

# The San Francisco Sentencing Commission

## City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

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### AGENDA

September 18, 2019  
10:00 a.m. – 12:00 p.m.  
Hall of Justice  
District Attorney Law Library  
850 Bryant Street Room 322  
San Francisco, CA 94103

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

1. Call to Order; Roll call.
2. Public Comment on Any Item Listed Below (discussion only).
3. Review and Adoption of Meeting Minutes from June 19, 2019 (discussion & possible action).
4. Staff Report on Sentencing Commission Activities (discussion & possible action).
5. Staff Report on Criminal Justice Racial Equity Workgroup (discussion & possible action).
6. Safety and Justice Challenge Updates by Tara Anderson, Director of Policy (discussion & possible action).
7. Presentation on Milestone Credits by Nick Gregoratos, Directing Attorney, Prisoner Legal Services, San Francisco Sheriff's Department (discussion only).
8. Members' Comments, Questions, Requests for Future Agenda Items (discussion & possible action).
9. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
10. 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](mailto: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](mailto: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](mailto:tara.anderson@sfgov.org) or (415) 553-1203 at least two business days before the meeting.

### CHEMICAL SENSITIVITIES

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### KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: [www.sfgov.org/sunshine](http://www.sfgov.org/sunshine).

### FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

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](mailto:soft@sfgov.org)

### CELL PHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Co-Chairs may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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# The San Francisco Sentencing Commission

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### MEETING MINUTES

June 19, 2019

10:00 a.m. – 12:00 p.m.

Hall of Justice, 850 Bryant Street Room 322, San Francisco, CA 94103

Members in Attendance: George Gascón, District Attorney; Commander Teresa Ewins, San Francisco Police Department; Chief Fletcher, Adult Probation Department; Tanya Mera, Department of Public Health; Sheriff Hennessy, San Francisco Sheriff's Department; Simin Shamji, Public Defender's Office; Carol Beckett, Reentry Council Appointee; Steven Raphael, Mayoral Appointee, Theshia Naidoo, Board of Supervisors Appointee and Lisa Lightman, Superior Court.

#### **1. Call to Order; Roll call.**

District Attorney Gascon welcomes everyone to the 28th Sentencing Commission Meeting and calls the meeting to order at 10:11am. Members introduced themselves.

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

No Public Comments received.

#### **3. Review and Adoption of Meeting Minutes from March 13, 2019 (discussion & possible action).**

District Attorney Gascon asked commission members to review minutes from the previous commission meeting. Theshia Naidoo made the motion to approve the minutes, Steve Raphael seconded the motion. Minutes from March 13, 2019 approved unanimously.

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

Mrs. Anderson provided an updated on the workgroup activities and meeting schedule. A handout was provided. The members discussed the scheduled Sequential Intercept Model (SIM) mapping exercise that is scheduled for September 2019. Sheriff Hennessy advocated for the SIM session to cover all intercepts. The Sentencing Commission members requested that Mrs. Anderson work with Policy Research Associates Inc. to confirm that all intercepts can be covered in one and a half day on site session. Mrs. Anderson will report back via email.

Carol Beckett provided the update on behalf of the Reentry Council. The Reentry Council meeting was on April 25, 2019. The following items were approved during this meeting:

The Reentry Council voted unanimously to be local advisory committee for DPH's proposed Prop 47 grant funding. If awarded the 6 million dollars of Prop 47 funding, DPH plans to launch the Supportive Treatment and Reducing Recidivism program. Better known as the STARR Program.

The STARR would consist of these four strong components:

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- 1) it would extend the CASC hours and the necessary staff from APD, DPH and Citywide to support CASC operations;
- 2) it would extend the stay for individuals using social detox beds by 1-2 weeks;
- 3) it would increase the capacity and ability for evening hour social detox bed admissions and maintain existing beds; and
- 4) it would increase the capacity of low threshold harm reduction and case management services and include flex funds for one time assistance that could be used for housing and outreach and engagement activities.

The Reentry Council also voted unanimously to support the Resolution on the Use of Humanizing Language. This was a resolution first adopted by the Sentencing Commission.

Final Reentry Council voted on support the following bills.

- SB 144 Families Over Fees Act
- SB 516 Evidence of Participation in a Criminal Street Gang
- SB 310 Jury Reform
- SB 136 One-year Enhancement Repeal
- SB 42 Getting Home Safe Act
- AB 1076 Arrest and Conviction Relief
- AB 1331 Data Quality in Criminal Records
- AB 607 Judicial Discretion for Nonviolent Drug Offenses
- AB 732 Reproductive Dignity for Incarcerated People Act

### **5. Presentation on Safety and Justice Challenge Updates by Truls Neal, Justice System Partners (discussion only).**

Truls Neal consultant Justice System Partners provided an overview of the nine months into the Safety and Justice Challenge grant award from the MacArthur Foundation. He reminded members and the public that Justice System Partners serves as the primary technical assistance provider for San Francisco's Implementation award. Mr. Neal indicated that progress has been made on the racial and ethnic disparities assessment, data use agreement and postings for positions funded by the grant. Mr. Neal reminded the Commission that the Implementation Plan includes five Strategies and emphasized that the MacArthur Foundation expects a revised plan, that addresses the change in average daily population since the submission of the application. Lastly, Mr. Neal provided a brief update on the continued support from Justice Management Institute (JMI) to support San Francisco's court case processing goals and informed the Commission that JMI would be on site conducting information gathering meetings during the month of July. No questions were asked and there was no public comment.

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### **6. Presentation on Sentencing Enhancements and Incarceration: San Francisco, 2005-2017 by Joe Nudell, Stanford Computational Policy Lab and Robert Weisberg, Stanford Criminal Justice Center (discussion & possible action).**

Dr. Weisberg made opening comments covering the goals of the Sentencing Enhancement research initiated by DA Gascón and Stanford. This is the first jurisdiction in the country to perform such an analysis. Dr. Weisberg provided background on the origins for the idea for the research. He met with the Chief Justice of California who was interested in the Three-Judge Court commentary in the Plata case where they were reluctant to terminate the overcrowding injunction without assurances that there were policies in place to maintain and further reduce the population over time. The Three-Judge Court referred to the Penal Code reform in the area of enhancements; the Chief Justice then asked Stanford to start a statistical analysis of how enhancements were or were not driving confined populations. The goal of the research is to be informative. He indicated that the research team was surprised by the lack of state and local data available. The best source of information for one county was in District Attorney Gascon's office. DR. Weisberg acknowledged DA Gascón as a champion for research and appreciated the work of Director of Research and Analytics Maria McKee.

Joe Nudell provided a details summary on the data, methods, and analysis used to review the. Slide were provided. Research covered three key questions: (1) How commonly are enhancements applied; (2) What is a typical enhancement case; and (3) How much time is being served for these enhancements?

Implications of the research indicate that most of the time served is driven by three enhancements; Three Strikes, Prop 8 Prior and Penal Code 12022.53 PC is California's "10-20-life.

Sentencing Commission members discussed the research summary findings including population base demographic comparisons. Questions included direct effects on total years served and whether the "threat of the enhancement has an effect, including he possible power of bargaining. This was recommended for future research as the data doesn't currently capture that level of detail.

DA Gascón looking at status enhancement very differently based on this research and a work in progress. Lowest prison commitment for any county for the last eight years and not representative of the state as a whole. DA Gascón emphasized that the research shows the frailty of plea negotiations and neither side in the court room is equipped to try every case. DA Gascón cited experience observing court in Germany and Portugal; not many jury trials send less people to person shorter sentences. DA Gascón indicated that his is open to suggestions to facilitate further exploration.

Simin Shamji referenced the finding that every nine years one violent felony is prevented. She advised that the Commission look deeper into the use of the word violent beyond as defined in the penal code and to further look at the actual conduct. She emphasized that it is important if we are

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going to disaggregate by enhancements that are not directly connected to public safety. She cited for example the type of burglary is very important; different conduct different levels of severity. She closed her comments indicating that this is necessary so that the justice system can agree on which enhancements makes sense for public safety.

No Public Comments received.

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

No comments were made by members. No Public Comments received.

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

No Public Comments received.

**9. Adjournment.**

Director Karen Roye made a motion to adjourn the 28th meeting of the Sentencing Commission. No Public Comments received. Lisa Lightman seconded the motion. All approved. Motion passed.



## Reentry Council City and County of San Francisco

July 25, 2019

To the City and County of San Francisco Criminal Justice Leadership:

William Scott  
Chief, San Francisco Police Department

Vicki Hennessy  
Sheriff, San Francisco County Sheriff

Karen Fletcher  
Chief, Adult Probation Officer

Allen Nance  
Chief, Juvenile Probation Officer

George Gascon  
District Attorney

Manohar Raju  
Public Defender

Honorable Garrett L. Wong  
Presiding Judge, San Francisco Superior Court

The Reentry Council of the City and County of San Francisco (Reentry Council) respectfully requests a list of all Bias, Diversity and Inclusion trainings provided and number of staff that attended for each of the following calendar years 2017, 2018 and 2019. In addition, please provide information on training plans for 2020.

In 2018, the Reentry Council of the City and County of San Francisco, along with the San Francisco Community Corrections Partnership Executive Committee, Juvenile Justice Coordinating Council, and Sentencing Commission prioritized its commitment to racial equity work and unanimously approved the Criminal Justice Racial Equity Statement:

The San Francisco Community Corrections Partnership, Juvenile Justice Coordinating Council, Reentry Council and Sentencing Commission prioritize racial equity so that all people may thrive. San Francisco's criminal justice policy bodies collectively acknowledge that communities of color have borne the burdens of inequitable social, environmental, economic and criminal justice policies, practices and investments. The

*The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.*

legacy of these government actions has caused deep racial disparities throughout San Francisco's juvenile justice and criminal justice system. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal justice system.

After the adoption of the Criminal Justice Racial Equity Statement, a Criminal Justice Racial Equity Workgroup (CJREWG) was started by Tara Anderson of the District Attorney's Office and Geoffrea Morris of the Adult Probation Department to begin working on a suggested Draft Agenda for Action for criminal justice departments. The Draft Agenda for Action consists of eleven action areas to narrow and ultimately eliminate the racial disparity in the juvenile and criminal justice systems.

In addition to working on the Draft Agenda for Action, the CJREWG is focused on reducing racial and ethnic disparity as a part of the Safety and Justice Challenge (SJC) Grant Implementation Strategies, which seek to safely decrease San Francisco's Jail population. Bias, Diversity, and Inclusion training have been identified as tools for to eliminating racial disparities in the juvenile and criminal justice systems. Furthermore, the Draft Agenda for Action item five, recommends all "criminal justice agencies should mandate regular racial equity and implicit bias trainings for all criminal justice stakeholders."

As a result of this shared priority, the District Attorney's Office has identified funds for criminal justice stakeholders to receive implicit bias and procedural justice trainings. However, in order to determine the most relevant and meaningful training for criminal justice departments the Reentry Council proposes the creation of a training inventory. Geoffrea Morris or Tara Anderson will follow up with your designated staff person assigned to this request. By doing a Bias, Diversity and Inclusion training inventory, the CJREWG partner agencies will be able to leverage the SJC resources to ensure that criminal justice partners have access to relevant Bias, Diversity and Inclusion training.

By September 30, 2019, CJREW and SJC request the following information:

- List of past and planned Bias, Diversity and Inclusion trainings, name of training facilitator or company, and dates of trainings.
- List of staff members who attended past trainings, including their job titles, and indication of who will be required to attend future ones. Please clarify if the attendee is front line staff, in a supervisor role or serves at the executive management level.

This information is critical for the CJREWG efforts to avoid duplicity of trainings. This request for Bias, Diversity and Inclusion Training Inventory List is needed by September 30, 2019. We appreciate your departments' participation in our efforts. Both Tara Anderson and Geoffrea Morris are available to support department staff in completing this request.

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

*The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.*



# Promoting a Diverse, Equitable & Inclusive City

## Department Equity Survey Findings



### CITY & COUNTY OF SAN FRANCISCO

Office of the Controller, City Performance with the  
Human Rights Commission and the Office of the Mayor

Joe Lapka (CON) | Marnie Purciel-Hill (CON) |  
Sami Iwata (HRC)

October 2018

## Project Context

## Project Purpose and Approach

## Findings

Respondents

What Departments are Doing

How Departments Talk About  
Equity

Why Departments are  
Addressing Equity

Opportunities for Collective  
Impact

Barriers & Resources

## Conclusion

Potential Next Steps

Best Practices from  
Other Jurisdictions

## National Movement Around Equity

- Government Alliance on Race and Equity (GARE) – 150 jurisdictions
- National League of Cities' Race, Equity and Leadership Initiative
- Living Cities, Racial Equity Here Initiative
- Equality Indicators tool and cohort
- All-In Cities Anti-Displacement Network

## Equity is a Strong Local Value

- Strategic Initiatives Framework sets forth a vision of a diverse, equitable, and inclusive city
- Engineering for Equity seeks to ensure City services and resources are leveraged to achieve equitable outcomes for all
- Participation in national initiatives (GARE, My Brother and Sister's Keeper, 100 Resilient Cities network)
- Racial Equity Resolutions – HRC, Commission on the Environment

## Opportunity

- Survey the landscape of equity-related efforts across departments
- Learn from each other
- Harmonize potentially disparate departmental efforts around a shared vision
- Support the development of a common language and approach to equitable service delivery and its measurement

## Benefits

- Identify departments and opportunities for collective impact to help guide future citywide or department-specific initiatives
- Identify barriers to advancing equity in the community
- Identify the resources we need to overcome barriers
- Identify priorities for next steps

## Round 1 Department Head Request



## Round 2 Equity Contact Survey Request

- Identify a **single point of contact** for equity efforts?

- What are you doing to advance equity in the community?
- Why are you doing it?
- What have been the biggest barriers to advancing your department's equity goals?
- What resources, tools, or guidance would most help your department advance its equity goals?

We deliberately did not define equity to hear how departments are approaching the subject

## Round 1

Requests sent	76
Responses received	69
Response rate	91%

## Round 2

Surveys sent	69
Responses received	45
Response rate	65%

## Round 2

Surveys sent

69

Responses received

45

Response rate

65%

Adult Probation	District Attorney	Human Rights Commission	Public Health
Aging & Adult Services	Economic & Workforce Development	Human Services Agency	Public Utilities Commission
Airport	Elections	Juvenile Probation	Public Works
Arts Commission	Emergency Mgmt.	Library	Recreation & Parks
Assessor/Recorder	Environment	Mayor's Office of Housing and Community Development	Rent Board
Board of Appeals	Film Commission	Municipal Transportation Agency	Retirement System
Building Inspection	Fine Arts Museums	Planning	Sheriff
Child Support Services	First 5, Children & Families Commission	Police	Status of Women
Children Youth & Families	Homelessness and Supportive Housing	Police Accountability	Technology
Controller	Housing Authority	Port of San Francisco	Treasurer/Tax Collector
Civil Service Commission	Human Resources	Public Defender	War Memorial
DataSF			



**Q: What specific public facing programs, projects, or other efforts do you currently have underway to advance equity in the community?**

**45**  
departments

**382**  
programs

See the List of Programs for a complete list of the programs identified by survey respondents

**Wide variety of responses in terms of:**

- Level of detail
- Number of programs
- Size of programs
- Internal vs. external focus
- Equity implicit vs. explicit

Findings consist of examples. Not a comprehensive analysis at this stage.



## Examples: Internal Programs

### Government Alliance for Racial Equity



21 of the 45 departments that responded participated in the GARE cohort.

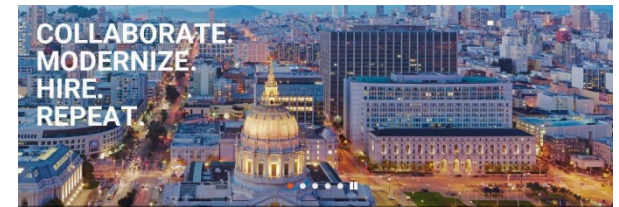
### Trauma Informed Systems (TIS)



7 of the 45 departments are implementing Trauma Informed Systems.

Trauma-Informed Systems (TIS)  
*Healing Ourselves, Our Communities and Our City*

### DHR Trainings



38 of the 45 departments had at least one person participate in DHR's training.

## Examples: Programs that span multiple service areas

### Community Assessment and Services Center | Adult Probation

The CASC co-locates services that build self-sufficiency, including a charter high school, vocational and employment readiness training, mental health and substance abuse prevention services, batterers' intervention programs, cognitive behavioral interventions, and meeting space for community partners.

Child & Youth Development

Economy

Health & Human Services

Public  
Safety &  
Justice

Community Wellbeing

### Data Enriched Services | Human Services Agency

Across its three departments, SF-HSA has approximately 225,000 clients. About one in four San Franciscans is a client of SF-HSA. The agency is exploring ways to use its information to create greater equity across city services, using its relationships with clients to expand their access to social services and the wealth of San Francisco's mainstream resources.

Child & Youth Development

Economy

Health & Human Services

Housing

## Examples: Department collaborations

### MAP 2020

Planning, MTA

A collaboration, initiated by community organizations, to address the loss of low and moderate income households in the Mission District, a neighborhood severely impacted by displacement, with the highest eviction numbers for several consecutive years.

Economy

Transportation

### Workforce Alignment

HSA, OEWD, DCYF, PUC, DPW, DHR, HRC

The Committee on City Workforce Alignment coordinates services across City departments to increase effectiveness in moving clients through training programs to long-term self-sufficiency. Implements a five-year plan and reports annually on progress.

Economy

### Financial Justice Project

TTX, PDA, MYR, MTA, PUC, DA

Assesses and reforms how fees and fines impact the city's most vulnerable residents. Results include leading a countywide fines and fees task force with recommended policy areas, and partnering with departments such as MTA and PUC on reforms.

Economy

Public Safety  
& Justice

# Findings | How Departments Talk About Equity

20

12

Most Frequent	Moderately Frequent	Mentioned Once
Equity/Equitable Access/Accessible Inclusion/Inclusive Opportunity Needs Disparities Community Fair/Fairness Benefits/Burdens Accountable Bias Equal Implicit Bias	Balance/Imbalance Culturally Competent Discrimination Inequities Empowerment Environmental Justice High Quality Multi-Cultural Pathways Responsive Rights Service Gaps Shared Prosperity Sustainable Trauma/TIS Vibrant Without regard for ...	Anti-racist Dignity Engagement Institutional Racism Justice Maximize Outcomes Multilingual Open Power Dynamics Prosperity Quality of Life Humility Resilient Respect Reverse the Paradigm Risks Safeguard Supportive

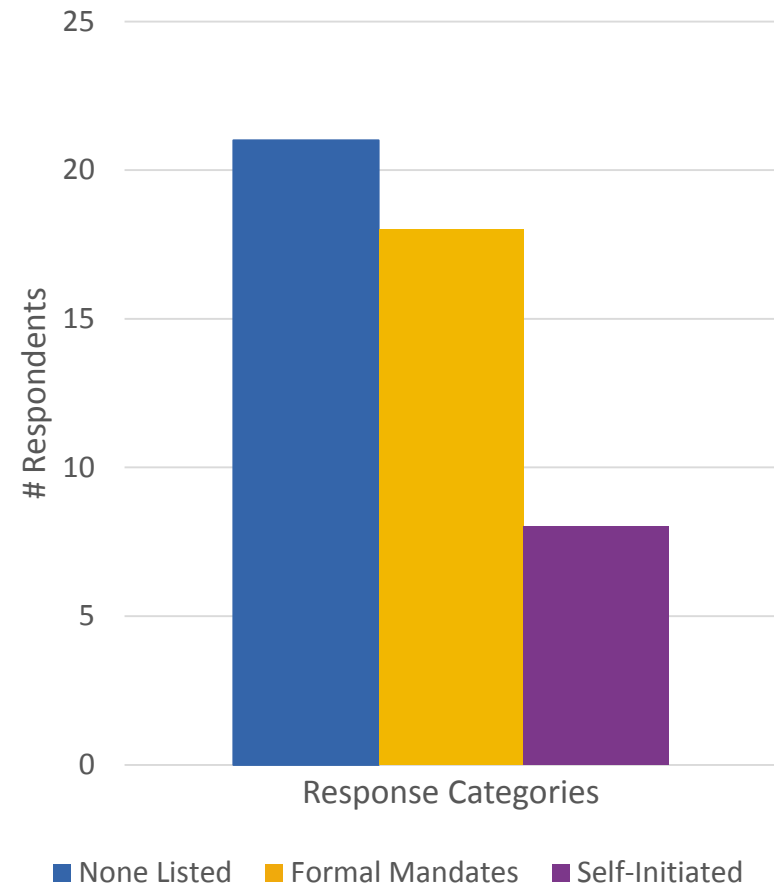
*The HRC defines Equity as:*

***Full and equal access to opportunities, power and resources  
so that all people may thrive and prosper, regardless of demographics.***

## Q: Does your department have any department-wide policies, goals, strategies or mandates related to the advancement of equity in the community?

Of 45 respondents, 18 listed formal mandates to address equity.

Formal mandates are publicly-documented directives with clear accountability.



## Formal mandates come from a variety of levels such as...

- **Federal:** Civil Rights Act of 1964, ADA, Equal Opportunity Act, DoJ SFPD General Order 5.17
- **County:** Welfare and Institutions Code
- **Local:** Charter (DCYF, ARTS, RPD), Resolution 145-16 (implicit bias and hiring)
- **Departmental:** Commission Resolutions
  - **PUC:** Community Benefits and Environmental Justice Policy
  - **ENV:** Commitment to racial equity in programs, policies and services, March 2018

## Formal mandates can affect single agencies or have a wider scope

- **Administrative Code Chapter 68:** Cultural Equity Endowment Fund (ARTS)
- **Language Access Ordinance:** 51 departments required to file reports

## Several departments mentioned actions driven by internal factors

- Outcomes of third-party studies (e.g., DA's Racial Disparity Study)
- Departmental policies (e.g., DPH monitors hiring panel diversity)
- Mission statements and strategic plans
- Population served by agency (e.g., APD, HSA, JUV)



## Subject Areas and Examples



Community Wellbeing



Economy



Public Safety & Justice



Child & Youth Development



Health & Human Services



Housing



Transportation & Mobility



Environment & Climate



Information & Technology

Subject areas represent opportunities to develop shared goals and strategies across departments.

To look for opportunities for collective impact, we associated each program with one or more subject areas.

Program Representation Across Subject Areas



- Child & Youth Development
- Economy
- Health & Human Services
- Housing
- Community Wellbeing
- Public Safety & Justice
- Environment & Climate
- Transportation & Mobility
- Information & Technology



## Community Wellbeing

### Includes

- Arts and culture
- Community spaces
- Parks and recreation
- Community engagement/collaboration
- Civic engagement

### Program Examples

ART Community Investments Program

RPD Equity Metrics

HRC Social Justice Curriculum

Adult Probation  
Arts Commission  
Children Youth & Families  
Controller  
Elections  
Environment  
Film Commission  
Fine Arts Museums  
First 5, Children & Families Commission  
Housing Authority  
Human Rights Commission  
Human Services Agency  
Juvenile Probation  
Library  
Mayor's Office of Housing and  
Community Development  
Municipal Transportation Agency  
Planning  
Public Utilities Commission  
Public Works  
Recreation & Parks  
Sheriff  
Status of Women  
War Memorial



## Economy

### Includes

- Poverty
- Income and job benefits
- Employment
- Economic development
- Business development
- Workforce development
- Job training

### Program Examples

AIR Participation in CCSF Access to City  
Employment Program (ACE)

Housing Authority Family Self Sufficiency  
Program

Financial Justice Project

Adult Probation  
Airport  
Arts Commission  
Assessor/Recorder  
Building Inspection  
Controller  
Economic & Workforce Development  
Environment  
Film Commission  
Housing Authority  
Human Resources  
Human Rights Commission  
Human Services Agency  
Juvenile Probation  
Library  
Mayor's Office of Housing and  
Community Development  
Municipal Transportation Agency  
Planning  
Port of San Francisco  
Public Health  
Public Utilities Commission  
Public Works  
Recreation & Parks  
Retirement System  
Sheriff  
Status of Women



## Public Safety & Justice

### Includes

- Law enforcement
- Probation supervision
- Justice system
- Domestic violence prevention
- Gun violence prevention
- Procedural justice
- Emergency preparedness
- Earthquake Safety

### Program Examples

JUV Juvenile Detention Alternative  
Initiative  
DPA Bias Policing Investigation Protocol  
and Checklist  
Vision Zero

Adult Probation  
Board of Appeals  
Building Inspection  
Children Youth & Families  
DataSF  
District Attorney  
Elections  
Emergency Management  
Housing Authority  
Human Resources  
Human Rights Commission  
Human Services Agency  
Juvenile Probation  
Planning  
Police  
Police Accountability  
Public Defender  
Public Utilities Commission  
Recreation & Parks  
Sheriff  
Status of Women  
Treasurer/Tax Collector



## Child & Youth Development

### Includes

- Early education
- Childcare
- Elementary, middle and high school education
- Higher education

### Program Examples

DCYF Equity Score in Request for Proposals

First 5 Data and Systems Change  
Using data to set and track goals for achieving racial equity

Adult Probation  
Arts Commission  
Child Support Services  
Children Youth & Families  
Fine Arts Museums  
First 5  
Human Rights Commission  
Human Services  
Human Services Agency  
Juvenile Probation  
Library  
Public Health  
Public Utilities Commission  
Recreation & Parks  
Sheriff  
Status of Women



## Health & Human Services

### Includes

- Access to health care
- Quality of health care
- Mortality
- Individual wellbeing
- Mental health and substance abuse prevention
- Cash assistance
- Food and nutritional support
- Health insurance
- In-home care
- Child and adult protective services

Adult Probation  
Aging & Adult Services  
Environment  
Human Services  
Human Services Agency  
Planning  
Public Health  
Public Utilities Commission  
Public Works  
Recreation & Parks  
Sheriff  
Status of Women

### Program Examples

DPH ZSFG Equity Council

DAAS Dignity Fund Community  
Needs Assessment



## Housing

### Includes

- Homelessness
- Quality of housing
- Affordability of housing
- Cost of living burden

### Program Examples

HSH Coordinated Entry System

SHF Discharge Planning Office

DBI Code Enforcement Outreach Program

Arts Commission  
Building Inspection  
Environment  
Homelessness and Supportive  
Housing  
Housing Authority  
Human Services Agency  
Mayor's Office of Housing and  
Community Development  
Municipal Transportation Agency  
Planning  
Rent Board  
Sheriff





## Transportation & Mobility

### Includes

- Public transportation services
- Street and sidewalk infrastructure
- Traffic conditions
- Bicycle infrastructure

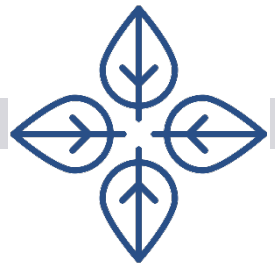
Environment  
Municipal Transportation Agency  
Planning  
Public Works  
Recreation & Parks  
Sheriff

### Program Examples

MTA Muni Equity Strategy

MTA Bike Share Outreach

Bayview Community Planning



## Environment & Climate

### Includes

- Built and natural environment
- Exposure to environmental health risks

Environment  
Municipal Transportation Agency  
Planning  
Public Utilities Commission  
Public Works  
Sheriff

### Program Examples

DPW StreetTreeSF

ENV Environmental Justice Program

PUC Community Benefits Program



## Information & Technology

### Includes

- Library services
- Internet connection
- Access to a computer

Human Rights Commission  
Juvenile Probation  
Library  
Recreation & Parks  
Sheriff  
Technology

### Program Examples

DT Digital Equity (Public Housing Wiring)

LIB African American Center

JUV Youth in Custody (Juvenile Justice Center and Log Cabin Ranch)



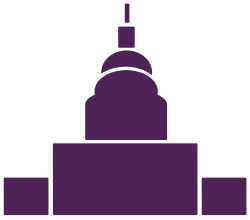
## Barriers

Q: What have been the **biggest barriers** to advancing your department's equity goals?

## Resources

Q: What **resources, tools, or guidance** would most help your department advance its equity goals?

- ✓ Identified themes and sub-themes
- ✓ Assigned themes to responses
- ✓ Allowed multiple themes per response
- ✓ Selected paraphrased responses follow; see Attachment 2 for a full list of barriers and resources identified by survey respondents



## Institutionalization

- Citywide Equity Strategy
- Operationalization
- Political Will
- Organizational Culture



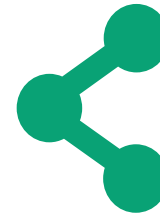
## Resources

- Funding
- Capacity
- Facilities



## Data, Information Resources & Support

- Data Quality and Availability
- Research, Analysis & Technical Support



## Information Sharing & Coordination

- Intra- and Interdepartmental Coordination
- Coordination with External Entities



## Workforce

- Workforce Diversity
- Training
- Compensation



## Community Engagement & Communications

- Engagement & Communications



## Laws, Regulations, Policies & Practices

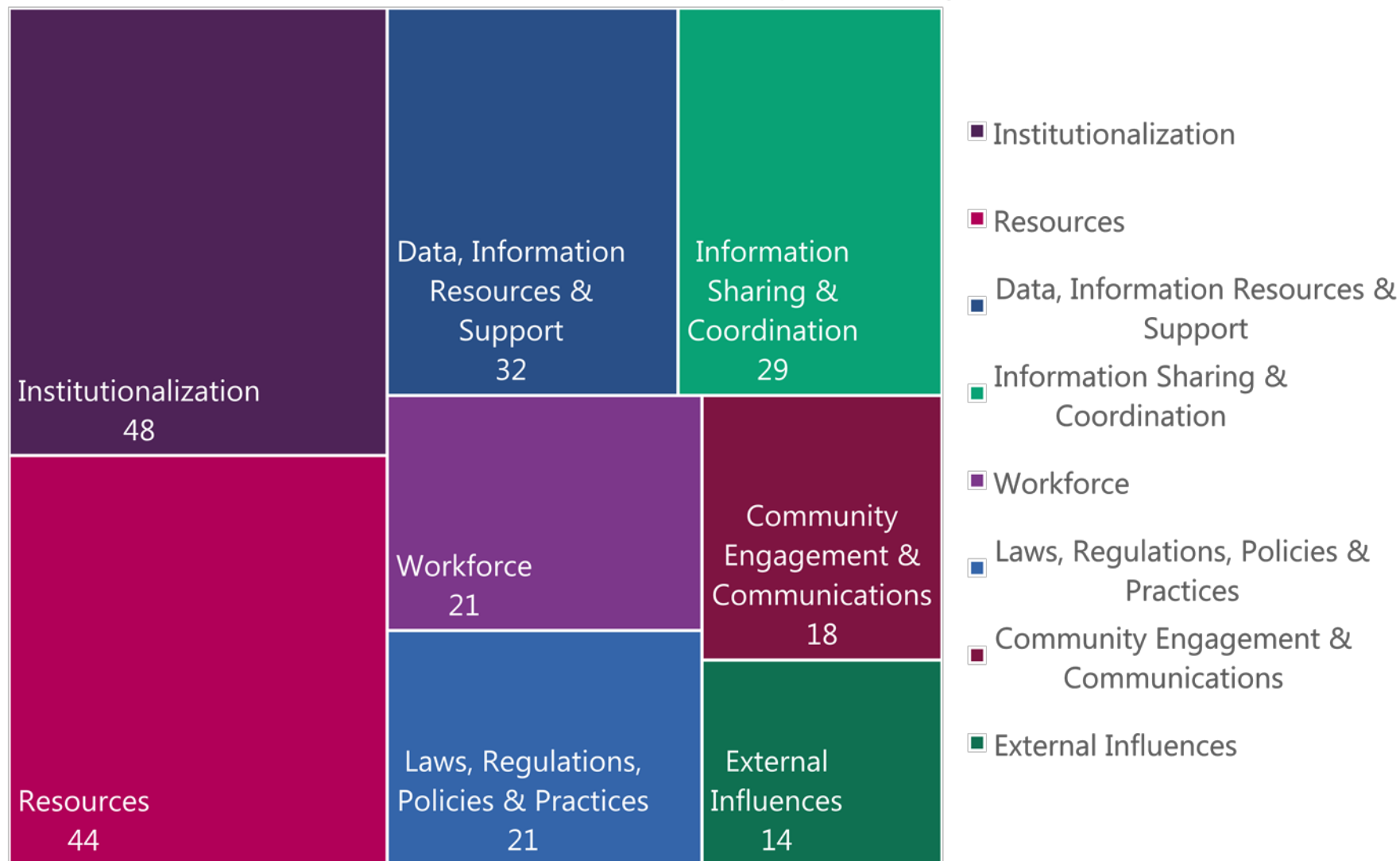
- State and Federal Requirements
- Local Requirements

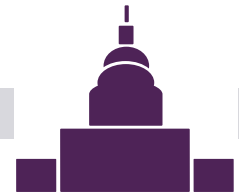


## External Influences

- Jobs, Housing & Affordability
- Crime
- Political Climate
- Project Delivery Constraints

## Barriers & Resources Responses by Theme





## Institutionalization

### Barriers

### Resources

#### Citywide Equity Strategy

Lack of...

- a citywide vision and policy to advance equity
- citywide guidance or direction
- a shared definition of equity/inequity
- measurable objectives
- thresholds that trigger action

A citywide equity strategy that...

- establishes equity as a priority
- establishes a citywide definition of equity
- articulates broadly applicable goals and policies
- establishes clear measures or metrics
- departments can use to create individual strategies

#### Operationalization

Equity has not been institutionalized at the dept. level –

- It is nobody's "job" to ensure the necessary steps are taken

Guidance on advancing comprehensive equity agendas...

- for all departments generally
- specifically for departments that do not directly serve the public



## Resources

### Barriers

### Resources

#### Funding

- Funding (generally)
- Funding tied to specific projects/programs makes it difficult to utilize resources for equity work
- Small departments

- Funding to support equity efforts, particularly for departments with restricted funding
- Resources for staff training

#### Capacity

- Limited staff capacity in light of other urgent matters and competing priorities
- Equity work requires significant staff time for research, community engagement, solution development, and evaluation

- Dedicated staff to coordinate equity initiatives and track progress towards goals





## Data, Information Resources & Support

### Barriers

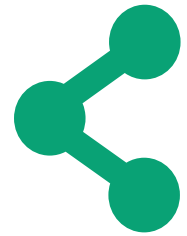
### Resources

#### Data Quality and Availability

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Lack of appropriate data and metrics</li> <li>• Lack of shared data across departments</li> <li>• Data consistency and quality is poor</li> <li>• Functionality and usability of data systems</li> </ul> | <ul style="list-style-type: none"> <li>• Assistance with data acquisition</li> <li>• Guidelines and standards for data collection</li> <li>• Upgraded data systems</li> </ul> |
|---|---|

#### Research, Analysis & Technical Support

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Lack of resources to complete required analyses</li> </ul> | <ul style="list-style-type: none"> <li>• Technical assistance with programs/ initiatives to ensure they are equitable</li> <li>• Assistance with data analysis</li> <li>• Frameworks, best practices, tools or resources that could be used citywide</li> <li>• Examples of programs/ policies that effectively achieve social equity goals while complying with state/federal/local regulations</li> </ul> |
|---|---|



## Information Sharing & Coordination

### Barriers

### Resources

#### Intra- and Interdepartmental Coordination

- Information sharing and coordination across units within a department
- Information sharing and coordination across departments
- Limited availability of department heads to meet and coordinate
- Lack of a citywide infrastructure to share data

Creation of a citywide equity working group to...

- promote collaboration and coordination across departments
- align key goals and priorities
- share resources
- share strategies, best practices, and solutions
- establish metrics for measuring outcomes
- serve as a point of contact

#### Coordination with External Organizations

- Information sharing with industry professionals
- Lack of shared language and expectations with community stakeholders

Guidance on advancing comprehensive equity agendas...

- for all departments generally
- specifically for departments that do not directly serve the public



## Workforce

### Barriers

### Resources

#### Workforce Diversity

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Attracting a diverse pool of candidates</li><li>• Retaining a diverse workforce</li><li>• Lack of multi-lingual staff</li></ul> | <ul style="list-style-type: none"><li>• Approved language that allows for community experience, hyper-local residency or other community associations as desired job qualifications</li><li>• Metrics related to staff diversity</li><li>• Guidance on capturing and reporting sensitive staff diversity information</li></ul> |
|---|--|

#### Training

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Lack of modular or customizable training for staff</li><li>• Training for managers</li><li>• Clinical staff in positions that...<ul style="list-style-type: none"><li>• are not amenable to pulling staff for trainings</li><li>• have time demands for other mandated trainings</li></ul></li></ul> | <ul style="list-style-type: none"><li>• City sponsored training in a variety of formats (online, video, train the trainer)</li><li>• Training for mid-level managers and executives</li><li>• Citywide implicit bias training</li></ul> |
|--|---|



## Community Engagement & Communications

### Barriers

### Resources

#### Engagement & Communications

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Community engagement and relationship building</li><li>• Shared language and expectations with community stakeholders</li><li>• Difficulty hearing directly from those most in need of services</li><li>• Sustaining ongoing public interest in committees and partnerships</li><li>• Ability to provide translated public information during an emergency</li></ul> | <ul style="list-style-type: none"><li>• Assistance with data acquisition</li><li>• Shared language and definitions</li><li>• More staff and practical resources to help the community</li><li>• Better, cheaper, faster, and readily available interpretation and translation services</li><li>• Social media access and use</li><li>• Assistance in marketing programs/initiatives</li></ul> |
|--|---|



## Laws, Regulations, Policies & Practices

### Barriers

### Resources

#### State and Federal Requirements

- Limited ability to create and implement programs that directly address disparities in the community
- Changing mandates and legislative constraints make it difficult to create and maintain inclusive practices

- Legislation regarding DOJ access to local criminal history

#### Local Requirements

- Difficulty achieving equity goals without changes in citywide policies and procedures (e.g., in HR, contracting, budgeting, grantmaking)
- Lack of clear direction/instruction in charter language

- Strategy to collaborate with CBOs that accelerates the standard procurement timeline
- Hiring and contracting reforms that minimize bias, minimize barriers, and allow more flexibility in hiring



## External Influences

### Barriers

### Resources

#### Jobs, Housing & Affordability

- Poverty, and safe and affordable housing for low and middle income earners
- Job opportunities
- Outmigration of long-term San Franciscans

- Consider whether the Below Market Rate calculation can be reviewed to provide greater middle income housing stability
- Provide small business with greater access to capital and other resources
- Consider taking a regional approach to equity policies

#### Political Climate and Project Delivery Constraints

- Anti-immigrant environment at the federal level has caused immigrant clients to opt out of benefits
- External pressure to complete capital projects can put project delivery efforts at odds with equity considerations
- Immigration legal assistance

City has numerous internal and external facing equity efforts

---

Many opportunities to coordinate and collaborate across departments

---

Need for greater coordination and a citywide equity strategy, common themes among barriers and resources

- Many small and large equity-focused programs
  - Engaged in national partnerships
  - Broad range of drivers (federal/state/local mandates, agency values)
- 

- Some **programs** span multiple service areas
  - Multiple **departments** focus on the same subject areas
  - Align department goals and strategies in key service areas
- 

- A cohesive equity strategy
- An equity “home”
- Define and prioritize equity
- Establish goals and policies
- Develop metrics
- Guide department goals and policies

## Shorter Term

- Convene departments to identify next steps to follow survey. Next steps include:
  - Draft a citywide equity definition
  - Prioritize barriers & resources to focus on first
  - Prioritize opportunities for collective impact
  - Conduct comprehensive best practices research
  - Articulate short term goals for equity work

## Longer Term

- Formalize accountability for equity work
- Engage departments and community partners to consider developing a citywide equity strategy
- Develop a workforce diversity and internal training strategy
- Develop systems to measure and track citywide progress towards goals



## Examples of Equity Initiatives

- Seattle, WA
- King County, WA
- Oakland, CA
- Portland, Multnomah County, Metro region, OR
- Austin, TX
- Boston, MA
- Chicago, IL
- Minneapolis, MN
- Ramsey County, MN
- Philadelphia, PA
- Madison, WI
- Tacoma, WA



Oakland  
Equity Indicators



Measuring Change Toward  
Greater Equity in Oakland

RACE COUNTS



## National Equity Atlas



Seattle

Race and Social Justice Initiative

EQUITY AND SOCIAL JUSTICE  
STRATEGIC PLAN  
2016-2022



King County



RESILIENT  
BOSTON

AN EQUITABLE AND CONNECTED CITY



# **Reducing Racial and Ethnic Disparities in Safety and Justice Challenge Implementation Sites**

April 2019

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## **I. Introduction and Overview**

This document was developed to provide a framework for Safety and Justice Challenge (SJC) implementation sites to understand the key characteristics of jurisdictions that are successfully addressing racial and ethnic disparities (RED) and to document their efforts to achieve the SJC goal of reducing racial and ethnic disparities in their criminal justice system.

The document was developed through a collaborative process and reflects input and guidance from the John D. and Catherine T. MacArthur Foundation and the SJC partner organizations, including: Center for Court Innovation; CUNY Institute for State & Local Governance; Everyday Democracy; Justice Management Institute; Justice System Partners; Nexus Community Partners; Policy Research, Inc; Vera Institute of Justice; Urban Institute; Bennett Midland LLC; and the W. Haywood Burns Institute.

The first section of the document highlights characteristics of jurisdictions that are successfully addressing RED and includes benchmarks and indicators to measure their progress. The second section outlines process steps to help sites identify and set RED targets. The process steps describe how jurisdictions should build an infrastructure to support and sustain the RED work, collect and analyze quantitative and qualitative data across the justice system using a decision point analysis, develop goals for reducing disparities and to regularly monitor and evaluate these goals, and use communications strategies to share RED plans with the community. The final section provides templates for jurisdictions to document and track their RED progress.

The Foundation recognizes that not all SJC sites are in the same place when it comes to addressing racial and ethnic disparities in their justice systems. In some communities, this work started before the SJC; in others, stakeholders are trying to figure out where to begin. As such, there is no one-size-fits-all model for advancing this work. Nevertheless, as with their jail reduction efforts, all sites must develop concrete and measurable goals. This guide is designed to help sites implement a process for setting those goals and memorialize their efforts to reach them.

## II. SJC Racial and Ethnic Disparity (RED) Goals: What does a successful site look like?

Characteristics of successful SJC jurisdictions	Indicators/Benchmarks
1) Leadership in the jurisdiction is committed to a process that seeks to achieve measurable reductions in racial and ethnic disparities in the criminal justice system and is willing to be held publicly accountable for the results of this work.	Key leaders in the jurisdiction have made internal (e.g. to staff) and public statements owning responsibility for reducing racial and ethnic disparities and the goals that will be set. They have expressed commitment to using a data-driven and transparent process.
	Strategies to reduce racial and ethnic disparities have been allocated the resources that are needed to be successful.
	Leadership has committed to giving the public access to regularly updated information about the site's progress towards their goals.
2) Developed a structure for collaboration and action to address racial and ethnic disparities that includes both government and community members. The group responsible for this work is able to sustain an on-going process of system improvement working towards the goal of a fair and equitable justice system. <sup>1,2</sup>	Site has integrated community members, including community members of color and those with lived experience with the justice system, into a planning and decision-making body that is tasked with addressing disparities and jail population reduction.
	Site has created processes to ensure that everyone who is a part of the decision-making structure has what they need to participate effectively, which may include compensation, child care, transportation, access to information, and training.
	Group meets regularly to plan, implement and review progress of strategies to address racial and ethnic disparities using data (see 2 below).

<sup>1</sup> Community membership should be broad-based and include communities affected by the criminal justice system; individuals with lived experience; civic organizations; community-based service or activist organizations; business owners; front-line professionals in law enforcement, courts, defense or prosecution, probation, etc.; and elected and appointed officials.

<sup>2</sup> Characteristics of successful collaborative decision-making bodies include (but are not limited to): formal by-laws, support staff, dedicated representatives with decision-making authority.

Characteristics of successful SJC jurisdictions	Indicators/Benchmarks
3) Gathered quantitative and qualitative data identifying racial and ethnic disparities across justice system decision points and potential drivers of those disparities.	Implemented processes for collecting quantitative data about race and ethnicity in the jail and local justice system and made improving data collection a priority.
	Used qualitative information from those with deep knowledge of the system, especially community members of color and people with lived experience, to inform the analysis of quantitative data and identify specific targets for reform.
	Analyzed the data collected to understand where and why disparities exist across the justice system.
4) Implemented strategies that are informed by robust quantitative and qualitative data and that purposefully seek to increase racial equity in the criminal justice system.	Designed strategies that target the specific drivers of incarceration and inequity for people of color as identified through the quantitative and qualitative analysis of the jurisdiction's data across system decision points.
	Used data to understand the potential impacts of the strategies on disparities in the targeted areas of the criminal justice system.
	Set quantitative baseline(s) and goal(s) for targeted strategies.
	Implemented strategies that target the decision point/s in the site's criminal justice system where significant disparities exist for people of color.
5) Achieved measurable reductions in racial and ethnic disparities in the criminal justice system by reducing the system involvement of people of color.	Documented reductions in the system involvement of people of color and reduced disparities.
	Established mechanisms for regular review of the data to track progress, identify what works and what doesn't, and develop new strategies as needed.
	Identified how the site will sustain efforts to reduce racial and ethnic disparities in the criminal justice system.
6) Developed a plan to maintain efforts to reduce racial and ethnic disparities on an ongoing basis.	Documented how the site will keep the community and stakeholders engaged and informed about ongoing work to reduce racial and ethnic disparities.

### III. Process for Identifying Racial and Ethnic Disparity Targets

#### Background

A central pillar of the Safety and Justice Challenge (SJC) is to reduce racial and ethnic disparities (RED) in sites' criminal justice systems. As work in the SJC implementation sites has proceeded, it has become clear that many jurisdictions have struggled to make progress towards this goal or, in many cases, to identify how to make progress. All implementation sites set numerical benchmarks for jail population reductions and were able to identify strategies with clearly designated target populations that could help them reach those benchmarks. However, no such structure was created for reducing racial and ethnic disparities. As the Foundation and its partners have revisited this goal and tried to define what success would look like, it was evident that in addition to implementing key process metrics, using quantitative and qualitative data to set and achieve measurable goals must be critical components of sites' efforts to address RED.<sup>3</sup>

What follows is step-by-step guidance on how to use data to define measurable RED goals, which should then be the focus of targeted strategies. The steps focus first on gathering data on racial and ethnic disparities across your justice system, starting with the key decision points that are the focus of the SJC's jail reduction targets. The information should then be used to understand how disparities occur at each decision point, and, from there, develop priorities for reform.

The extent to which disparities exist at each decision point in the justice system will look different from jurisdiction to jurisdiction, as will the data available to determine the degree of disparities, and the strategies that are developed to address the disparities. This guide makes suggestions on what data can be used but each site will need to determine what they have available and work with their site coordinators and partner agencies to determine what analysis will best suit their needs. During the process, you should engage community members, local stakeholders, and organizations that work with individuals affected by the system (such as behavioral health and education experts) to identify the populations most disparately impacted, the system points at which the greatest disparities exist, and the policy levers that might be used to achieve a more equitable system.

Additionally, you should begin to think about communication strategies at the onset of this work, considering messaging to both to internal stakeholders (staff, etc.) and the community at large. Reinforcing the importance of data-informed decision-making, ensuring that community members are at the table early in the process, and identifying and supporting community members as communication partners are all key practices that will support sites' communication efforts in this work. M+R Strategic Services will work with your site to

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<sup>3</sup> See characteristics 1 and 2 in the "SJC RED Goals: What Does a Successful Site Look Like?" table for key process metrics.



develop RED related communications plans, support stakeholders and community members with messaging, and assist sites with ongoing communication efforts.

SJC sites should be aware that this important work will require comprehensive system change. You should work with your site coordinators, the W. Haywood Burns Institute, Institute for State and Local Government (ISLG), Nexus Community Partners, Everyday Democracy, and M+R Services as appropriate, to put into place the systems and practices that will set their efforts up for success.



## Step 1. Identify or create a working group or working groups to focus on racial and ethnic disparities

SJC sites should identify or create a working group that will focus on developing new and/or enhancing existing strategies to address RED in their criminal justice system. Each site should determine whether the disparity work aligns with the goals of an existing committee or working group (e.g. Criminal Justice Coordinating Council, Policy Committee or RED Working Group). If not, sites will need to create a working group that is committed to developing strategies and goals to reduce racial and ethnic disparities.<sup>4</sup> The working group should include community members.

Working groups should not be siloed but rather involved in the decision-making and implementation processes of existing workgroups that are tasked with overseeing SJC strategies. This integration could take the form of: cross-membership between the RED working group and groups overseeing specific strategies; joint working group meetings; RED working group led reviews and recommendation processes for strategies; or other procedures that ensure the demonstrable influence of the RED group before, during, and after SJC strategy implementation.

## Step 2. Analyze disparities across the criminal justice system

To analyze disparities across the criminal justice system, sites will need data broken out by race and ethnicity for each decision-point.<sup>5</sup> This data will be used to 1) identify whether and to what extent racial and ethnic disparities exist at key decision-making points; and 2) target specific drivers of justice system involvement for people of color. Sites should collect as detailed as possible information about race and ethnicity in a consistent manner across criminal justice agencies.<sup>6</sup> At a minimum, the data should reflect the categories in the monthly report that sites submit to ISLG (Black, Latino, White, and Other).<sup>7</sup>

Ideally, SJC sites will conduct a decision point analysis across the seven SJC decision points in their criminal justice system. If a decision point analysis will be too difficult to conduct due to data limitations, you may consider alternatives such as gathering information about the top ten most serious charges resulting in admission to the jail disaggregated by race and ethnicity as a starting point. **Data limitations should not stop your site from moving forward with RED work.** Sites should work with their site coordinator to identify data capacity constraints and determine which alternative best suits their needs.

<sup>4</sup> It is recommended that sites determine which key stakeholders should be brought to the table and engage them, along with community members, in advance of convening the working group/s. Doing so will give sites the opportunity to discuss the purpose of the work and learn where stakeholders stand on the issue, what their concerns are, and etc.

<sup>5</sup> The seven SJC decision points include: Arrest, Prosecutorial Charging, Assignment of Counsel, Pretrial Release, Case Processing, Disposition and Sentencing, and Post-Disposition Community Supervision.

<sup>6</sup> To identify which populations are coming into contact with the justice system, it is critical to develop and implement a clear and consistent process across agencies to identify and record the racial/ethnic identity of individuals coming into contact with the system. Central to this process is asking people to self-identify their race/ethnicity rather than having it identified for them.

<sup>7</sup> Jurisdictions should breakout any group from the "Other" category that comprises 5% or more of the jail population (e.g. Native Americans, Asian and Pacific Islander, and etc.)

There are a number of options available to sites to compile the data. Sites can collect the data needed and conduct the decision point analysis themselves, ask ISLG to create the measures necessary for such an analysis from the case-level data the site submits and conduct the decision point analysis on their own, or request that the Burns Institute conduct the analysis either with aggregate data provided by ISLG or by the site.

Once you have completed the decision point analysis and used the results to determine where the biggest disparities exist in your system (and for which racial and ethnic groups), to the extent possible they should carry out deeper analysis of the data at those system points to better understand what is driving the disparities. Specifically, each site should break down disparities at each system point of focus to identify specific target populations where they are the highest. Target populations can be defined using a range of factors, including charge type, bail amount, the presence/absence of open cases, and probation/parole status, among others.

Additionally, it may be helpful to analyze other operational decisions that contribute to broader disparities at these system points. For example, at the pretrial release point, looking at the prosecutor's bail request in addition to the release decision may lend additional insight into drivers of disparities that can be addressed through targeted strategies.

Each site should supplement the quantitative analysis with qualitative data to enhance your understanding of observed racial and ethnic disparities. SJC's community engagement partners are developing material to help sites understand the types of qualitative data that can be collected from community members and how it can be used by the site to address RED. Additionally, sites may request assistance from Everyday Democracy or Nexus Community Partners to ensure that their engagement efforts are equitable and to find ways to engage the community around qualitative analysis.

Sites should also identify opportunities within their existing data capacity to use data to inform ongoing planning and action as it relates to the SJC. Examples include but are not limited to data that is: program specific (e.g. demographic information about the individuals referred to an SJC supported diversion initiative), centered on populations involved with the criminal justice system (e.g. feedback from individuals/families involved in an SJC supported treatment option), and/or system centered (e.g. length of stay disparities by race).

It is important to note that data analysis should be a continual process to monitor trends over time, account for jail population changes, allow for revalidation of strategy impact, and so on. Before the initial data analysis is complete, each site should develop a plan for using the results of the analysis to reduce racial and ethnic disparities (with the understanding that the plan may need to be revised as the analysis continues) and develop a plan for ongoing analysis of RED in their site. The plan should include information about how the site will inform the stakeholders and the community about RED work.

### **Step 3. Develop or adjust strategies to incorporate a focus on disparities**

Using the results of the disparities analysis, the site should determine whether current jail reduction strategies will target specific drivers of justice system involvement and incarceration that disparately impact people of color. If existing strategies do not target these drivers, the site will need to develop additional strategies or adjust current strategies to incorporate this focus.<sup>8</sup>

### **Step 4. Develop goals for reducing racial and ethnic disparities**

Sites should work with their site coordinators, the Burns Institute, and ISLG, as appropriate, to develop realistic goals for reducing the drivers of justice system involvement and/or incarceration that disparately impact people of color for each of the strategies that are developed in Step 3. These goals may include numeric targets.

### **Step 5. Monitor and evaluate impacts**

Sites should develop mechanisms to monitor the impacts of their strategies, including those developed to target the drivers of inequity. All strategy specific implementation monitoring measures should be disaggregated by race and ethnicity.<sup>9</sup>

Examples of strategy specific measures may include:

- Process measures that monitor the steps implemented towards a discrete outcome (e.g. implementing a call/text notification program for court hearings).
- Intermediate outcomes that allow for tracking the short-term impact a policy or practice is having on achieving the desired outcome/s and assess the difference it is having over the short and medium terms. Some examples of short and medium-term outcomes are reducing failure to appear warrants and bookings for people of color.
- Trends that allow sites to examine whether process measures and outcomes change over time and whether the strategy is having the intended impact (e.g. reducing and maintaining reductions in bookings for failure to appear warrants).

The steps described above must be part of a process of continuous system improvement. Racial and ethnic disparities will not be eliminated through implementation of one or two strategies but will require ongoing efforts over time. Therefore, at the same time that sites are implementing and monitoring specific strategies, they must also work to institutionalize the use of data for regular and ongoing review of disparities in their systems.

<sup>8</sup> In addition to modifying existing strategies to ensure reforms are focused on drivers of system involvement for people of color, sites should identify process and impact measures for existing strategies to monitor the impact of SJC strategies for people of color.

<sup>9</sup> Sites may choose to examine the impact of their strategies in additional ways such as gender, offense type, age, and etc. However, sites must, at a minimum, disaggregate impacts by race and ethnicity.

## IV. Documentation of RED Work

### Background

A central pillar of the Safety and Justice Challenge (SJC) is to reduce racial and ethnic disparities (RED) in sites' criminal justice systems. As the work in SJC sites has proceeded, it has become clear that many jurisdictions have struggled to make progress towards this goal, or even to identify how to make progress. All implementation sites set numerical benchmarks for jail population reduction and were able to identify strategies with clearly designated target populations that could help them reach those benchmarks. However, no such structure was created for reducing racial and ethnic disparities. As the Foundation and its partners have revisited this overall goal and tried to define what success in sites would look like, it was evident that, in addition to implementing key process metrics, using quantitative and qualitative data to set and achieve measurable goals are critical components of sites' efforts to address RED.<sup>10</sup>

The following templates were developed for Safety and Justice Challenge (SJC) Implementation sites to help you document your racial and ethnic disparity (RED) efforts. The templates ask questions pertaining to the 5 steps of a general process that you can work with your site coordinator to use to develop strategies and goals for reducing RED. The 5 steps include:

1. Identify or create a working group or working groups to focus on racial and ethnic disparities;
2. Analyze disparities across the criminal justice system;
3. Develop or adjust strategies to incorporate a focus on disparities;
4. Develop goals for reducing racial and ethnic disparities; and
5. Monitor and evaluate impacts.

Project directors, in coordination with site stakeholders, should electronically fill out the information requested for the step that reflects where you are at in your efforts to address RED. A copy should be shared with your site coordinator once the information has been entered.

Sites should begin to think about communication strategies at the onset of their work, considering messaging to both to internal stakeholders (staff, etc.) and the community at large. Reinforcing the importance of data-informed decision-making, ensuring that community members are at the table early in the process, and identifying and supporting community members as communication partners are all key practices that will support sites' communication efforts in this work. M+R Strategic Services will work with sites to develop RED related communications plans, support stakeholders and community members with messaging, and assist sites with ongoing communication efforts.

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<sup>10</sup> See characteristics 1 and 2 in the "SJC RED Goals: What Does a Successful Site Look Like?" table for key process metrics.



Sites should be aware that this important work will require comprehensive system change. SJC sites should work with their site coordinators, the W. Haywood Burns Institute, Institute for State and Local Government (ISLG), Nexus Community Partners, Everyday Democracy, and M+R Services as appropriate, to put into place the systems, practices, and routines that will set their efforts up for success.

Any questions about the process, information that is being requested, or requests for clarification should be directed to your site coordinator.

## Step 1: Identify or Create a Working Group or Working Groups to Focus on Racial and Ethnic Disparities Template

*The following set of questions ask for information about the working group/s responsible for addressing racial and ethnic disparities work in your jurisdiction.*

1. Does your jurisdiction have a working group whose exclusive role is to focus on racial and ethnic disparities and ensure that strategies are being implemented with a race and ethnicity equity lens? ☐ Y ☐ N
2. If your jurisdiction does not have a working group exclusively dedicated to focusing on racial and ethnic disparities, what group/s will be tasked with this work?
3. Describe the working group or committee that will be responsible for this work, what their role is in SJC related decision-making processes, and whether leadership within your jurisdiction is represented. Please include information about the membership of the group (e.g. name, title, and agency of each member).
4. Are community members represented on the working group, including people of color and individuals with lived experience in the justice system? ☐ Y ☐ N  
If no, describe how you plan to add community representation to the working group.
5. Do members of the group have experience working on system change efforts? ☐ Y ☐ N  
If so, please describe.
6. How frequently does the working group meet?
7. How does this committee shape decision-making? Please describe how input is collected, discussed, and reflected in implementation.
8. What resources, including funding, does the group have to identify and implement strategies to reduce racial and ethnic disparities?
9. What resources does the group need to implement strategies to reduce racial and ethnic disparities?

## Step 2: Analyze Disparities across the Criminal Justice System Template

*The following set of questions ask for information about how your site will analyze quantitative and qualitative data regarding disparities across your jurisdiction's criminal justice system.*

1. Describe your jurisdiction's ability to identify whether and to what extent racial and ethnic disparities exist at key decision points:
  - Are data at key decision points disaggregated by race/ethnicity available? ☐ Y ☐ N
  - Has your jurisdiction used data to identify whether and to what extent racial and ethnic disparities exist at key decision-making points? ☐ Y ☐ N
  - Has your jurisdiction completed a decision point analysis? ☐ Y ☐ N
  - If you checked yes, when was the decision point analysis completed and who did the analysis (e.g. Burns Institute, analysts in your site, etc.)?
  - If you checked yes and the analysis is older than one year, do stakeholders feel confident that the data used in the analysis is still valid? ☐ Y ☐ N  
Why or why not?
2. What is your jurisdiction's strategy for using existing and additional data analysis to reduce racial and ethnic disparities?
  - What opportunities has your jurisdiction identified to use currently accessible data to inform decision-making and how will this take place?
  - How will your jurisdiction use expanded and additional data analysis to reduce racial and ethnic disparities?
3. What kind of other analyses have been conducted in your jurisdiction to understand racial and ethnic disparities (e.g., law enforcement contact analysis, survey of defendants and staff, etc.)?

For each previous analysis, please describe:

- How rigorous or reliable was the study? Please include information about the research design.
- When was the study completed?
- What were the findings?
- How were the findings presented and to whom were they presented?
- How did stakeholders, including the community, respond to the findings?
- Were any policy or practice change implemented as the result of the analysis?

Previous Analysis One:

Previous Analysis Two:

Previous Analysis Three:

4. Based on the analysis of the quantitative and qualitative data from your jurisdiction, please describe the disparities you identified and the areas of the system where they are most pronounced.
  - Has the group identified the potential drivers of disparities? ☐ Y ☐ N  
If so, please describe.
  
5. Has your jurisdiction identified a target population or populations? ☐ Y ☐ N
  - If you checked yes, please list the population/s.
  - If your jurisdiction has identified a target population or populations, what method/s were used (see below for examples)?
    - High volume of people of color have become system-involved for low level offenses at a key decision point.
    - Greatest disproportion of people of color as compared to population or total proportion at a key decision-making point.
    - Highest rates per capita at a key decision-making point for people of color.
    - Higher rates than a prior decision-making point for people of color.
    - Greatest disparity gap (relative likelihood of system involvement for people of color compared to whites) per capita.
    - Greatest disparity gap per prior decision-making point.
  
6. If your jurisdiction has answered no to any of the previous questions, please note your plan (including methods) for analyzing data regarding system disparities and areas where you need assistance.
  
7. Has your jurisdiction collected and analyzed qualitative information about racial and ethnic disparities in the justice system, including perspectives from system actors, community members, and incarcerated individuals? ☐ Y ☐ N
  - If yes, please describe.
  - If no, please describe how you will incorporate feedback from a variety of stakeholders, including community members, to supplement the quantitative information collected.



### Step 3: Develop or Adjust Strategies to Incorporate a Focus on Disparities Template

*The following set of questions ask for information about how the strategies in your jurisdiction that target RED were developed.*

1. Do your jurisdiction's existing strategies target specific drivers of incarceration and inequity for people of color (as indicated by the data from Step 2)? ☐ Y ☐ N
  - If so, please list the strategy (or strategies), area of the system, and population/s they target to reduce disparities.
2. Did your working group create new strategies to target racial and ethnic disparities in your jurisdiction's criminal justice system? ☐ Y ☐ N
  - If yes, please describe the strategy (or strategies), areas of the system, and the target population(s).
3. Did your working group adjust existing strategies? ☐ Y ☐ N
  - If yes, please describe the strategy/ies and how they were adjusted, including the target population(s) and area of the system they address.
4. Please describe how the qualitative and quantitative data gathered in Step 2 informed the strategies that were developed.

#### **Step 4: Develop Goals for Reducing Racial and Ethnic Disparities Template**

*The following set of questions ask for information about your site's RED goals and how they were developed.*

1. For each strategy (or components of a broader strategy) listed in Step 3 that focus on reducing racial and ethnic disparities, please note the targeted drivers, populations targeted, and numerical goals (if developed).
2. Describe how your goals were developed, including who participated in the process (e.g. working group, site coordinator, Burns Institute, ISLG, etc.) If you set numerical targets, describe how you determined these targets.

### Step 5: Monitor and Evaluate Impacts Template

*The following set of questions ask for information about your site's plans to monitor the impact of RED strategies and make adjustments as needed.*

1. What agency or agencies will be responsible for coordinating data collection?
2. What agency or agencies will be responsible for conducting the analysis?
3. What performance measures were developed (please list by strategy)?
4. Are all performance measures disaggregated by race and ethnicity? ☐ Y ☐ N
  - If no, which strategies are not disaggregated by race and ethnicity and why?
5. How frequently will your jurisdiction review performance measure data that is disaggregated by race and ethnicity?
6. Will stakeholders review the preliminary data? ☐ Y ☐ N
  - If you checked yes, which stakeholders will review the data?
7. Which committees or working groups will be provided with the final report?
8. In what form will the final information be provided to stakeholders (e.g. report, dashboard, etc.)?
9. Will the information be publicly available and, if so, how will it be shared (e.g. online dashboard, online links to reports, etc.)?
10. Who will be tasked with adjusting existing or developing new strategies (as needed)?
11. How will your jurisdiction adjust strategies if outcome information indicates adjustment is necessary?
12. How will adjustments to existing strategies be communicated to other stakeholders in your jurisdiction (e.g. other working group members and community members)?
13. How will your jurisdiction institutionalize the use of data to monitor and reduce racial and ethnic disparities?

# The San Francisco Sentencing Commission

## City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

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### Sentencing Commission Staff Report

September 18, 2019

Prepared by Tara Anderson, Sentencing Commission Director

### 2019 Remaining Meeting Dates

#### Sentencing Commission Full Meetings

September 19, 2019

10 am- 12pm

850 Bryant St, Rm 322, SFDA Law Library,  
San Francisco, CA

December 4, 2019

10 am- 12pm

Location TBD

#### Criminal Justice Racial Equity Workgroup

July 16, 2019\*

3pm-4pm

~~September 17, 2019\*~~

Rescheduled

September 24, 2019

2pm-3pm

November 19, 2019\*

3pm-4pm

All meetings are held in Hall of Justice, 850 Bryant Street, Rm 436.

\*Denotes same week as the SJC workgroup meeting schedule.

#### Safety and Justice Challenge Workgroup

September 24, 2019

12 pm-1:30 pm

October 22, 2019

12 pm-1:30 pm

November 26, 2019

12 pm-1:30 pm

All meetings are held in Hall of Justice, 850 Bryant Street, Rm 436.

#### Policy Research Associates Technical Assistance

#### Sequential Intercept Model Intercept 0/1 Exercise

September 10-11, 2019- COMPLETED

#### Justice Management Institute Site Visit

October 10-11, 2019

#### Institute for State and Local Government Site Visit

~~September 18-19, 2019~~

Rescheduled

October 21-22, 2019

#### National Safety and Justice Challenge Network Meeting Update

On October 2-4th a delegation of nine representatives of the City and County of San Francisco and Superior Court attended the SJC National Network meeting.

TO: Laurie Garduque,  
 FROM: Tara Anderson, Director of Policy, San Francisco District Attorney's Office  
 CC: Lore Joplin, Truls Neal, Christina Sansone, Justice System Partners  
 DATE: July 31, 2019  
 RE: Revised Safety and Justice Challenge Implementation Plan

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## **I. Overview**

The revised Safety and Justice Challenge Implementation Plan outlines the five funded strategies for a safely reducing San Francisco's jail population. The jail facilities in the seismically unfit Hall of Justice are slated for closure. According to The JFA analysis, the key drivers of the jail population fall into 3 categories: (1) those booked and released within a few hours or under 3 days; (2) those booked and released more than once in a year with short length of stay; and, (3) those who spend many weeks and months in custody before their cases are resolved, or their jail sentences completed. To negate the need for a replacement facility, the SJC Implementation Strategies are targeted to reduce the jail's Average Daily Population (ADP) to 1,044. The average daily jail population in fiscal year 2018-2019 was 1285, this increase has resulted in an adjusted reduction goal of nineteen percent. This memo briefly summarizes some of the key improvements to the Implementation Plan, highlights notable accomplishments and acknowledges unfunded work linked to the goals of the SJC Initiative. The Implementation Plan includes significant detail and this memo is merely a snapshot of a document that will continue to evolve throughout the implementation process.

## **II. Key Improvements**

### Leading with Race and Ethnicity

Each of the five strategies in San Francisco's SJC Implementation plan lead with objectives and activities explicitly incorporating the reduction of racial and ethnic disparities. While the items listed in each strategy area are not assigned relative priority the SJC team thought it was imperative to lead each strategy with racial and ethnic disparities reduction to ensure that it is the lens that all work is viewed through. Many members of the SJC workgroup and the Criminal Justice Racial Equity Work Group (CJREWG) are participants in the Government Alliance on Race and Equity (GARE), which is a national network of governments working to achieve racial equity and advance opportunities for all. The concept of leading with race is described by GARE [here](#).

### Expanded Detail for Case Processing

San Francisco has distilled the jail population to some of the hardest to treat populations, this is exemplified by the key population drivers. Most notable is San Francisco's pretrial and sentenced populations that spend many weeks and months in custody before their cases are resolved, or their jail sentences completed. In order to address this San Francisco identified case processing as a primary strategy. The Implementation Plan now represents more accurately the numerous steps that will be required to support the Superior Court in setting case processing benchmarks and ultimately ensure they are followed by defense counsel and prosecutors.

### Adjustments to the Impact Calculations

Since the original application the average daily jail population of the San Francisco County Jail has increased. As stated above, the average daily jail population in fiscal year 2018-2019 was 1285, this increase has resulted in an adjusted reduction goal of nineteen percent. As a result, San Francisco's reduction strategy, under

Impact Calculation 3 A, was adjusted from a sixty percent to seventy percent success rate for reducing repeat bookings by one admission. There are 1394 individuals who had repeat bookings in the 12 months prior to the SJC grant submission with 3-15 days average length of stay. CCSF believes that the Jail Population Review Team reports and weekly multi-disciplinary population meetings will result at minimum in reducing at least one booking per individual. This represents a 154 population reduction. This is still a conservative and achievable estimate as more than one booking will likely be prevented for the majority of individuals with frequent contact. When combined with the projected population reduction for individuals in custody for violent felonies by 95 jail beds, the new total projected population reduction is 249. The City and County of San Francisco originally proposed a 17% reduction in average daily population reflected as 224 people and 81,760 jail bed days respectively. This new calculation represents a 19% reduction and 90,885 jail bed days.

### **III. Unfunded Strategies**

The two strategies in the original application that were not ultimately funded included; support for children and families of incarcerated persons and immediate financial support for survivors of crime. The SJC Workgroup was able to successfully advocate for the children and family support strategies to be adopted as a priority advocacy area for the Reentry Council, which plans to partner with the Department of Children Youth and their Families to develop a pilot program modeled after the SJC proposal. The SJC workgroup continues to work to identify resources for the flexible victim restitution fund.

### **IV. Challenges**

The average daily population of the jail has increased since the pre application phase and baseline. Trends show an increased average length of stay for released population by approximately 10 days and increased total monthly sentenced population in custody; while the total bookings and releases have remained relatively constant. There is no clear cause of the population increase, however there have been several significant policy changes and court rulings that may be contributing toward jail population trends. These changes and the outstanding questions for the SJC Workgroup are listed below.

#### Policy Changes

SB 266. Probation and mandatory supervision: flash incarceration. Expands the use of flash incarceration to cover populations on county probation. Clarifies credits earned if probation is revoked.

Mental Health Diversion: AB 1810-July 1, 2018 and SB 215-January 1, 2019

Humphrey's Decision- January 25, 2018 Court ruled that money bail system in California violated due process and equal protection by imprisoning defendants prior to trial solely because they could not afford to pay bail. The ruling required Superior Court judges to consider both a defendant's ability to pay and non-monetary alternatives to money bail when setting an amount of money bail or setting conditions of release. It also prohibited detention that was based solely on a defendant's inability to pay.

AB 2942 -Allows prosecutors to recommend shortened sentences.

AB 1812- Expands 1170(d) resentencing. Court may reduce a term of imprisonment and modify judgement.

SB 1187- Competency. Allows defendants to earn day for day credits during any period of treatment.

### Outstanding Questions

Is it taking longer for sentenced populations with prison commitments to get transferred from SFSD custody to state prison?

Has the population with local sentences increased?

Has the average local sentence increased?

Have both arrests and admissions remained constant?

### **V. Accomplishments**


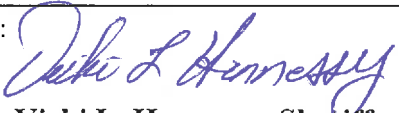
Since award announcement in October 2018, followed by final grant agreement in November 2018, San Francisco has achieved many accomplishments. The following notable activities were completed;

- Stress Test
- Board of Supervisors Accept and Expend to allow for hiring and expenditure of grant funds.
- Sole source and Civil Service Board approval for the California Police Lab contract
- Established standard rationale for monthly Jail Population Report
- Case processing site visit with Justice Management Institute
- Case Processing Summary Data Report
- Monthly SJC Workgroup Meetings
- Criminal Justice Racial Equity Statement and Draft agenda for Action
- Launch of CJREWG
- 11 Justice System Partners Site Visits, including interviews with criminal justice and behavioral health system stakeholders
- Justice System Partners Report: Behavioral Health Strategy Recommendations
- Policy Academy and Action Plan
- Corporation for Supportive Housing site visit and training
- Board of Supervisors presentation on mental health diversion highlighting the Safety and Justice Challenge

Many other activities are in process including the hiring of the SJC Coordinator, Court Analyst and the Jail Population Analyst. The final Data Use Agreement is ready for signature as of today and in August the public facing Justice Dashboard will go live.

### **VI. Conclusion**

The City and County of San Francisco is honored to have the privilege to be an SJC Implementation Site. The five strategies outlined in the Implementation Plan are San Francisco's best opportunity to simultaneously safely reduce the jail population and racial and ethnic disparities while negating the need to build a replacement facility. San Francisco has completed a significant amount of work without the ability to access the grant funds. Now that funds are approved and as the local work is staffed, San Francisco expects to accelerate all Implementation Strategies.

<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>06/03/2019</b></p>	<p>Policy #: <b>SFSD 02-40</b></p>
	<p>Last Revised:</p>	
	<p>Related Policies: COD Grievance COD Credit</p>	
<p>Chapter: <b>02 Legal Enforcement and Operations</b></p>	<p>Approved By:  <b>Vicki L. Hennessy, Sheriff</b></p> <p>Title: <b>Milestone Credits</b></p>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) affords inmates the privilege and opportunity to earn "Milestone" Credits for successful completion of specific program performance objectives, for approved educational and rehabilitative programming.

**PURPOSE:** To provide guidelines for supplemental credit-earning programs for inmates who successfully complete specific program performance objectives for approved educational and rehabilitative programming including, but not limited to, additional sentence credit of not less than one week to not more than six weeks for performance benchmarks in accordance with 4019.4 PC.

**I. General:**

- A. Inmates who successfully complete approved specific program performance objectives, including, but not limited to: academic, vocational and substance abuse programs; vocational training; domestic violence prevention; and anger management, may be awarded Milestone Credit which reduce the term of their confinement.
  - 1. A Milestone Credit award is a reduction of an inmate's sentence of not less than one week to not more than six weeks in a 12-month period.
- B. Inmate participation in the Milestone program is a privilege and not a right. Inmates shall have a reasonable opportunity to participate in rehabilitative programming, based on a list of approved programs and classes, that qualifies for program credit reductions consistent with institutional security, available resources and guidelines set forth by the Sheriff.
- C. An inmate who received Milestone Credit awards may not receive credit awards for the same course of study even if completion of the same course was in a different 12-month period of continuous incarceration.
- D. An inmate may not have their term of confinement reduced by more than six weeks based on Milestone Credits awarded, during a 12-month period of continuous incarceration.
  - 1. Additional credits earned during one 12-month period may be carried over to an additional 12-month period of continuous incarceration.
- E. The Central Records and Warrants Unit (CRW) are authorized to apply Milestone Credits and recalculate release dates, based on the Sheriff's approval.



## Milestone Credits

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1. For inmates who earn Milestone Credits and are sentenced to state prison, CRW will report that information to the courts.
- F. The Administration and Programs Division Chief Deputy and / or the Director of Programs shall maintain, update and disseminate a list of approved programs and classes for Milestone Credits to the CRW, at the beginning of each calendar year and as needed thereafter.
- G. Inmates are not eligible for Milestone Credits awards that result in an inmate being overdue for release. Additionally, credit awards will not be carried over from one case / incarceration to another separate case / incarceration.
  1. Inmates who earn Milestone Credits and are subsequently released prior to sentencing, who then return to custody on the same matter, may be entitled to the credits earned on the case.
  2. Inmates who are given credit for time served at sentencing will not be afforded program Milestone Credit awards on the case for which they have been released from custody.
  3. Inmates who are sentenced to consecutive sentences may only earn Milestone Credits on one case at a time.
  4. Inmates who are sentenced to concurrent sentences may be entitled to have any earned Milestone Credit awards applied to all concurrently sentenced cases.
- H. Placement in disciplinary separation (lock-up) does not necessarily preclude an inmate from continuing independent study programs that have been previously initiated. Inmates in administrative segregation may apply for self-study programs.
  1. Inmates may not receive credit during a disciplinary separation in which there was a sustained Level 3 violation incurring a separation of more than five days.
- I. Inmates who are not housed in program housing areas or facilities, where programing is readily available, may request to participate in programing using an Inmate Action Request form.
- J. Inmates may be denied access to or removed from a Milestone Credit program for violations of jail rules, institutional security concerns, lack of available resources or guidelines set forth by the Sheriff.
  1. Milestone Credit awards earned by an inmate may be forfeited pursuant to the provisions of California Penal Code Section 4019 and for violation of SFSD rules.
  2. Inmates who have been denied access to or removed from a Milestone Credit program may appeal the action following the normal grievance procedure.
  3. Inmates who have been removed from or denied access to a Milestone Credit program may be afforded the opportunity to complete the program via an independent study on a case-by-case basis predicated on available resources and guidelines set forth by the Sheriff.

**II. Procedures:**

- A. All inmates participating in approved programming are automatically eligible to be awarded Milestone Credits upon achievement of benchmarks. No more than 20 hours of Milestone Credits can be earned in a week.
- B. Within seven days of an inmate completing any performance Milestone, the instructor or program coordinator in charge of the approved program shall:
  - 1. Fill out a Proof of Completion Milestone Credit Awards form and have the form approved by the instructor if it is a sworn supervisor, program coordinator or authorized Five Keys Charter School employee.
    - a. If the instructor is not authorized to approve the form, take the form to a program coordinator in their chain of command for approval.
  - 2. Deliver the original to CRW and give a copy to the inmate, once the Proof of Completion Milestone Credit Awards form is approved.
- C. Upon receipt of, a completed and approved Proof of Completion Milestone Credit Awards form, CRW shall:
  - 1. Verify that the inmate is eligible for the Milestone Credits and is sentenced:
    - a. If eligible and sentenced, recalculate inmate's release date per department procedure and make an entry in the inmate's global jacket. Place copy of Proof of Completion Milestone Credit Awards form in inmate's jacket.
    - b. If eligible and not sentenced place Proof of Completion Milestone Credit Awards form in inmate's jacket.
  - 2. If not eligible, document the reason on Proof of Completion Milestone Credit Awards form, place a copy in the inmate jacket and give a copy to the inmate.
  - 3. When requested by Adult Probation, the District Attorney, the Courts, and / or another agency, CRW will forward Milestone Credit to the requesting agency.
- D. Milestone Credits are not retroactive prior to the beginning of the Milestone Credit Program, except as outlined in the Frequently Asked Questions (FAQ).

**III. Forms:**

Proof of Completion Milestone Credit Awards

**V. Reference:**

Appendix A: Approved Program List for Milestone Credits

California Penal Code Section 4019.4

Title 15 Section 3043(c)

**San Francisco Sheriff's Department**  
**Approved Program List for Milestone Credits**

PROGRAM / COURSE	NUMBER OF HOURS NEEDED	MEILESTONE CREDITS
RSVP	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Roads to Recovery	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Keys to Change	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
COVER	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
SISTER	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Sub-Acute Psychiatric Housing Unit and Psychiatric Sheltered Living Unit	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Five Keys Charter School	Completion of 5 units of education (i.)	1 Milestone Credit
College Level Courses	Completion of 3 college level units	1 Milestone Credit
Five Keys Independent Study	Completion of 5 units education. (1 credit usually equals 1 packet)	1 Milestone Credit
Discover Your True Self (Inmates not housed in a program housing unit / facility)	20 hours	Combine with other classes to equal 60 hrs.
Parenting Class	Completion (50-60) hours	1 Milestone Credit
Parenting Class (Inmate not housed in a program housing unit / facility)	Completion (50-60) hours	1 Milestone Credit
	20 Hours Segments (ii.)	Combine with other classes to equal 60 hrs.

- i. High school academic courses provided through charter school providers have various levels of achievement; however, the completion standard is based on "Carnegie Units" which are equal to one unit of credit for every 12 hours of instruction. At the successful completion of five (5) Carnegie Units, one Milestone Credit will be awarded. Since some students only need to complete partial courses toward their high school diploma, completed academic classes can be combined to earn a Milestone Credit. Example: Algebra (2 Units) + English (3 Units) = 5 Units completed or one Milestone Credit
- ii. Inmates may request the combine 20 hours of parenting classes with other approved core programs. However, the student may not use those same 20 hours to complete parenting classes for full credit. (Example: Inmate completes 20 hours of Parenting Class and 20 hours of Discover True Self and needs an addition 20 hours to earn one Milestone Credit. If the inmate uses the 20 hours from a parenting class then completes/graduates form parenting, they will need an addition 20 hours of parenting or another approved core program to earn another Milestone Credit.



## Proof of Completion Credit Milestone Credit Awards

### Section Completed by Instructor or Program Coordinator

Inmate Name: \_\_\_\_\_ SF #: \_\_\_\_\_

Core Program(s) Completed: \_\_\_\_\_

Date Milestone(s) Completed: \_\_\_\_\_

Number of Milestones completed (max 6 per year) \_\_\_\_\_

Instructor and Contract Service Provider Name : \_\_\_\_\_

Instructor's signature: \_\_\_\_\_ RSC Signature: \_\_\_\_\_

Admin/Program Chief, Dir. of Programs or Designee Signature: \_\_\_\_\_

Date Transmitted to Records: \_\_\_\_\_

Instructor and / or program coordinator's signature on this form is a declaration under penalty of perjury under the laws of the State of California that to the best of their knowledge the inmate listed above has earned the above number of Milestone Credits and all the information is true and correct.

### Section Completed by the Central Records and Warrants Unit

Date / Time Received: \_\_\_\_\_

1: Is Inmate eligible for PC 4019.4 Credits? Yes No (If no, indicate why on reverse)

2: Is Inmate Sentenced? Yes No

3: Has inmate been afforded PC 4019.4 Credits in the past 12 months? Yes No

4: If yes, how many? \_\_\_\_\_ (no more than 6 Milestone Credits may be awarded per 12 months of continuous custody. Excess Credits may be applied at a later date during same incarceration.)

5: Number of credits to be awarded: \_\_\_\_\_ (1 Credit = 7 days)

6: If sentenced, have Credits been awarded? Yes No

7: New Release Date: \_\_\_\_\_



## Proof of Completion Milestone Credit Awards

### Notice to Inmate

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Milestone Credits have been approved. New release date: \_\_\_\_\_

Credits have not been approved for the following reasons.

1. Not eligible for Credits per 4019.4 on federal case
2. Not yet sentenced. Once sentenced the Credits will be applied on all State cases.
3. Already earned and been credited with the maximum number of Credits allowed per PC 4019.4.
4. Other: \_\_\_\_\_  
\_\_\_\_\_

Staff Signature & Star # \_\_\_\_\_

Date: \_\_\_\_\_



# San Francisco Sheriff's Department

## INTER-OFFICE CORRESPONDENCE

August 16, 2019

Reference: 2019-096

To: All Inmates Housed in San Francisco County Jails  
From: Sheriff Vicki L. Hennessy *Vicki L. Hennessy*  
Subject: UPDATE: Milestone Credits Information and Frequently Asked Questions

Beginning May 13, 2019, the Sheriff's Department began allowing eligible inmates to earn Milestone Credits per Penal Code 4019.4.

To earn these credits, you must participate in the approved listed programs and achieve set benchmarks. Credits are only applied retroactively for unsentenced persons as noted in item 14.

1. **What are Milestone Credits?** Milestone Credits are credits for time off your county jail sentence that can be earned for completing approved educational, vocational or rehabilitation course work for this current incarceration.
2. **Do I have a right to earn Milestone Credits?** No. The opportunity to earn Milestone Credits is a privilege, not a right, and it is dependent on institutional security, available resources, and guidelines set forth by the sheriff.
3. **What if I am housed in Administrative Segregation or a disciplinary separation?** Inmates in special housing units may be permitted to earn Milestone Credits through independent study depending on availability. Inmates may not receive credit during a disciplinary separation in which there was a sustained Level 3 violation incurring a separation of more than five days.
4. **What if I am here as a federal prisoner or I am awaiting extradition?** Penal Code 4019.4 only applies to persons who are charged with state crimes. If you are here on a local matter and a federal or extradition case, then you may earn credits towards your local matter only. This does not prevent individuals from participating in available programs.
5. **How many days is one Milestone Credit?** Each Milestone is equal to seven days. You may not earn partial Milestones.
6. **Can my Milestone Credits be forfeited?** Yes, just like PC 4019 Good Time/Work Time Credits (half time), Milestone Credits can be taken away for sustained violations of jail rules.

7. **Is there a limit to how many Milestones I can earn?** Yes, you may only earn up to six Milestone Credits (42 days) per each 12 months of incarceration. If you earn more than six Milestone credits in a 12-month period, the excess credits will not be awarded until 12 months have passed from the date when you began earning your additional Milestone credits.
8. **Do I need to be sentenced to earn Milestone Credits?** No. However, you cannot be awarded the credits until you are sentenced.
9. **Will CDCR accept Milestone Credits that are earned in the county jail?** CDCR will not accept credits from the SFSD. However, the SFSD will, upon request, inform the court and probation of all credits earned prior to a state prison sentence. It is the discretion of the court whether to place those credits on your prison commitment.
10. **What happens to Milestone Credits that I earn if I post bail or am released on OR?** Inmates who earn Milestone Credits and are subsequently released prior to sentencing, who then return to custody on the same matter, may be entitled to the credits earned on the same case.
11. **What happens to my Milestone credits if I beat my case or am given CTS at sentencing?** Inmates who are given credit for time served at sentencing will not be afforded program Milestone Credit awards on the case for which they have been released from custody. This is true even if you are returned to custody on a probation violation for the same case. If you are found not guilty or your case is dismissed, you will not be able to carry over the credits earned for a future incarceration.
12. **What if I think I am due more Milestone Credits than I was awarded, or I am denied credits for not fully participating and I think I was participating?** If you have any issue with being awarded credits you should start by speaking with your instructor or program coordinator. If you are not satisfied with the response you may use the grievance procedure.
13. **What about AA, NA, Religious Services or other programs, classes or services offered by the community?** Only programs on the approved programming list are eligible for earning Milestone Credits. However, the SFSD strongly supports your participating in any class, program or service that will help you meet your goal of taking accountability for your actions and preparing for a future without further incarcerations.
14. **Can I obtain Milestone credits for programmatic activity that I engaged in prior to May 13, 2019?** If you are serving a county jail sentence or have a sentencing date scheduled for a CDCR sentence and you believe that you have earned Milestone credits prior to May 13, 2019, you may apply through Prisoner Legal Services for retroactive Milestone Credits by completing a PLS request form for this purpose. The Director of Programs will work with Records to determine if Milestone credits can be verified and awarded for the current incarceration. Retroactive credits for such cases will only be researched for the period of January 1, 2017 through May 13, 2019. Persons who were sentenced to CDCR after May 13, 2019 who believe that they may have earned retroactive milestone credits may have their attorneys contact PLS to determine if there are verifiable credits that may be applied.




# San Francisco Sheriff's Department

## INTER-OFFICE CORRESPONDENCE

15. **Am I entitled to credits for all classes/programming that I participate in while incarcerated?** No, you are entitled to credits for full participation in the approved list of programs. If you do not fully participate, are generally disruptive or do not follow the expected norms of the class and/or program you are participating in, you will not be given credits for that day and risk being removed from credit earning programs.
16. **Can the SFSD notify the court and/or Adult Probation of violations of jail rules and refusals to program or fully participate in programming?** The SFSD may at any time place information regarding refusal to take advantage of offered programs, and violations of jail rules in your jacket so they may be reviewed by APD and reported to the court.



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: 06/03/2019</p>	<p>Policy #: SFSD 02-40</p>
	<p>Last Revised:</p> <p>Related Policies: COD Grievance COD Credit</p>	
	<p>Approved By: <i>Vicki L. Hennessy</i> <b>Vicki L. Hennessy, Sheriff</b></p>	
<p>Chapter: 02 Legal Enforcement and Operations</p>	<p>Title: Milestone Credits</p>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) affords inmates the privilege and opportunity to earn "Milestone" Credits for successful completion of specific program performance objectives, for approved educational and rehabilitative programming.

**PURPOSE:** To provide guidelines for supplemental credit-earning programs for inmates who successfully complete specific program performance objectives for approved educational and rehabilitative programming including, but not limited to, additional sentence credit of not less than one week to not more than six weeks for performance benchmarks in accordance with 4019.4 PC.

**I. General:**

- A. Inmates who successfully complete approved specific program performance objectives, including, but not limited to: academic, vocational and substance abuse programs; vocational training; domestic violence prevention; and anger management, may be awarded Milestone Credit which reduce the term of their confinement.
  1. A Milestone Credit award is a reduction of an inmate's sentence of not less than one week to not more than six weeks in a 12-month period.
- B. Inmate participation in the Milestone program is a privilege and not a right. Inmates shall have a reasonable opportunity to participate in rehabilitative programming, based on a list of approved programs and classes, that qualifies for program credit reductions consistent with institutional security, available resources and guidelines set forth by the Sheriff.
- C. An inmate who received Milestone Credit awards may not receive credit awards for the same course of study even if completion of the same course was in a different 12-month period of continuous incarceration.
- D. An inmate may not have their term of confinement reduced by more than six weeks based on Milestone Credits awarded, during a 12-month period of continuous incarceration.
  1. Additional credits earned during one 12-month period may be carried over to an additional 12-month period of continuous incarceration.
- E. The Central Records and Warrants Unit (CRW) are authorized to apply Milestone Credits and recalculate release dates, based on the Sheriff's approval.

## Milestone Credits

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1. For inmates who earn Milestone Credits and are sentenced to state prison, CRW will report that information to the courts.
- F. The Administration and Programs Division Chief Deputy and / or the Director of Programs shall maintain, update and disseminate a list of approved programs and classes for Milestone Credits to the CRW, at the beginning of each calendar year and as needed thereafter.
- G. Inmates are not eligible for Milestone Credits awards that result in an inmate being overdue for release. Additionally, credit awards will not be carried over from one case / incarceration to another separate case / incarceration.
  1. Inmates who earn Milestone Credits and are subsequently released prior to sentencing, who then return to custody on the same matter, may be entitled to the credits earned on the case.
  2. Inmates who are given credit for time served at sentencing will not be afforded program Milestone Credit awards on the case for which they have been released from custody.
  3. Inmates who are sentenced to consecutive sentences may only earn Milestone Credits on one case at a time.
  4. Inmates who are sentenced to concurrent sentences may be entitled to have any earned Milestone Credit awards applied to all concurrently sentenced cases.
- H. Placement in disciplinary separation (lock-up) does not necessarily preclude an inmate from continuing independent study programs that have been previously initiated. Inmates in administrative segregation may apply for self-study programs.
  1. Inmates may not receive credit during a disciplinary separation in which there was a sustained Level 3 violation incurring a separation of more than five days.
- I. Inmates who are not housed in program housing areas or facilities, where programming is readily available, may request to participate in programming using an Inmate Action Request form.
- J. Inmates may be denied access to or removed from a Milestone Credit program for violations of jail rules, institutional security concerns, lack of available resources or guidelines set forth by the Sheriff.
  1. Milestone Credit awards earned by an inmate may be forfeited pursuant to the provisions of California Penal Code Section 4019 and for violation of SFSD rules.
  2. Inmates who have been denied access to or removed from a Milestone Credit program may appeal the action following the normal grievance procedure.
  3. Inmates who have been removed from or denied access to a Milestone Credit program may be afforded the opportunity to complete the program via an independent study on a case-by-case basis predicated on available resources and guidelines set forth by the Sheriff.

**II. Procedures:**

- A. All inmates participating in approved programming are automatically eligible to be awarded Milestone Credits upon achievement of benchmarks. No more than 20 hours of Milestone Credits can be earned in a week.
- B. Within seven days of an inmate completing any performance Milestone, the instructor or program coordinator in charge of the approved program shall:
  - 1. Fill out a Proof of Completion Milestone Credit Awards form and have the form approved by the instructor if it is a sworn supervisor, program coordinator or authorized Five Keys Charter School employee.
    - a. If the instructor is not authorized to approve the form, take the form to a program coordinator in their chain of command for approval.
  - 2. Deliver the original to CRW and give a copy to the inmate, once the Proof of Completion Milestone Credit Awards form is approved.
- C. Upon receipt of, a completed and approved Proof of Completion Milestone Credit Awards form, CRW shall:
  - 1. Verify that the inmate is eligible for the Milestone Credits and is sentenced:
    - a. If eligible and sentenced, recalculate inmate's release date per department procedure and make an entry in the inmate's global jacket. Place copy of Proof of Completion Milestone Credit Awards form in inmate's jacket.
    - b. If eligible and not sentenced place Proof of Completion Milestone Credit Awards form in inmate's jacket.
  - 2. If not eligible, document the reason on Proof of Completion Milestone Credit Awards form, place a copy in the inmate jacket and give a copy to the inmate.
  - 3. When requested by Adult Probation, the District Attorney, the Courts, and / or another agency, CRW will forward Milestone Credit to the requesting agency.
- D. Milestone Credits are not retroactive prior to the beginning of the Milestone Credit Program, except as outlined in the Frequently Asked Questions (FAQ).

**III. Forms:**

Proof of Completion Milestone Credit Awards

**V. Reference:**

Appendix A: Approved Program List for Milestone Credits

California Penal Code Section 4019.4

Title 15 Section 3043(c)

**San Francisco Sheriff's Department**  
**Approved Program List for Milestone Credits**

PROGRAM / COURSE	NUMBER OF HOURS NEEDED	MELESTONE CREDITS
RSVP	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Roads to Recovery	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Keys to Change	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
COVER	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
SISTER	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Sub-Acute Psychiatric Housing Unit and Psychiatric Sheltered Living Unit	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Five Keys Charter School	Completion of 5 units of education (i.)	1 Milestone Credit
College Level Courses	Completion of 3 college level units	1 Milestone Credit
Five Keys Independent Study	Completion of 5 units education. (1 credit usually equals 1 packet)	1 Milestone Credit
Discover Your True Self (Inmates not housed in a program housing unit / facility)	20 hours	Combine with other classes to equal 60 hrs.
Parenting Class	Completion (50-60) hours	1 Milestone Credit
Parenting Class (Inmate not housed in a program housing unit / facility)	Completion (50-60) hours	1 Milestone Credit
	20 Hours Segments (ii.)	Combine with other classes to equal 60 hrs.

- i. High school academic courses provided through charter school providers have various levels of achievement; however, the completion standard is based on "Carnegie Units" which are equal to one unit of credit for every 12 hours of instruction. At the successful completion of five (5) Carnegie Units, one Milestone Credit will be awarded. Since some students only need to complete partial courses toward their high school diploma, completed academic classes can be combined to earn a Milestone Credit. Example: Algebra (2 Units) + English (3 Units) = 5 Units completed or one Milestone Credit
- ii. Inmates may request the combine 20 hours of parenting classes with other approved core programs. However, the student may not use those same 20 hours to complete parenting classes for full credit. (Example: Inmate completes 20 hours of Parenting Class and 20 hours of Discover True Self and needs an addition 20 hours to earn one Milestone Credit. If the inmate uses the 20 hours from a parenting class then completes/graduates form parenting, they will need an addition 20 hours of parenting or another approved core program to earn another Milestone Credit.



## Proof of Completion Credit Milestone Credit Awards

### Section Completed by Instructor or Program Coordinator

Inmate Name: \_\_\_\_\_ SF #: \_\_\_\_\_

Core Program(s) Completed: \_\_\_\_\_

Date Milestone(s) Completed: \_\_\_\_\_

Number of Milestones completed (max 6 per year) \_\_\_\_\_

Instructor and Contract Service Provider Name : \_\_\_\_\_

Instructor's signature: \_\_\_\_\_ RSC Signature: \_\_\_\_\_

Admin/Program Chief, Dir. of Programs or Designee Signature: \_\_\_\_\_

Date Transmitted to Records: \_\_\_\_\_

Instructor and / or program coordinator's signature on this form is a declaration under penalty of perjury under the laws of the State of California that to the best of their knowledge the inmate listed above has earned the above number of Milestone Credits and all the information is true and correct.

### Section Completed by the Central Records and Warrants Unit

Date / Time Received: \_\_\_\_\_

1: Is Inmate eligible for PC 4019.4 Credits?      Yes      No (If no, indicate why on reverse)

2: Is Inmate Sentenced?      Yes      No

3: Has inmate been afforded PC 4019.4 Credits in the past 12 months?      Yes      No

4: If yes, how many? \_\_\_\_\_ (no more than 6 Milestone Credits may be awarded per 12 months of continuous custody. Excess Credits may be applied at a later date during same incarceration.)

5: Number of credits to be awarded: \_\_\_\_\_ (1 Credit = 7 days)

6: If sentenced, have Credits been awarded?      Yes      No

7: New Release Date: \_\_\_\_\_



## Proof of Completion Milestone Credit Awards

### Notice to Inmate

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Milestone Credits have been approved. New release date: \_\_\_\_\_

Credits have not been approved for the following reasons.

1. Not eligible for Credits per 4019.4 on federal case
2. Not yet sentenced. Once sentenced the Credits will be applied on all State cases.
3. Already earned and been credited with the maximum number of Credits allowed per PC 4019.4.

4. Other: \_\_\_\_\_  
\_\_\_\_\_

Staff Signature & Star # \_\_\_\_\_

Date: \_\_\_\_\_



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