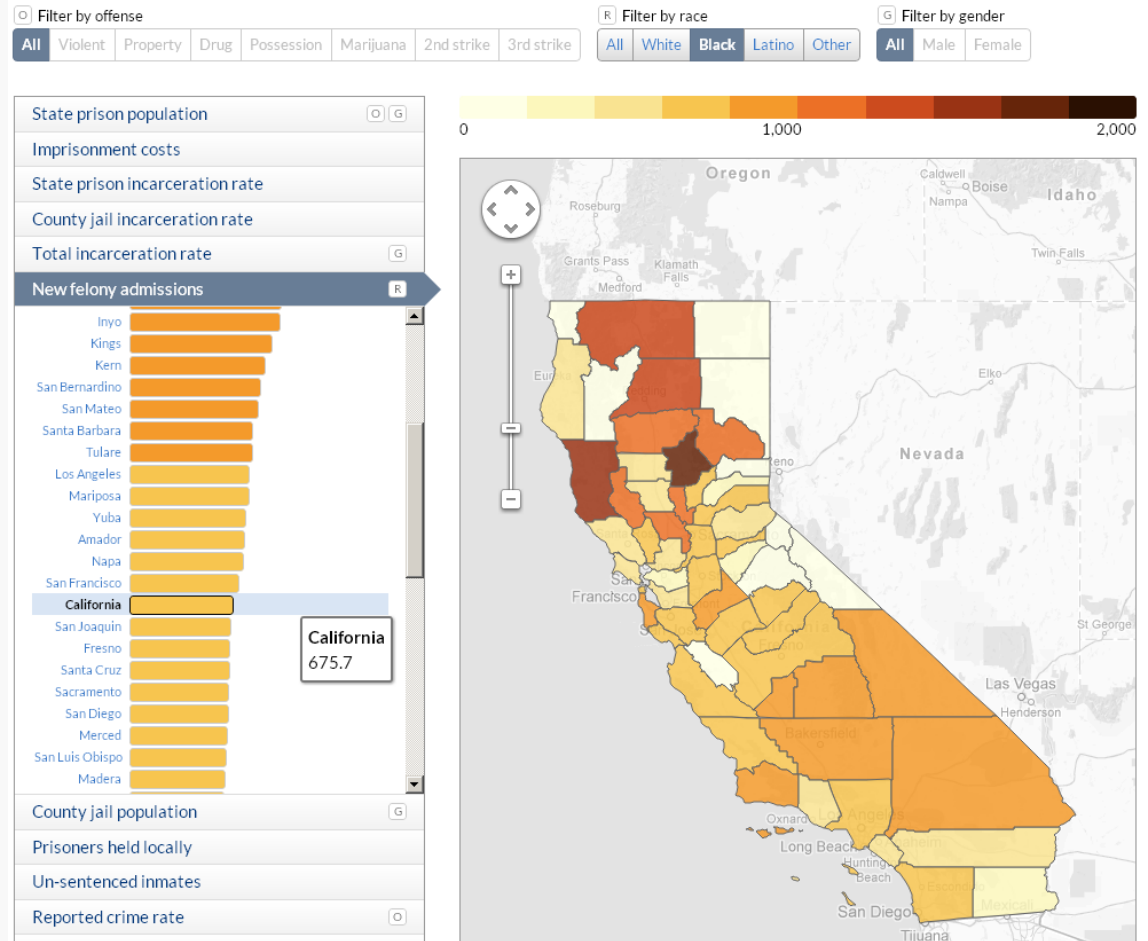
California Center for Health Statistics. Death Public Use File. Calendar Year. Sacramento, CA: CHS.

California Department of Social Services. Child Welfare Services Reports for California. Berkeley, CA: University of California, Berkeley Center for Social Services Research.

Please note: Each year, every county submits their data to the official statewide databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy and to correct information upon revision, CJCJ cannot be responsible for data reporting errors made at the county, state, or national level.

How does it work?

New felony admissions to state prison for the calendar year are shown per 1,000 adult felony arrests and filtered by race



How does it work?

County individual profiles provide trends over time compared to the state average

All counties » San Francisco County

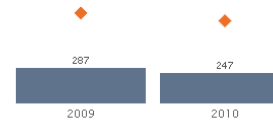
Like 0 Tweet 0 Share

Adults Juveniles

County State average
Place your cursor over charts to see more data.

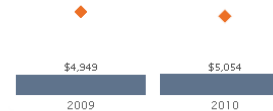
State prison population

Populations held in state prison as of Dec. 31 are shown per 100,000 adults age 18-69. This rate demonstrates the prevalence of state incarceration practices within the county.



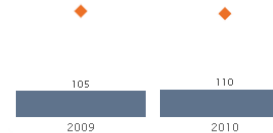
Imprisonment costs

State incarceration costs (based on the Legislative Analyst's estimated annual cost to incarcerate one prisoner) are displayed as dollar amounts per adult felony arrest for each county. This comparison shows the relative costs each county imposes on state taxpayers due to their use of state prison.



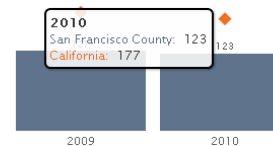
State prison incarceration rate

Populations held in state prison as of Dec. 31 are shown per 1,000 adult felony arrests, compared to the state average. Counties' varying reliance on state prison to house their criminal justice population demonstrates their sentencing practices.



County jail incarceration rate

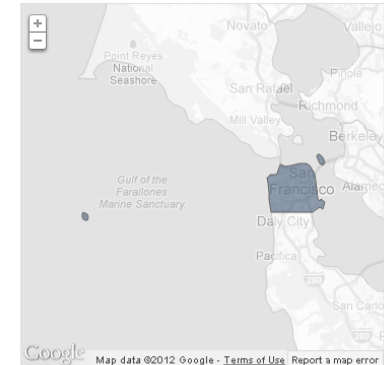
Jail populations as of Dec. 31 are shown per 1,000 adult felony arrests. Counties' varying reliance on local jails to house their criminal justice population shows sentencing and detention practices.



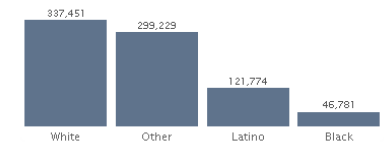
Total incarceration rate

Total adult incarcerated population (state prison)

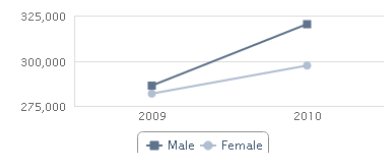
Location



Race



Gender

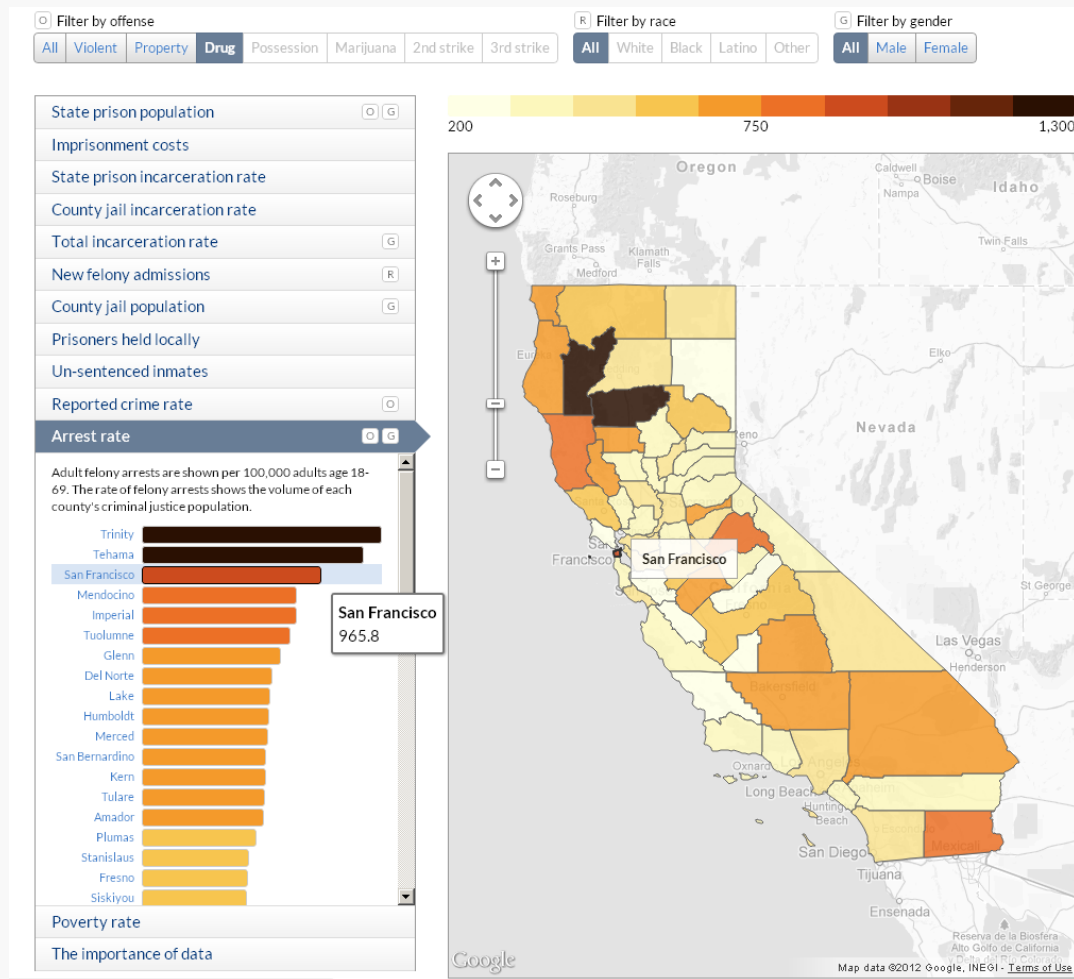


Adult and juvenile justice maps display relevant metrics, including socio-economic information.



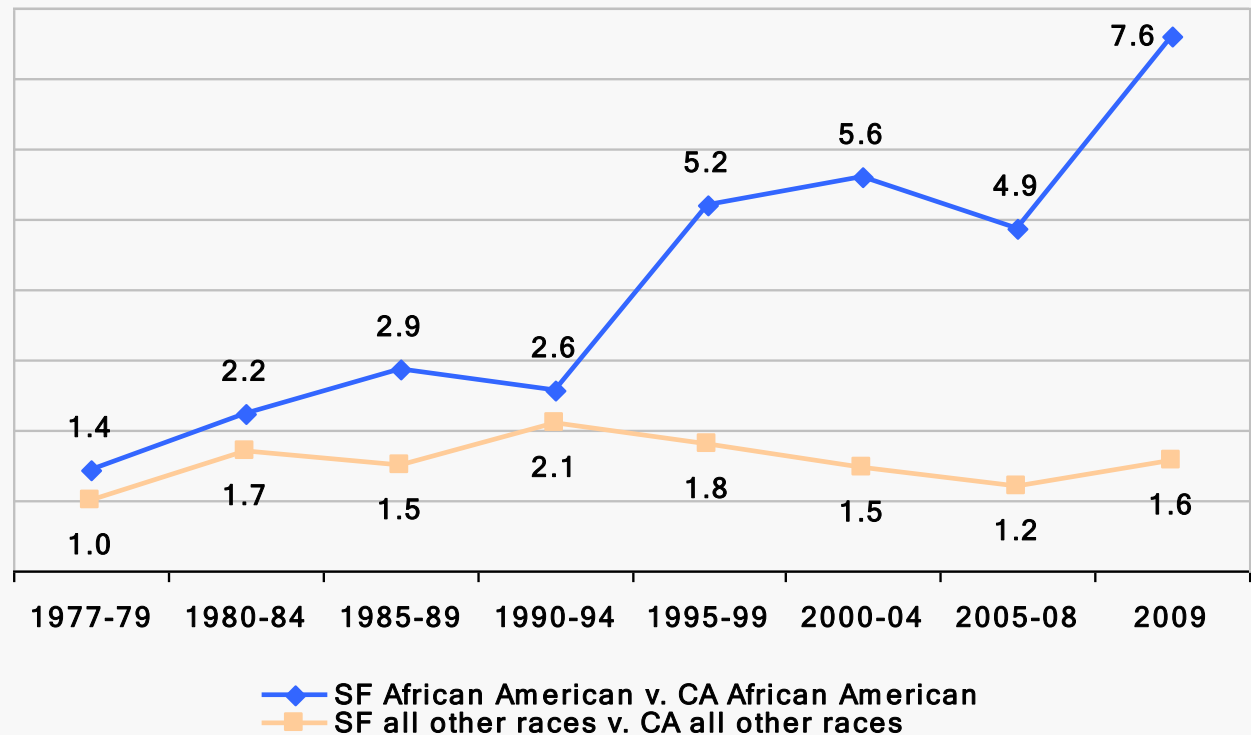
San Francisco County

San Francisco exhibits high drug arrest rates compared to the statewide average.



Taking a deeper look

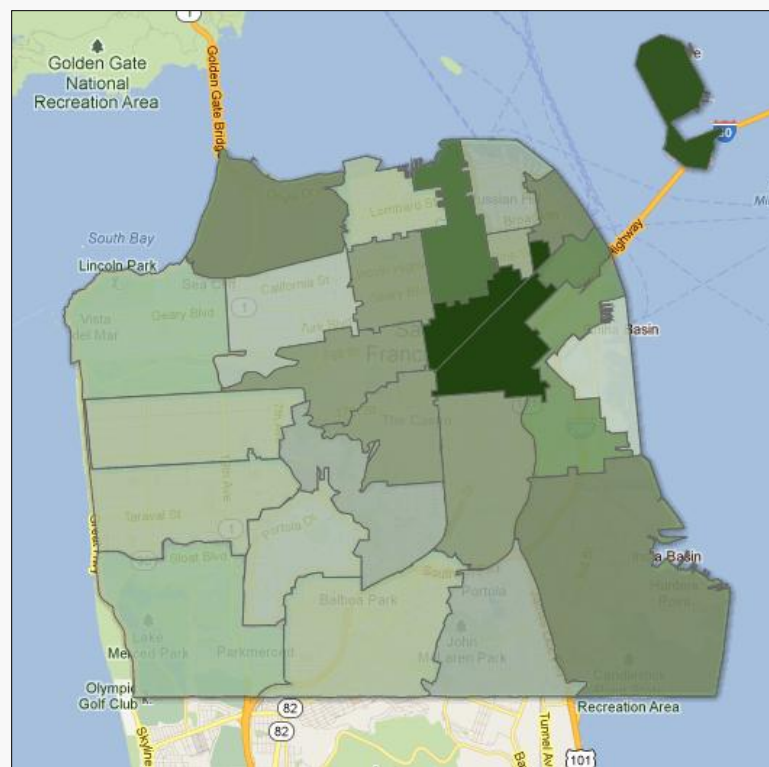
San Francisco African Americans experienced felony drug arrest rates nearly 8 times higher than African Americans in other areas of California.



Source: San Francisco's Arrest Rates of African Americans for Drug Felonies Worsens (CJCJ, 2012). http://www.cjcj.org/files/Drug_Policy_2012_in_SF.pdf

Taking a deeper look

“...just four of the city’s zip codes account for nearly 6 in 10 drug deaths.”



Source: San Francisco’s changing crime trends (CJCJ, 2012).
http://www.cjcj.org/files/Briefing_Paper_2012.pdf

Media interest yields results

URL: <http://www.kvpr.org/post/valley-edition-incarceration-rate-bus-rapid-transit-greek-fest>

“General correlation; those counties with full-time public defenders had a lower incarceration rate than those without public defenders.”

~ KQED, Laird Harrison

“A big variable factor in terms of what happens to people in criminal cases and juvenile cases is the quality of representation they receive.”

~ SF Public Defender, Jeff Adachi

URL: <http://blogs.kqed.org/newsfix/2012/07/30/where-does-your-county-rank-in-imprisonment/>

For more information

Visit CJCJ's California Sentencing Institute: <http://casi.cjcj.org/>

Or contact:

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Mission and History

The National Council on Crime and Delinquency (NCCD) promotes just and equitable social systems for individuals, families, and communities through research, public policy, and practice.

NCCD was founded in 1907 to help reform the juvenile court movement as a means of keeping children out of the criminal justice system. Today NCCD's expertise extends to the fields of child welfare, adult corrections, juvenile justice, adult protective services, LGBT and gender-specific issues, economic support programs, data monitoring, and education. Our breadth and depth of experience uniquely positions us to work holistically across systems, breaking down traditional silos that hamper effective policy and practice for vulnerable populations.

Our Work

NCCD works with agencies and organizations across 79 jurisdictions in the United States and 9 jurisdictions in Australia, Canada, Bermuda, and Taiwan to develop and implement evidence-based and data-driven practices in adult and juvenile justice settings, child welfare, adult protective services, and other social welfare arenas.

NCCD operates two centers. The **Children's Research Center** (CRC) was established to help state and child welfare agencies reduce child abuse and neglect by developing decision-support systems and conducting research to improve service delivery to clients. The **Center for Girls and Young Women** focuses on advocacy, research, assessment, training, and evaluation to help juvenile justice and child welfare systems meet the needs of girls and young women.

Other ways of fulfilling our mission include our focus on:

- Systems and Assessments for Use in Child Welfare, Juvenile Justice, and Criminal Justice. The Structured Decision Making® (SDM) model incorporates a set of evidence-based assessment tools to provide child welfare workers with simple, objective, and reliable frameworks with which to make the best possible decisions for individual cases. SafeMeasures® provides managers and workers with information for improved planning, evaluation, and resource allocation. NCCD's Juvenile Assessment and Intervention System™ (JAIS) helps caseworkers identify effective strategies for supervising juvenile offenders, while our Correctional Assessment and Intervention System™ (CAIS) helps agencies with offender supervision and treatment. Hundreds of thousands of children and families are being served by CRC's partner agencies, who use our research to improve decision making and outcomes for families.
- Girls and Young Women. The NCCD Center for Girls and Young Women works to ensure equitable, humane, and gender-appropriate responses to improve outcomes for girls and young women in the juvenile justice and child welfare systems. Current projects include training through the National Girls Institute, development of gender-specific curricula, and gender-responsive technical assistance.

- Children and Violence. We work to serve children exposed to violence including child abuse or neglect, domestic violence, community violence, and school-based bullying. NCCD is currently staffing the Attorney General's Defending Childhood Task Force. Supported by NCCD, the task force will make high-level policy and practice recommendations to the Attorney General in 2012 to address the epidemic of children's exposure to violence.
- LGBT Youth. We have also turned our attention to the unique needs and vulnerabilities of system-involved lesbian, gay, bisexual, and transgender youth. LGBT youth, especially LGBT youth of color, are disproportionately represented in the child welfare and juvenile justice systems. NCCD's current research seeks to strengthen the relationships between LGBT youth in out-of-home care and their families so that these young people stop cycling in and out of the child welfare and juvenile justice systems. We want to know what agencies can do to increase permanency for LGBT youth in the juvenile justice and child welfare systems.
- People in Prisons. NCCD has worked for juvenile and criminal justice system reform for a century, and that passion continues today. We are training institutions on restorative justice, which brings offenders and victims together to engage in reconciliation and repair. Numerous studies show increased victim satisfaction, reductions in recidivism, and higher levels of completions of plans. In addition, an NCCD study on future bed space needs for youth detained in Baltimore's criminal justice system halted plans for construction of a new juvenile facility there. We also developed the National Resource Center for the Elimination of Prison Rape to assist adult and juvenile corrections, detention, and law enforcement professionals in eliminating sexual assault in confinement. In California, we are supporting sustainable, long-term criminal justice reform through our Realignment Partnerships Program. The program will provide research-based technical assistance to the state's counties so that low-risk offenders can be handled effectively and safely through diversion and other alternatives.
- Immigrants, Gangs, and Delinquency Prevention. We are conducting a study of immigrants, gangs, and delinquency prevention in Austin, TX, and Oakland, CA, working with Latino immigrant communities to prevent gangs and delinquency among their children by improving relationships with law enforcement.

NCCD's annual budget is \$19.7 million, with a staff of about 90, at offices in Oakland, CA; Madison, WI; Jacksonville, FL and satellite offices across the country. Our sources of revenue and funding include local, state, and federal grants and contracts. We also receive private support from foundations such as Robert Wood Johnson Foundation, W.K. Kellogg Foundation, Jessie Ball duPont Fund, Open Society Foundations, The California Endowment, The California Wellness Foundation, Annie E. Casey Foundation, Rosenberg Foundation, Fund for Nonviolence, Public Welfare Foundation, Evelyn & Walter Haas, Jr. Fund, Community Foundation of Jacksonville, Women's Giving Alliance, Chartrand Foundation, Cowles Charitable Trust, Stein Family Foundation, DuBow Family Foundation, Henry & Lucy Gooding Endowment, Remmer Family Foundation, Weaver Family Foundation, U.S. Bank Foundation, Zellerbach Family Foundation, and from individual donors.

For more information, please call **(800) 306-6223**, or visit our website at www.nccdglobal.org.
For grants, donations, and sponsorships, please call the Development Office at **(510) 874-5504**.

NCCD promotes just and equitable social systems for individuals, families, and communities through research, public policy, and practice.

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Oakland, CA 94612

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www.nccdglobal.org

This is a Draft updated 12/7/12. Please submit edits to Tara Anderson,
Tara.Anderson@sfgov.org.



The City and County of San Francisco

The San Francisco Sentencing Commission

2012 Annual Report of the San Francisco Sentencing Commission

The first of its kind local Sentencing Commission

December X, 2012

This is a confidential Draft 11/29/12

Executive Summary

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

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

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

Background

The Sentencing Commission was created by County Ordinance 10-12, which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3. The purpose of the Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco's criminal justice resources. The Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors.

Commission Membership

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

List of member seats:

District Attorney's Office (Chair), Public Defender's Office, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Police Department, Department of Public Health, Reentry Council, Superior Court, Member of a nonprofit organization serving victims chosen by the Family Violence Council, Member of non-profit organization working with ex-offenders chosen by the Reentry Council, Sentencing Expert chosen by the Board of

Supervisors, and an Academic Researcher with expertise in data analysis appointed by the Mayor.

The San Francisco Sentencing Commission membership was fully formed in July 2012. A full list of commission members and qualifications is found in Appendix A.

2012 Meetings

The Sentencing Commission held two meetings in 2012. Full agendas and meeting minutes are available on <http://www.sfdistrictattorney.org/>. Meeting dates and key activities are provided below.

August 8, 2012

- Adopted Sentencing Commission By-Laws
- Reviewed Mission, Powers and Duties
- Reviewed Two Year Workplan Draft

December 12, 2012

- Reviewed January 2008- June 2011 Data on Adult Arrest Activity in San Francisco
- Reviewed Superior Court 1992-2011 Data on Felony Sentencing
- Reviewed Juvenile Probation Department 2007-2011 data on referrals and petitions
- Reviewed resources for Sentencing Commission research

2012 Accomplishments

Commitment to Data Analysis

During the August 8, 2012 inaugural meeting of the Sentencing Commission, members unanimously expressed a commitment to utilize accessible and credible data to drive the decision making and priorities of the Commission's work. Accessible and credible data not only provides common information for all members to guide prioritization and decision making it also provides the opportunity to communicate progress and success; the ability to highlight exceptions; and lastly, the opportunity to educate the public. As a result of this commitment, the December 12, 2012 meeting of the Sentencing Commission included several presentations on local adult and juvenile sentencing trends.

Data elements reviewed by the Sentencing Commission in 2012 include:

- Adult Arrest Activity
- Felony Filings
- Felony Sentencing
- Felony Sentencing with Prison and Probation as a portion of total sentences
- Realignment Sentencing outcomes (Split vs. Straight)
- Juvenile Referrals and Petitions

Little Hoover Commission Presentation

On November 27, 2012, Sentencing Commission staff member Tara Anderson and Sentencing Commission member Kate McCracken presented oral testimony to the State of California Little Hoover Commission during a public hearing on Bail and Sentencing. Mrs. Anderson provided an overview of District Attorney Gascón's written testimony on the formation of the San Francisco Sentencing Commission, the Commission authority and tasks, and current partnerships. Commission Member Ms. McCracken presented under the auspice of her role as the Program Director of the California Sentencing Institute (CASI), Center on Juvenile and Criminal Justice. Ms. McCracken's testimony included an overview of the interactive CASI map which provides population-adjusted rates of adult and juvenile arrests and incarcerations for California's 58 counties. The Little Hoover Commission expects to conduct further hearings exploring post realignment sentencing in 2013. To review the Little Hoover hearing visit <http://www.calchannel.com/search/>. Written testimony is available at:

<http://www.lhc.ca.gov/studies/activestudies/bail%20and%20sentencing%20reform/Gascon%20Testimony.pdf>
<http://www.lhc.ca.gov/studies/activestudies/bail%20and%20sentencing%20reform/McCrackenTestimony.pdf>

To explore the CASI map visit <http://casi.cjcj.org/>.

Staff Research Support

The Sentencing Commission is staffed by the District Attorney's Office. During the first six months of implementation, it became evident that the Commission would need additional research support to fulfill its codified powers and duties. In November 2012, District Attorney Gascón supported an application for the National Council on Crime and Delinquency (NCCD) to secure funds for additional research and technical assistance to the Sentencing Commission. It is expected that NCCD will commence support to the Sentencing Commission starting in January 2013. Specifically NCCD will:

- Perform quantitative and qualitative research that builds on and supplements existing data reports and analyses.
- Conduct an in-depth literature review, which will include examining critical documents and analyzing relevant research and data to (a) determine the specific strategies employed by other jurisdictions and states to reduce unnecessary incarceration, (b) highlight relevant models for alternatives to incarceration, and (c) determine and report on successful strategies.
- Assist the members of the Sentencing Commission with developing data-collection standards and recidivism reporting standards;
- Research and identify best and promising practices for consideration by the Commission (e.g., information on collaborative courts; the use and utility of risk and needs assessment in the courts). The Commission will review and determine the specific practices to be shared among other criminal justice agencies, and NCCD will conduct a training on existing best practices.

Future Activities

The San Francisco Sentencing Commission is scheduled to conduct four sessions in 2013. The tentative 2013 session topics are identified below.

March 2013

Drug Law Reform

Realignment Sentencing

July 2013

Effective Sentencing for Violent Offenders

September 2013

Restorative Justice

Victim Services

November 2013

Recidivism Reduction

Conclusion

The San Francisco Sentencing Commission was fully formed and in operation for six months of 2012. While this policy body is in its infancy, members are confident that the findings and recommendations that will come from the proceedings over the next two years will support not only San Francisco, but California as a whole. Criminal justice agencies and social service partners have a collective responsibility to ensure that individuals receive appropriate sentences and do not re-victimize our communities. Pursuing an effective, fair and efficient sentencing system for San Francisco enhances public safety and creates a livable, sustainable San Francisco community.

Appendix A: San Francisco Sentencing Commission Members

Agencies & Bodies	Member
District Attorneys' Office	George Gascón, District Attorney
Public Defender's Office	Jeff Adachi, Public Defender
Adult Probation Department	Wendy Still, Adult Probation Chief
Juvenile Probation Department	William Siffermann, Juvenile Probation Chief
Sheriff's Department	Ross Mirkarimi, Sheriff
Police Department	Greg Suhr, Police Chief
Department of Public Health	Barbara Garcia, Director
Reentry Council	Karen Roye, Director Child Support Services
Superior Court*	Katherine Feinstein, Presiding Judge
<i>Member of a nonprofit org serving victims chosen by the</i> Family Violence Council	Minouche Kandel Staff Attorney San Francisco Bay Area Legal Aid
<i>Member of non-profit org working with ex-offenders chosen by the</i> Reentry Council	Catherine McCracken Sentencing Services Program Director Center on Juvenile and Criminal Justice
Sentencing Expert <i>chosen by the Board of Supervisors</i>	Theshia Naidoo Senior Staff Attorney Drug Policy Alliance
Academic Researcher <i>with expertise in data analysis appointed by the Mayor</i>	Steven Raphael PhD Professor Goldman School of Public Policy University of California Berkeley

*Invited