

Reentry Council

City & County of San Francisco

AGENDA

Thursday, April 28, 2022

10am- 12pm

<https://us02web.zoom.us/j/84613361632?pwd=d2RnOGg2LytXV2trZERKakRBQUJHdz09>

Meeting ID: 836 0465 1555

Passcode: 851315

One tap mobile

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REMOTE MEETING VIA VIDEOCONFERENCE Watch via Zoom: In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

Reentry Council meetings will be held through videoconferencing will allow remote public comment via the videoconference or through the number noted above. Members of the public are encouraged to participate remotely by submitting written comments electronically to victoria.westbrook@sfgov.org. These comments will be made part of the official public record in these matters and shall be brought to the attention of the members of the Reentry Council member. Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfgov.org/sfreentry/>

Note: Each member of the public will be allotted no more than 2 minutes to speak on each item.

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1. Call to Order and Introductions.
2. Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e). (discussion and possible action).
 - a. The Reentry Council will consider adoption of a resolution making findings that newly-enacted Government Code Section 54953(e) requires in order to allow the Reentry Council to hold meetings remotely, as currently required under local law, without complying with infeasible Brown Act requirements.
3. Ramaytush Ohlone Land Acknowledgement.
4. Public Comment on Any Item Listed Below as for “Discussion Only.” (**NOTE:** public comment on items listed as “possible action” will occur during that agenda’s time).
5. Review and Adoption of Meeting Minutes of January 27, 2022 (discussion & possible action).
6. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action).
 - a. Staff updates
 - i. Not Returning to In-Person Meetings at This Time
 - ii. APD Reentry Services
 - iii. Housing Survey Update
 - b. Subcommittee updates
 - i. Direct Services Subcommittee
 - ii. Legislation, Policy, and Practices Subcommittee
 - iii. Women 1st Subcommitte
7. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, STARR (discussion only).
8. Racial Equity Work Updates – Criminal justice Racial Equity Workgroup Update and other Departments are welcome to provide a Racial Equity Update for their Department (discussion only).
9. Fair Chance Ordinance (discussion & possible action).
10. Current State Legislation (discussion & possible action).
 - a. AB 1670, AB 1816, AB 2023, AB 2250, AB 2706
 - b. SB 936, SB 990, SB 1008, SB 1106, SB 1427
11. Council Members’ Comments, questions and Requests for Future Agenda Items (discussion only)
12. Public Comment on any item on today’s agenda, or on other business within the purview of the Reentry Council (discussion only)
13. Adjournment.

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SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, 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 Reentry Council. Written comments should be submitted to: Victoria Westbrook, Interim Reentry Policy Planner, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94103, or via email: reentry.council@sfgov.org.

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfreentry.com> or by calling Victoria Westbrook at (415) 930-2202 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 Victoria Westbrook at reentry.council@sfgov.org or (415) 930-2202 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 Victoria Westbrook at reentry.council@sfgov.org or (415) 930-2202 at least two business days before the meeting.

CHEMICAL SENSITIVITIES

To assist the City in its efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

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.

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
Fax: (415) 554-5163
E-Mail: soft@sfgov.org

CELL PHONES

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

LOBBYIST ORDINANCE

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

**RESOLUTION MAKING FINDINGS TO ALLOW TELECONFERENCED
MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION
54953(e)**

WHEREAS, California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

WHEREAS, In February 25, 2020, the Mayor of the City and County of San Francisco (the “City”) declared a local emergency, and on March 6, 2020 the City’s Health Officer declared a local health emergency, and both those declarations also remain in effect; and

WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders suspending select provisions of local law, including sections of the City Charter, that restrict teleconferencing by members of policy bodies; those orders remain in effect, so City law currently allows policy bodies to meet remotely if they comply with restrictions in State law regarding teleconference meetings; and

WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

WHEREAS, While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the City’s Health Officer has issued at least one order (Health Officer Order No. C19-07y, available online at www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i, available online at www.sfdph.org/directives) that continue to recommend measures to promote physical distancing and other social distancing measures, such as masking, in certain contexts; and

WHEREAS, The California Department of Industrial Relations Division of Occupational Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures; and

WHEREAS, Without limiting any requirements under applicable federal, state, or local pandemic-related rules, orders, or directives, the City’s Department of Public Health, in coordination with the City’s Health Officer, has advised that for group gatherings indoors, such as meetings of boards and commissions, people can increase safety and greatly reduce risks to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks (as required by Health Officer Order No. C19-07), using physical distancing where the vaccination status of attendees is not known, and considering holding the meeting remotely if feasible, especially for long meetings, with any attendees with unknown vaccination status and where ventilation may not be optimal; and

WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited exceptions, prohibited policy bodies other than the Board of Supervisors and its committees from meeting in person under any circumstances, so as to ensure the safety of policy body members, City staff, and the public; and

WHEREAS, the Council has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; now, therefore, be it

RESOLVED, That the Reentry Council finds as follows:

1. As described above, the State of California and the City remain in a state of emergency due to the COVID-19 pandemic. At this meeting, the Reentry Council has considered the circumstances of the state of emergency.
2. As described above, State and City officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.

3. As described above, because of the COVID-19 pandemic, conducting meetings of this body and its committees in person would present imminent risks to the safety of attendees, and the state of emergency continues to directly impact the ability of members to meet safely in person; and, be it

FURTHER RESOLVED, That for at least the next 30 days meetings of the Reentry Council and its committees will continue to occur exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). Such meetings of the Reentry Council and its committees that occur by teleconferencing technology will provide an opportunity for members of the public to address this body and its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the secretary of the Reentry Council is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Reentry Council within the next 30 days. If the Reentry Council does not meet within the next 30 days, the secretary is directed to place a such resolution on the agenda of the next meeting of the Reentry Council.

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DRAFT MINUTES
Thursday, January 27, 2022
10am- 12pm

Members Present:

Mano Raju (Chair) (SF Public Defenders office), Chief Cristel Tullock (SFAPD), Tara Anderson for Chesa Boudin(DA), Sheriff Paul Miyamoto (SFSD), Angelica Almeida (DPH), Anthony Castellano (US Probation), Allyson West for (Superior Court), Onyanga Dean (State Parole, CDCR), Chief Katy Miller (Juvenile Probation), David McCahon for Susie Smith (HSA), Jasmine Dawson (DCYF), Freda Glenn for Director Karen Roye (CSS), Ken Nim for Tajuana Gray (OEWD), Antonio Napoleon (Mayoral Appointee), Allen Harven (Mayoral Appointee), Sheenia Branner (Mayoral Appointee), Michael Brown (BOS Appointee), Jabari Jackson (BOS Appointee),

Members Absent:

James Caldwell (for Mayor Breed), Representative for (HSH), Yolanda Morissette (BOS Appointee), Oscar Salinas (BOS Appointee), Chief William Scott (SFPD).

Vacancies:

Representative from the Board of Supervisors.

1. Call to Order/Role Call.

Mano Raju, representing the SF Public Defenders Office, called the meeting to order. He thanked Council members and members of the interested public for attending the meeting. He also thanked Victoria for preparing the agenda. He acknowledged the other five Co-Chairs:

- Paul Miyamoto, Sheriff.
- Chesa Boudin, District Attorney.
- James Caldwell, representing Mayor London Breed's Office
- Cristel Tullock, Chief of Adult Probation
- Jabari Jackson, representing the Justice Involved members

Victoria Westbrook completed Reentry Council Roll Call.

2. Welcoming Chief Tullock – the new Chief of Adult Probation (discussion only)

Public Defender Raju introduced the new Chief of Adult Probation, Cristel Tullock

Chief Tullock said that she was looking forward to serving as the first African American Chief of Adult Probation.

Public Defender Raju asked for any comments from Council Members.

Sheenia Branner, Freda Glenn, Jabari Jackson, Ken Nim, Angelica Almeida, Tara Anderson, Allyson West, Chief Miller, Tony Castellano, and Jasmine Dawson welcomed and congratulated Chief Tullock on her new appointment

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3. Welcome new Mayoral Appointees, Antonio Napoleon and Allen Harven

Public Defender Raju introduced the new Mayoral Appointed council members, Antonio Napoleon and Allen Harven. Both Antonio and Allen made a few remarks introducing themselves.

Public Defender Raju asked for any comments from Council Members.

Freda Glenn welcomed new council members. Sheriff Miyamoto congratulated new members. Public Defender Raju welcomed the new members.

4. Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e). (discussion and possible action).

- a. **The Reentry Council will consider adoption of a resolution making findings that newly-enacted Government Code Section 54953(e) requires in order to allow the Reentry Council to hold meetings remotely, as currently required under local law, without complying with infeasible Brown Act requirements.**

Public Defender Raju asked for a motion to Allow Teleconferenced Meetings under California Government Code Section 54953(e).

Sheenia Branner made the motion.

Seconded by Sheriff Miyamoto.

No Public Comment.

Motion Passed

5. Ramaytush Ohlone Land Acknowledgement

Public Defender Raju read the Ramaytush Ohlone Land Acknowledgement.

Public Defender Raju stated that in our last meeting Director Roy requested a presentation from pre-trial about services and outcome measures. Unfortunately Pre-Trial had a meeting at the same time as this meeting. They agreed to address that request in a future meeting

6. Public Comment on Any Item Listed Below as for “Discussion Only.” (NOTE: public comment on items listed as “possible action” will occur during that agenda’s time).

Public Defender Raju asked if there was any public comment

Cedric Akbar – Spoke on the Tenderloin Linkage Center. A medical triage and COVID Testing should be added to the center. Cedric explained that he saw open air drug use was visible allowing people to use drugs and he is concerned that this will not lead to successful outcomes. More oversight and accountability is needed – the money must be followed.

Cregg Johnson – Also spoke about Tenderloin Linkage Center. The community is saying what they need, but the City is providing more of the same than what the community really needs. He believed the Linkage Center is essentially operating an unsanctioned safe injection site. He advocated for offering a broader approach to how the City is addressing the challenges in the Tenderloin.

No other public comment

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7. Review and Adoption of Meeting Minutes of October 28, 2021 (discussion & possible action).

Public Defender Raju asked for a motion to adopt the minutes from October 28, 2021.

Chief Katy Miller made the motion to adopt.

Dean Onyanga seconded the motion.

Motion Passed

8. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion only).

a. Staff updates

- i. **Vaccination Requirements and Return to In-Person Meetings**
- ii. **Fair Chance Ordinance Update**
- iii. **APD Reentry: TL Linkage Center**
- iv. **Billie Holiday Reentry Navigation Center**
- v. **James Baldwin Mental Health Transitional Housing Program**
- vi. **Housing Survey Update**

b. Subcommittee updates

- i. **Direct Services Subcommittee**
- ii. **Legislation, Policy, and Practices Subcommittee**
- iii. **Women 1st Subcommittee**

Public Defender Raju asked Victoria Westbrook to provide the staff update.

Victoria provided an update about the vaccine mandate for all policy body members. She explained that all members must be fully vaccinated to attend in person meetings at this time. She said the next meeting is expected to be an in-person meeting.

Victoria Westbrook invited Steve Adami, Director of the Reentry Division of Adult Probation to speak about the additional updates.

Steve Adami stated that the San Francisco Fair Chance Ordinance dictates that the look-back period for an employer to review felony convictions is seven years. However, as a government employer, the City and County of San Francisco reviews felony convictions dating back thirteen years. Steve said that the facts and the data regarding this issue will be presented in a formal presentation to the reentry council at the April meeting and we will be requesting the reentry council to support our efforts for the City to amend this policy and be in line with the Fair Chance Ordinance.

Steve Adami provided an update on the Tenderloin Linkage Center. Steve commended the Department of Emergency Management for doing a great job opening the center in a short amount of time. Steve explained how excited they were to get people connected to services that will change their lives. He further explained that to date, nine people had gone into the Billie Holiday Center, two people into drug treatment, and one into the TRP Academy.

Steve Adami introduced Destiny Plestch, the Reentry Services Manager for the Reentry Division of the Adult Probation Department, who provided an update on the Billie Holiday Center which is a partnership between Westside Community Service and the Tenderloin Housing Clinic (THC) offering low threshold transitional housing as people connect to next steps and resources with onsite clinical support.

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Destiny also provided an update regarding the Direct Services Subcommittee's Housing Survey which launched in October 2021 to better understand the housing needs of justice involved people. Destiny indicated that once all the data has been collected and analyzed, it will be presented to the reentry council at a later date.

Victoria Westbrook provided an update on the James Baldwin Mental Health Transitional Housing Program which is a partnership between Adult Probation and Westside Community Services. She explained that as a leader in designing and implementing programs which address and meet the criminogenic needs of our clients, the Reentry Division of the Adult Probation Department developed this program as a proof of concept of a transitional housing program specifically designed to support justice involved clients who have serious mental health challenges or co-occurring mental health and substance abuse. The program continues to be at full capacity and all participants in the program are remaining 100% compliant with supervision requirements and meeting treatment goals.

Victoria gave an update on the Women 1st Subcommittee who is examining two surveys about the gaps in services for justice involved Cis and Trans women.

Public Defender Raju asked council members for additional comments

Sheneea Branner had a question regarding the vote for continued virtual meetings.

Victoria Westbrook responded that the vote was for the current meeting and that at this time, future meetings are expected to be held in person.

Nicol Popczuk from the public asked if future in-person meetings be broadcasted for the public?

Victoria Westbrook explained that future in person meetings will not be broadcasted because meetings are not held at City Hall.

9. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, STARR (discussion only).

Chief Katy Miller provided an update on the Juvenile Justice Coordinating Council, explaining that the subcommittee has been figuring out what San Francisco's plan is to support the closure of DJJ.

Angelica Almeida provided an update on the STARR grant to fund dedicated residential and detox beds at Salvation Army and low threshold case management with Felton Institute. Capacity has been expanded to 40 residential beds for 6-9 months, 10 detox beds, 80 case management slots. The grant runs thru February 2023.

Freda Glen provided an update on the Sentencing Commission which last met on December 14th, 2021. The Criminal Justice Racial Equity Workgroup provided an update regarding their visioning sessions. The second cohort of Safety and Justice Fellowships has been launched and applications are now being accepted. The jail population review team continues to meet regularly. Finally, the corporation for supportive housing provided a presentation on expanding access to housing. The next meeting will be March 15, 2022.

Tara Agnese provided an update on the Community Corrections Partnership. The Public Safety Realignment Report is complete and has been submitted to the Board of State and Community Corrections and the SF Board of Supervisors. She thanked everyone for contributions and feedback for the FY21-22 report. The next CCP meeting is planned for mid February 2022.

Public Defender Raju asked council members if there were additional comments.
No additional comments.

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Victoria Westbrook requested that the meeting move to agenda items 11 and 12 then return to item 10. Public Defender Raju agreed and moved to agenda item 11.

10. DEM Tenderloin Emergency Initiative Presentation (discussion only).

Adrienne Bechelli, the Deputy Director of the San Francisco Department of Emergency Management (DEM), provided a presentation on the Tenderloin Emergency Initiative & the Tenderloin Linkage Center. She explained about the timeline for rolling out the Tenderloin Emergency Initiative. She further explained that the goals of the initiative were: to disrupt the illegal drug market, to incorporate public comment from the community meetings, to expedite requests for cleaning & services, create a safer & healthier neighborhood for all, and to open a Linkage Center for services and resources. She further explained that the 7 Priority Problems of the initiative were: drug dealing & violent crime, lack of shelter & drop-in resources, open air drug use, lack of safe passage & accessibility, waste & debris, high level of 911 medical calls, and illegal vending. She explained that the Linkage Center would be open 7 days a week from 8am – 8pm.

Council Member Jackson said that what the Director explained is not what he has seen at the Linkage Center. He asked how it is safe if people were still using and selling drugs. He also asked why Adult Probation was not identified as a key partner and collaborator for the initiative.

Director Bechelli apologized for her oversight, explaining that the Steve Adami and Chief Cristel have been key partners on the initiative. She further explained that the plan is to expand and have the Linkage Center open and available to help people 24 hours a day, setting it apart from other resources already in the community.

Council Member Brannon expressed concerns that service providers and volunteers are having to deal with drug use and overdoses and are often uncomfortable. She further explained that the Center needs to be a safe space for everyone.

11. Racial Equity Work Updates – Criminal Justice Racial Equity Workgroup Update and other Departments are welcome to provide a Racial Equity Update for their Department (discussion only).

Public Defender Raju introduced Victoria Westbrook to provide an update regarding the Criminal Justice Racial Equity Workgroup.

Victoria Westbrook provided an update on the Criminal Justice Racial Equity Work Group. Victoria explained that the Work Group held its 3rd and final visioning session facilitated by Marissa Arrona, the California Innovations Director for Californians for Safety and Justice. She pointed out that there was representation from most of the criminal justice partners, the courts, Jail Behavioral Health, among others. She further explained that rich, productive, and frank cross partner discussions took place in the session. Victoria clarified that the sessions were designed to help gain clarity about the CJREW's mission, vision, and role and to identify leverage points which could be used in establishing our strategic and actionable priorities. The next meeting will be on March 17, 2022 at 10:00am.

Precious Malone, Racial Equity Leader for SFAPD, provided an update on the department's racial equity efforts. She explained that APD hopes to hold several cultural events and transform their offices to make sure it is inviting to all staff, clients, and visitors. She further explained that they will be submitting the one year progress report by March 1, 2022. APD is exploring the possibility of creating one dedicated racial equity position within the department and plan to incorporate this request as part of their budget proposal.

Tara Anderson provided an update for the District Attorney's office, explaining that they were able to onboard several different staff over the last year, coming from a wide diversity of backgrounds. She further explained that they believe this increased diversity within their department will help them to better serve the diverse communities within San Francisco. Tara said that internship opportunities have been expanded over the last year and there is currently an unprecedented number of post bar clerks - a pipeline into entry level ADA office

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positions and that many had been onboarded. Tara also said that they too were working on their Racial Equity Plan and also working to implement the internal diversity and inclusion goals in our plan.

Angelica Almeida provided an update for DPH, explaining that DPH had been focusing on recruitment and hiring, as well as retention and promotion, particularly in leadership and management roles to ensure there was diversity and to make sure that DPH staff working directly with clients were reflecting the communities being served. Additionally, she explained that they had increased their equity work to include equity leads that cover all areas of DPH service, as well as equity champions, with over 80 participants. Angelica further clarified that DPH has continued to implement equity trainings and training requirements across their system and requiring that each section of DPH has an annual equity plan.

Tanzanika Carter provided an update for the Sheriff's Office, explaining that they were targeting the six pillars for their racial equity plan. She further explained that they were planning on an Asian American and Pacific Islander event coming together with the African American community. She also explained that the Sheriff's Office will be having several weekly events coming up highlighting minority leaders. She pointed out that she would be on the first one highlighting minority women who are in executive leadership roles. She said that the Sheriff's office is taking the racial equity plan seriously, focusing on diversity at all levels including promotions into leadership roles. She shared that NOBLE has a scholarship program for young people interested in the criminal justice related fields so that we can have new voices going forward in our criminal justice arena. In closing she said, that the department is reviewing and checking feedback about the plan to ensure everything is together by March.

Public Defender Raju provided an update for the Public Defender's Office, explaining that they had started a number of infinity groups in the office and had just completed a round of hiring. He further explained that they also had the young defenders program - a pipeline for highschool students in a paid internship allowing exposure to public defender work and that a diverse group of interns had been recruited to work in their office. Public Defender Raju said that all of their work is racial equity work because of the populations they serve.

12. OEWD - CityBuild - Workforce Presentation (discussion only).

Ken Nim, the Director of CityBuild at OEWD first introduced Workforce Director, Joshua Arce, inviting him to speak to the council. Joshua Arce introduced himself and shared a few thoughts.

Ken presented extensive information about the CityBuild Program, explaining that it was a 12 week hybrid program with both online learning and hands on skill building. He explained that participants had to have the GED or High School Diploma and a Drivers License. Ken also explained that participants were required to do drug screenings.

Victoria thanked Ken Nim and asked for public questions. Ken answered all questions fully.

Chief Tullock thanked CityBuild for their work and partnership with Adult Probation and the CASC.

Council member Napoleon asked if the requirements for City Build Pro were the same as the regular program? Ken said that they were not. He further explained that it did not require a highschool diploma or GED or a drug screening because it entails working in the office.

13. Presentation of the Public Defender's Clean Slate Program (discussion only).

Catherine Uong (Paralegal who works with the Clean Slate Program) provided a brief introduction, explaining that she was formerly incarcerated for 8 years in the San Francisco County Jail. She further explained that she had obtained a paralegal degree and an advanced paralegal degree and is not able to work for the Public Defender's Office assisting others involved in the criminal justice system after being home for only a year and a half. Catherine continued by presenting information about the Public Defender's Clean Slate Program which can help people expunge records, seal arrests, have actual convictions reduced, and submit petitions of rehabilitation for people with a history of violence. She further explained that the program cannot serve people who are actively fighting a case or on probation or parole.

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14. Presentation on the Public Defender's B'MAGIC and Mo'MAGIC programs, programs which serve families in the Bayview and in the Fillmore/Western Addition (discussion only).

Lyslynn Lacoste presented information about MAGIC (Mobilization for Adolescent Growth in our Communities) program started by Jeff Adachi and the Public Defenders Office. She further explained that MAGIC expanded to serve the Fillmore District and Western Addition communities through MO'MAGIC and in to serve the Bayview through B'MAGIC. Brittany Ford explained that the MAGIC COVID Response throughout the pandemic was extensive, providing PPE supplies, food, other supplies and various resources.

15. Council Members' Comments, questions and Requests for Future Agenda Items (discussion only).

Jabari Jackson requested that Pre-Trial Diversion present in the April meeting since they were not able to present. He further commented that it is alarming to me that 55% of people released pre-trial re-offend during release and furthermore that the ones with violent offenses are reoffending at an alarming rate. He continued by saying that the Reentry Division of SFAPD has built an amazing platform of reentry services and he pleaded that the Reentry Council advocate to expand the Probation budget to implement more reentry services.

Victoria responded that the April meeting will be taken up with legislation to vote on and that the Pre-Trial presentation is planned for the July meeting.

16. Public Comment on any item on today's agenda, or on other business within the purview of the Reentry Council (discussion only).

William Palmer stated that what the probation department is doing is outstanding. He requested that State Parole have an opportunity to present at a future Reentry Council Meeting.

Joseph Calderon requested that the Reentry Council adopt language which uses returning community member because language is important.

17. Adjournment.

Public Defender Raju asked for a motion to adjourn.

Chief Tullock made the motion to adjourn.

Jabari Jackson seconded the motion.

Motion passed.

Meeting adjourned.

Fair Chance Ordinance

Fair Chance Ordinance (FCO)

- San Francisco Board of Supervisors passed FCO in February 2014, amended in April 2018
- FCO prohibits employers with 5 or more employees from asking about arrest or conviction records until there is a conditional offer of employment
- FCO look-back period is 7 years
 - FCO prohibits employers from considering a conviction that is more than 7 years old (unless the position considered supervises minors or dependent adults)

San Francisco Department of Human Resources (DHR)

- DHR look-back period is 13 years for felony convictions and 7 years for misdemeanor convictions
- Established a “forever look-back” for certain types of serious convictions: murder, attempted murder, mayhem, arson, and sex-related convictions requiring registry

Annual Report on the City and County of San Francisco's Pre-Employment Conviction History Program for FY 2020/2021

Program Standards

The Recency Standard

According to the *Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on the Consideration of Arrests and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, as amended, employer policies typically specify the duration of criminal conduct exclusion. The EEOC guidance states that courts have recognized the importance of the amount of time that passed since the candidate's criminal conduct occurred in determining how much of a risk the individual poses in the position in question. To that end, DHR has established the following "look-back" criteria for review of a candidate's conviction history:

- Felonies: The look-back for the majority of felony convictions is limited to 13 years from the date of conviction to the date of pre-employment vetting for the City position.
- Misdemeanors: The look-back for all misdemeanors is limited to seven years from the date of conviction to the date of pre-employment vetting for the City position.

DHR established a "forever look-back" for certain types of serious convictions: murder, attempted murder, mayhem, arson, and sex-related convictions requiring registry. If one of these convictions appears on the records obtained from the DOJ and FBI, it is reviewed regardless of when it occurred. However, absent a statutory bar, even these convictions do not automatically preclude a candidate from employment.

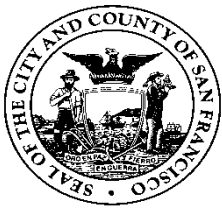
The full report can be viewed here:

https://sfgov.org/civilservice/sites/default/files/9-20-21_Item_%238_Annual_Report_Pre_Emp_Conviction_History_Program_.pdf

Request to the Reentry Council

We request that the Reentry Council urge the City and County of San Francisco's Department of Human Resources to follow the Fair Chance Ordinance as it pertains to the "look-back period" of seven years from the date of conviction for felony convictions

- *DHR can make this change via the Civil Service Commission which has charter authority to do so*



Reentry Council City and County of San Francisco

April 29, 2022

Ms. Carol Isen
Human Resources Director
San Francisco Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Re: San Francisco Fair Chance Ordinance

On April 28, 2022, the Reentry Council of the City and County of San Francisco voted in support of alignment between the Fair Chance Ordinance (FCO) and the San Francisco Department of Human Resources' hiring process as it relates to the "look back period" for past convictions.

In February 2014, the San Francisco Board of Supervisors (SFBOS) passed the Fair Chance Ordinance (FCO) (Attachment A). In April 2018, the SFBOS passed an amendment (Attachment B) to the FCO. The spirit of the FCO regulates the use of arrest and conviction records in employment and in affordable housing decisions and applies to employers citywide with 5 or more employees (Article 49 of the San Francisco Police Code).

The FCO prohibits covered employers from asking about arrest or conviction records until after a conditional offer of employment. To that end, the FCO also prohibits covered employers from ever considering a conviction that is more than seven years old (unless the position being considered supervises minors or dependent adults). Comparatively, the City and County of San Francisco's Department of Human Resources (DHR) uses a "look-back period" of 13 years for felony convictions. DHR defines their "look back period" on page 5 of their ***Annual Report on the City and County of San Francisco Pre-Employment Conviction History Program for Fiscal Year 2020 – 2021***, submitted to the Civil Service Commission on 9/20/2021:

- Felonies: The look-back for the majority of felony convictions is limited to 13 years from the date of conviction to the date of pre-employment vetting for the City position.
- Misdemeanors: The look-back for all misdemeanors is limited to seven years from the date of conviction to the date of pre-employment vetting for the City position.
- DHR established a "forever look-back" for certain types of serious convictions: murder, attempted murder, mayhem, arson, and sex-related convictions requiring registry. If one of these convictions appears on the records obtained from the DOJ and FBI, it is reviewed regardless of when it occurred. However, absent a statutory bar, even these convictions do not automatically preclude a candidate from employment.

The Reentry Council urges the City and County of San Francisco's Department of Human Resources to follow the FCO as it pertains to the "look-back period" of seven years for felony

convictions. This letter of support is submitted on behalf of the 24 members of the City and County of San Francisco's Reentry Council.

Sincerely,

Steve Adami

Director, Reentry Division
San Francisco Adult Probation Department

Victoria Westbrook

Reentry Policy Planner
San Francisco Adult Probation Department

Michael Brown

Reentry Council Member
Appointed by the San Francisco Board of Supervisors

Reentry Council Members:

Public Defender: Manohar Raju
Mayor's Office: James Caldwell
Probation Department: Chief Cristel Tullock
District Attorney: Chesa Boudin
Sheriff's Department: Paul Miyamoto
U.S Probation: Anthony Castellano
Department of Public Health: Angelica Almeida
Superior Court: Mark Culkins
SF BOS: Vacant
Department of Homelessness: Noelle Simmons
State Parole: Gregory Sims
Juvenile Probation: Chief Katy Miller
Human Services Agency: Susie Smith
DCYF: Jasmine Dawson
Child Support Services: Karen Roye
OEWD: Chris Vergara

SF Police: Chief William Scott
Mayoral Appointee: Antonio Napoleon
Mayoral Appointee: Allen Harven
Mayoral Appointee: Sheenia Branner
BOS Appointee: Michael Brown
BOS Appointee: Yolanda Morrissette
BOS Appointee: Oscar Salinas
BOS Appointee: Jabari Jackson

DRAFT



AB 1670 –Alternatives to Incarceration Commission

SUMMARY

Assembly Bill 1670 will create the Alternatives to Incarceration Commission. The Commission will uplift community-engaged, evidence-based solutions and policy recommendations for alternative crisis response models; re-entry; restorative justice practices; and for mitigating the scope, magnitude, and long-term effects of family separation due to incarceration.

BACKGROUND

Currently, there is about 239,000 people incarcerated in California – 549 per 100,000 people, more than any other democracy on earth.¹

This system of incarceration has massively disproportionate impacts on Black, Brown, Poor, and Indigenous communities in our state. Overall, six percent of Californians are Black; yet over 28 percent of those in prison are Black. 38 percent of people across the state are Latino; yet 44 percent of those imprisoned are Latino.

Furthermore, this system is less cost efficient and less effective than many alternatives in reducing the likelihood of people returning to prison, maintaining public safety, and at improving outcomes and opportunity for successful reintegration back into our communities.

In 2019, the Los Angeles Board of Supervisors passed a motion to create the Alternatives to Incarceration (ATI) Work Group. This group was comprised of service providers, community advocates, and staff from multiple departments to develop a roadmap for diverting people from systems of harm and into systems of care. The ATI Work Group created a comprehensive report with recommendations that improve community safety by directing people to health services in instances where incarceration would only exacerbate poor outcomes.²

In 2016, New York City established the Independent Commission on New York City Criminal Justice and Incarceration Reform. The commission created a plan for a more effective justice system that will incarcerate fewer people while preserving public safety. As a result of the commission's recommendations, NYC committed to a long-term plan for closing jails on Rikers Island and investing in a broader continuum of care.

PROBLEM

Despite initial efforts to reduce overcrowding, California's prison population remains incredibly high. Black, Brown, poor, and Indigenous people are overrepresented within the incarcerated population.

The State of California is now spending greater than \$100,000 per person/per year and \$15 billion dollars annually to incarcerate in our State Prisons.

Additionally, research from The National Institute of Justice demonstrates that incarcerating a person inadvertently effects their immediate family and poses several threats to a child's emotional, physical, educational, and financial well-being.

SOLUTION

AB 1670 will create the Alternatives to Incarceration Commission that will function under the Health and Human Services Department. The commission will provide policy recommendations; research multiple areas, not limited to, the long-term effects of family separation within the prison system; restorative justice practices and opportunities; and re-entry.

This Commission will be comprised of 11 members that will have a representative from each of the following entities: California Departments of Housing and Community Development, Social Services, and Public Health; Labor and Workforce Development Agency; a professor of academia; and the State Building and

¹ <https://www.prisonpolicy.org/profiles/CA.html>

² https://lcalternatives.org/wp-content/uploads/2020/03/ATI_Full_Report_single_pages.pdf



AB 1670 –Alternatives to Incarceration Commission

Construction Trade Council of CA. The commission will also have two community representatives with lived experience and three representatives from a mixture of community-based, nonprofit service providers, community health, and mental health representatives.

Los Angeles County
San Bernardino Free Them All
San Francisco Pretrial Diversion Project
San Francisco Public Defender
The Bail Project
Transforming Justice Orange County
Trans Lifeline
Vera Institute of Justice
White People for Black Lives

SUPPORT

- Care First CA (Sponsor)
- A New Way of Life (co-sponsor)
- ACLU California Action
- Agee Global Solutions, LLC
- Alliance for Boys and Men of Color
- Bend the Arc
- California Coalition for Women Prisoners (CCWP)
- Californians United for a Responsible Budget (CURB)
- California Nurses Association
- CA Council of Community Behavioral Health Agencies
- California Attorneys for Criminal Justice
- California Catholic Conference
- California Public Defenders Association
- Californians for Safety and Justice
- Care First Kern Coalition
- Center for Responsible Lending
- Civil Rights Corps
- Color Of Change
- Decarcerate Sacramento
- Dignity and Power Now
- Drug Policy Alliance
- Debt Collective
- Essie Justice Group
- Freedom 4 Youth
- Friends Committee on Legislation of California
- Human Rights Watch
- Human Impact Partners
- Initiate Justice
- Immigrant Legal Resource Center
- Justice 2 Jobs Coalition
- Justice LA
- Kern County Criminal Justice Coalition
- La Defensa

FOR MORE INFORMATION

Kenneth Cruz | Legislative Aide
Office of Assemblymember Isaac Bryan
(916) 319-2054
Kenneth.Cruz@asm.ca.gov



State Legislation Proposal Form

This form should be used to submit legislative proposals for consideration by the State Legislation Committee. We ask that you keep your submissions under two pages. Before submission, proposals must be reviewed and approved by the Department Head or Commission. Please send completed forms to Eddie McCaffrey in the Mayor's Office at edward.mccaffrey@sfgov.org and cc Susanna Conine-Nakano at Susanna.Conine-Nakano@sfgov.org.

Date Submitted	5/1/2022
Submitting Department	Reentry Council
Contact Name	Victoria Westbrook
Contact Email	Victoria.westbrook@sfgov.org
Contact Phone	415-930-2202
Reviewed and approved by Department Head?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Reviewed and approved by Commission?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

AB 1816

Asm. Isaac Bryan, District 54, Democrat

Asm. Ash Kalra, District 27, Democrat

Reentry Housing and Workforce Development Program

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

furtherance of justice, to avoid the imposition of the five-year prison enhancement when the defendant has been convicted of a serious felony.

Summary

This bill would create the Reentry Housing Program to provide five-year renewable grants to counties to fund evidence-based housing based services interventions, and employment services to allow people with recent histories of incarceration to exit homelessness, remain stably housed, and become successfully employed.

Challenge

Formerly incarcerated people are 27 times more likely to be unstably housed or homeless than the general public. In fact, one-third to one-half of all people on parole in San Francisco and Los Angeles are experiencing homelessness at any point in time. In addition, about half of people experiencing homelessness statewide report a history of incarceration. People on parole are seven times more likely to recidivate when homeless than when housed. African Americans are almost seven times more likely to be homeless than the general population in California, driven by systemic racism that includes disproportionate incarceration, and discharges from prisons and jails into homelessness.

Background/Analysis

Existing Law:

1. Proposition 57 moves up parole consideration of nonviolent offenders who have served the full-term of the sentence for their primary offense and who demonstrate that their release to the community would not pose an unreasonable risk of violence to the community.
2. 2) Allows a judge discretion to strike a prior serious felony conviction, in

Solution/Recommended Proposal

Specifically, this bill:

- Requires HCD, upon appropriation by the Legislature, to establish the Program to

provide five-year renewable grants to counties, continuums of care and community-based organizations to fund evidence-based housing and housing-based services and employment interventions to allow people with recent histories of incarceration to exit homelessness and remain stably housed.

- Requires HCD, upon appropriation by the Legislature, to (a) establish a process, in collaboration with CDCR and relevant counties, for referral of participants, (b) establish protocols, in collaboration with CDCR and others, to prevent discharges from prison into homelessness, and (c) issue guidelines for applicants with specified criteria and a notice of funding availability or request for proposals for five-year renewable grants, among other requirements.
- Specifies activities eligible for funding, including long-term rental assistance in permanent housing, operating subsidies in new and existing affordable or supportive housing, landlord incentives including security deposits and holding fees, among others.
- Specifies the services that must be provided to participants identified prior to prison release and for participants upon release or who are living in the community.
- Requires grant recipients to report specified data and information annually to HCD.
- Requires HCD to design an evaluation and hire an independent evaluator to assess outcomes from the program and to submit the analysis to the Legislature by February 1, 2026.

Departments Impacted & Why

No departments impacted.

Fiscal Impact

HCD estimates ongoing General Fund (GF) costs of \$3.27 million annually for 17 staff positions to develop the Program, establish a referral process with CDCR, develop program guidelines and administer contracts. In addition, HCD estimates a one-time consulting cost of \$1 Million (GF) for an

independent evaluator to measure and evaluate program outcomes.

CDCR estimates:

- Unknown one-time GF costs, likely in the low millions of dollars, to collaborate with HCD and others to establish a referral process for participants, design and implement protocols to prevent the discharge from prison into homelessness, and make necessary administrative and systems changes. Actual costs will depend, in part, on the number of program participants and the number of CDCR staff with technical expertise related to parole necessary to implement the bill's provisions.
- Ongoing GF costs of approximately \$476,000 annually for four additional staff to implement and support the referral process for participants identified prior to release from prison who must receive a referral from a homeless service provider and the participant's parole agent. CDCR notes this process is unclear and actual costs will depend on how collaboration with service providers impacts CDCR parole agents.

CDCR notes the Administration has included \$10.6 million (GF) annually over three years (total of \$31.8 million) in the Governor's January budget proposal to continue the Returning Home Well program, a related program that provides transitional housing and services for the state parole population who are housing insecure.

Support / Opposition

Supported by:

Corporation for Supportive Housing (CSH)
(Co-Sponsor)
Housing California (Co-Sponsor)
Los Angeles Regional Reentry Partnership
(LARRP) (Co-Sponsor)
ACLU California Action
All Home
Asian Solidarity Collective
Bread for the World
California Apartment Association
California Catholic Conference
California for Safety and Justice

No Opposition on file.

Assemblymember Steve Bennett

37th Assembly District



AB 2023: Discharge Planning

SUMMARY

AB 2023 (Bennett) would require counties to adopt discharge plans for persons suffering from mental illness.

BACKGROUND

With a severe shortage of inpatient care for people with mental illness, and the country's inability to meet the growing demand for mental health services, the United States has found itself in a new public health emergency.

Within California alone, a report conducted by California Health Policy Strategies, analyzed data from the Board of State and Community Corrections (BSCC) Jail Profile Survey (JPS). Researchers found that in 2009, there were an average of approximately 15,500 open mental health cases reported by the counties on a monthly basis. In 2019, the same average jumped to about 22,000. This represents a 42% increase in the number of active mental health cases reported by the counties on a monthly basis. Additionally, the proportion of incarcerated individuals in California jails with an open mental health case rose from 19% in 2009 to 31% in 2019.

Upon release from jail or prison, many people with mental illness continue to lack access to services and, too often, become enmeshed in a cycle of costly justice system involvement. The days and weeks following community reentry are a time of heightened vulnerability. Justice system personnel, behavioral health treatment and service practitioners, researchers, and policymakers agree that the maintenance of better individual-level outcomes and a reduction in recidivism necessitate a formalized continuity of services from institution to community settings. Positive individual-level outcomes focused on personal recovery require continuity of appropriate services from institution to community settings.

Enhanced system and individual outcomes depends upon effective coordination of the efforts of

behavioral health, correctional, and community stakeholders.

THIS BILL

AB 2023 (Bennett) would require counties to develop and adopt discharge plans, in conjunctions with CalAIM Initiatives, to establish a warm handoff system for persons with mental illness exiting jails.

Jail inmates with physical health, mental health, and substance use problems experience more reintegration difficulties upon release. Maintaining treatment for these health problems may help improve post-release outcomes.

SUPPORT

California Judges Association (Sponsor)
Public Defenders Association
Association of Regional Center Agencies

OPPOSITION

CONTACT

Kordell Hampton ♦ Legislative Assistant
(916) 319-2037 ♦ (916) 319-2137 (fax)
Kordell.hampton@asm.ca.gov



AB 2250 (Bonta): Women’s Reentry Pilot Program

(updated 04/12/2022)

SUMMARY

AB 2250 will establish a culturally and gender responsive reentry pilot program for women that focuses on career development and economic empowerment.

BACKGROUND

The governor’s proposed budget for 2022-23 includes a \$14.2 billion allocation to the California Department of Corrections and Rehabilitation (CDCR). Embedded in this allocation is a commitment to increasing access to rehabilitative and reentry programs. What is missing from this commitment is a focus on the needs of women. Most reentry programs are heavily, or solely, focused on male inmates, with little attention to gender-specific factors.

In the past 40 years, women have been the fastest growing incarcerated population, increasing at a rate of 50% more than their male counterparts. In California, the number of women in prison has increased by 433% since 1980. There are currently more than 3,700 people incarcerated in California’s three women’s prisons, and California is home to the largest women’s prison in the world. Black women represent about 25% of the women prison population and Latina women over 35%.

To adequately support California’s reentry goals, we cannot leave behind the growing population of incarcerated women that will be coming home to their families and our communities.

PROBLEM

The infrastructure for women reentry services in California is in need of a major revamp because they lack a comprehensive approach to addressing the needs of female offenders.

For example, the Custody to Community Transitional Reentry Program (CCTRP) focuses on where eligible female offenders may serve the end of their sentence. Another example is Female Offender Treatment and Employment Program (FOTEP) whose focus is to reduce recidivism by allowing for women to stay with their children for up to 15 months.

Although these programs are appreciated, they are unfortunately not enough to fully meet the cultural and gender specific needs of women of color. This is because compared to men, female prisoners are more likely to become economically disadvantaged, victims of abuse, suffer from mental illness or co-occurring disorders, and be a parent to a minor child. In addition, data from CDCR reveals that over 61% of incarcerated women are either Black or Latino. In considering the unique challenges incarcerated women of color face, there is a clear need to develop trauma informed, family focused, and culturally competent reentry programs that facilitate career development and economic empowerment.

SOLUTION

AB 2250 will establish a culturally and gender responsive pilot program that will serve approximately 300 women over five years, by providing them peer support specialists, employment and skills training, and housing stabilization services. This pilot program will help formerly-incarcerated women rebuild their lives, restore family connections, and break cycles of generational poverty.

SUPPORT

- San Francisco Black & Jewish Unity Coalition

CONTACT

Efrain Botello-Cisneros, *Assembly Fellow*
efrain.botellocisneros@asm.ca.gov | 916-319-2018

ASSEMBLYMEMBER MARC LEVINE

10TH ASSEMBLY DISTRICT

1021 O STREET, ROOM 5240 ★ SACRAMENTO, CA 95814

3501 CIVIC CENTER DRIVE, SUITE 412 ★ SAN RAFAEL, CA 94903

WWW.ASSEMBLY.CA.GOV/LEVINE ★ @ASMARCLEVINE

AB 2706 (Levine) Innocence Commission Pilot Programs FACT SHEET

Sponsor: San Francisco District Attorney Chesa Boudin & University of San Francisco School of Law; Contact: Tara Regan Anderson, Director of Policy, San Francisco District Attorney's Office, tara.anderson@sfgov.org

Staff Contact: Robert Cruz, (916) 319-2010

As Introduced: February 18, 2022

ISSUE

Wrongful convictions are a significant problem in the United States—and California is no exception. Since the National Registry of Exonerations began tracking wrongful convictions in 1989, there have been more than 270 known wrongful convictions in California – causing innocent Californians to lose a total of 2,104 years of their lives, and costing California tax-payers over \$275 million. These wrongful convictions occurred as the real perpetrators of crime avoided consequences for their actions and victims were denied justice. Wrongful convictions undermine our criminal legal system and violate fundamental principles of justice and due process.

Although a growing number of prosecutors' offices across the country and in California have formed Conviction Integrity units with the intention of re-examining questionable convictions, many of these units have failed to fulfill their stated purpose because they lack resources, flexibility, transparency, and independence in the review process. While some internal units are highly effective, many are ineffective and what the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania calls [CRINOS](#)—Conviction Review Units in Name Only. Moreover, post-conviction cases where an incarcerated person alleges that they have been wrongfully convicted can take years to investigate and litigate through the traditional adversarial process. By contrast, the Innocence Commission pilot programs established by AB 2706 provide a cost-effective way to efficiently and fairly review claims of wrongful convictions.

SOLUTION

The Innocence Commission Pilot Program (AB 2706) is a first-in-the-nation approach to efficiently and fairly investigating potential wrongful conviction cases and represents an opportunity for California to lead the way in addressing the harms perpetrated by the criminal legal system, and to effectuate the district attorneys' duty to prevent and rectify the conviction of innocent persons.

AB 2706 will create a pilot program whereby three counties will establish innocence commissions to review credible claims of wrongful conviction on behalf of the district attorney. The innocence commission is an outside advisory board whose members are appointed by the district attorney and serve as volunteers. The commission members—experts chosen for their professional experience, commitment to public service, and willingness to exercise independence—represent key perspectives in the criminal legal system and may include: an individual from academia, an assistant district attorney, an assistant public defender, a retired

judge, a medical or mental health professional, and a representative from an innocence project or other nonprofit dedicated to criminal justice reform or post-conviction litigation.

These innocence commissions will investigate cases where a convicted person asserts that they have been wrongly convicted. After evaluating all of the available evidence and conducting any necessary reinvestigation, the innocence commission will provide a recommendation to the district attorney about whether to seek relief for the applicant. The district attorney retains the final decision-making power in each case, but affords great weight to the recommendation of the Commission.

In addition, this bill will affirm the Innocence Commissions' ability to issue subpoenas and compel production of documents and testimony in order to efficiently and thoroughly investigate alleged wrongful convictions. The bill will affirm that a district attorney's decision to seek relief from the court based on a recommendation from the Innocence Commission is entitled to great deference by the court; and require participating district attorneys' offices to track specified metrics and report them to the Attorney General's office quarterly to evaluate the efficacy of the pilot program.

SUPPORT

San Francisco District Attorney Chesa Boudin (Co-Sponsor)
University of San Francisco School of Law (Co-Sponsor)



Summary:

This bill would create a forestry training center in Northern California. This center would be a collaboration between the Department of Forestry and Fire Protection (CalFire), California Conservation Corps (CCC) and the California Department of Corrections and Rehabilitation (CDCR), and would train former inmates in forestry and vegetation management.

Upon completion, these trainees would be eligible for an entry-level forestry or vegetation management position the state. This center would expand workforce development in forestry while reducing recidivism rates by creating a pathway to gainful employment.

Issue:

California is making strides to reach goals to reduce wildfires, address forest health, and decrease recidivism. Over a century of fire suppression tactics combined with drier, windier fire seasons caused by climate change have created high and very high fire conditions throughout the state.

There is a pressing need for increased forest health activities and professional foresters, yet several reports have found that California lacks the professional forestry workforce to attend to this need.

In addition to reducing the forestry workforce gap, this bill provides vital assistance to formerly incarcerated people as they try to reenter society. The two biggest obstacles to reentry are securing housing and finding employment. This bill offers a softer landing by providing housing and support services to participants in the program. Upon completion of training, there will be increased opportunities for forestry careers.

To address forest health, the state must invest in human capital, and expand opportunities in forestry. The state already allows incarcerated individuals to work on firefighting crews. Creating a forestry training program for formerly incarcerated individuals will decrease recidivism rates by creating a path to gainful

employment while increasing the number of forestry professionals in the state.

Existing Law:

The CCC has an existing partnership with CalFire to work on fuel reduction in forests.

In 2018, AB 2126 (Eggman) required the CCC to establish four forestry program throughout the state in high fire or very high fire zones.

At the Ventura Conservation Camp, the CCC operates a Firefighter Training and Certification program for ex-offenders.

Proposal:

This bill would create a forestry training center for formerly incarcerated individuals in the northern California. This center would be a collaboration between the CCC, CalFire and CDCR. It would be open to other Corps members.

This bill would provide that upon completion of the training program, participants would meet the qualifications for an entry level forestry or vegetation management position with the state.

This bill would increase forestry and fuel management throughout the state while creating a path for workforce development.

Support

California Public Defenders Association
Humboldt and Mendocino Redwood Companies
Rubicon Programs
Initiate Justice

Contact:

Policy: Josh Wright, Legislative Aide, (916) 651 – 4007 or Joshua.wright@sen.ca.gov

Press: Steve Harmon, Communications Director
916.651.4007 or Steven.Harmon@sen.ca.gov



SB 1008 – Keep Families Connected Act

Free Telecommunications for Currently Incarcerated People in Jails and Prisons

IN BRIEF

SB 1008 eliminates telecommunication fees for all communications to and from currently incarcerated people in California’s local jails and state prisons.

BACKGROUND

Telecommunication costs for currently incarcerated people and their families are an unnecessary financial barrier to basic communication. These services include phone calls, video conferencing, electronic messages, and other communication services.

Currently, county fees are capped at 7 cents per minute for phone calls, with money that must be preloaded into counties’ unique telecom systems. Rate caps have greatly increased access to communication services; however, charging any rate at all creates an additional cost burden for connection between incarcerated people and their families.

THE PROBLEM

The current structure of telecommunications in local and state correctional facilities prioritizes profits over people. Communication is not only a basic right, but an essential part of creating an environment for successful reentry.

Under existing laws, money acts as a barrier to reentry services and limits supportive capacities for incarcerated people and their families. Navigating the reentry process can be difficult for anyone, but when all communications require additional fees, it disincentivizes support in the first place.

Prior to the COVID-19 pandemic, one-third of families in the United States with an incarcerated loved one went into debt attempting to stay connected. A disproportionate amount of these costs fell on women, with 87% of women carrying the burden of these communication fees. The economic downfalls of the pandemic have only exacerbated the financial impact of staying in contact with incarcerated loved ones.

The state also operates on a county-by-county system for telecommunication fees, which creates additional problems if an incarcerated person is transferred to another county. Loved ones who preloaded money into

the previous county’s communication portal must then request a refund in an often lengthy and complicated process. Doing so often delays essential communications even further, and exacerbates feelings of isolation for the incarcerated family member.

THE SOLUTION

SB 1008 eliminates fees charged for telephone and other communication services between people held in local jails and state prisons and loved ones on the outside.

Free communication services will support strong relationships between incarcerated people and their loved ones, promoting successful reentry and reducing recidivism. SB 1008 will also support reentry by making outside resources more accessible to all parties, without the additional fees associated with basic communication.

By establishing free communication, incarcerated people can connect with their support systems to plan for their release, including finding a job and housing.

Communication and support systems are an integral part of the human experience. Cutting incarcerated people off from their loved ones hurts the individual, the family, and a chance at successful reintegration.

SUPPORT

- San Francisco Financial Justice Project (co-sponsor)
- Western Center on Law and Poverty (co-sponsor)
- Worth Rises (co-sponsor)
- Empowering Women Impacted by Incarceration (co-sponsor)
- Insight Center for Community Economic Development (co-sponsor)
- Jesse's Place Organization (co-sponsor)
- Legal Services for Prisoners with Children/All of Us or None (co-sponsor)
- Sister Warriors Freedom Coalition (co-sponsor)

FOR MORE INFORMATION

Samantha James, *Fellow*
Email: Samantha.James@sen.ca.gov
Phone: (916) 651-4013



Senator Scott Wiener, 11th Senate District

Senate Bill 1106 - The Fresh Start Act

SUMMARY

Senate Bill 1106 precludes courts from denying a request for expungement of a conviction based on outstanding debt related to restitution.

BACKGROUND/EXISTING LAW

Current law authorizes courts to require people convicted of crimes to pay restitution fines, as well as restitution payments to compensate survivors for harm caused. Courts can order people to pay direct restitution based on the amount of loss or injury but, in setting the amount, are not required to take into account a person's ability to pay that restitution.

Courts also impose restitution fines — a fixed amount charged to anyone with a conviction regardless of the crime and its impacts. A 2021 study of restitution data from 15 California counties found that people are ordered to pay a median amount of approximately \$10,000 in direct restitution and approximately \$2,000 in restitution fines.

Black and brown people are disproportionately burdened by restitution orders. For example, in Los Angeles County, Black people make up 8% of the population but were charged 20% of all dollars owed in restitution.

Approximately 80% of Californians charged with crimes are unable to pay off their restitution and restitution fine debt, due to poverty. Because restitution debt never expires and cannot be discharged in bankruptcy proceedings, many Californians live with this debt for the rest of their lives.

Victims of crime who are awarded restitution overwhelmingly receive either nothing or a small percentage of the restitution, due to the defendant lacking the resources to actually pay restitution.

Current law allows courts to deny a request for expungement of a conviction — even if the individual is otherwise eligible for expungement — if they have any outstanding unpaid restitution. A court can deny expungement on this basis even if the defendant is living in poverty.

PROBLEM

Technically, people who still owe restitution and restitution fines legally qualify for expungement. However, in practice, people are regularly denied expungement solely based on their inability to pay this outstanding debt.

Denial of expungement makes it much more arduous for individuals to get back on their feet and stabilize financially. Furthermore, this denial makes it considerably harder for the individual to repay debts, including restitution debts, oftentimes trapping them in a cycle of poverty.

In practice, current law means that people leaving the criminal justice system are more likely to get trapped by fines and fees that they cannot get a job to actually pay off. This helps neither the person ordered to pay restitution nor the person who would receive compensation from the payment.

SOLUTION

When a person's criminal record is expunged, it increases their access to employment and housing, provides them with a higher earning capacity, and reduces their reliance on public assistance payments.

A 2014 study by Stanford University and the San Jose State University Record Clearance Project found that the estimated benefits of expungement outweigh costs by about \$5,800 (\$6,500 with inflation) per person each year.

To be clear, this bill does not waive or reduce the restitution or restitution fines owed, but rather removes it as a barrier to expungement.

Because successful re-entry into society for formerly incarcerated people benefits the broader community, SB 1106 ensures that expungement petitions aren't denied simply due to outstanding restitution debt.

San Francisco Public Defender
Smart Justice
TimeDone
Uncommon Law
United Core Alliance
Western Center on Law & Poverty
Yerba Buena Center for the Arts
Young Women's Freedom Center

SUPPORT

ACLU California Action
Alameda County Public Defender's Office
Bay Area Legal Aid
California Attorneys for Criminal Justice
California Catholic Conference
California For Safety and Justice
California Public Defenders Association
Californians United for a Responsible Budget
Center for Responsible Lending
Communities United for Restorative Youth Justice
Community Legal Services in East Palo Alto
Criminal Justice Clinic, UC Irvine School of Law
Debt Collective
Dignity and Power Now
East Bay Community Law Center
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Legal Aid At Work
Legal Services for Prisoner's With Children
Mental Health Advocacy Services
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SB 1427: County Grant Programs for Collaborative Courts and Re-Entry

Senator Rosilicie Ochoa Bogh

IN BRIEF

Senate Bill 1427 would create two grant programs: (1) a grant program to help counties to establish or expand collaborative mental health and homeless courts and (2) a grant program for counties to institute re-entry services for jail inmates at risk of becoming homeless upon release.

THE ISSUE

California is in the middle of a statewide mental health crisis. Nearly 1 in 6 California adults has a mental health need, and 1 in 20 suffers from a serious mental illness that makes it difficult to carry out major life activities.¹ These numbers are even more severe when we look at the state's homeless populations, with 78% struggling with mental illness, substance use disorder, and/or physical disability.²

In addition, growing numbers of inmates are waiting for state hospital beds, sometimes for months at a time. In the past five years, the number of California inmates deemed incompetent to stand trial and ordered sent to state hospitals increased 60 percent. A few decades ago, fewer than half of state hospital patients came from the criminal justice system. Today, more than 90 percent do. When people in psychiatric crisis land in emergency rooms and jails, it's frequently because they can't get treatment in the community—even when they ask for it.

Many California counties have begun turning to mental health and homeless courts as a means of addressing the root cause of these issues. These programs allow for the individuals with mental illness and homeless individuals to get the resources that they need in order to turn their lives around. These courts also work to ease prison and jail crowding by getting people into treatment instead of custody, thus reducing the chances of recidivism due to untreated mental illness.

One example of this was recently featured in the Sacramento Bee: the story of Shannie Phillips. Phillips was arrested a little more than two years ago for second-degree burglary after breaking into an unlocked shed and using the owner's kitchen and barbecue to cook for herself. She was homeless, had been up for days, was in the middle of a schizophrenic episode exacerbated by her drug addiction, and thought the house was her own. This was her second strike, which carried a mandatory sentence of three years in prison.

One year and 363 days later, Phillips stood once more in a Sacramento courtroom, but this time, the mood was very

different. It was her graduation day. As a result of Sacramento's innovative mental health courts, she had completed her program with distinction in just 11 months and is now working as a drug and alcohol counselor for WellSpace in Sacramento.³

This is just one example out of many of an individual who has had life changing results thanks to an innovative mental health court diversion program.

EXISTING LAW

Many California counties have "collaborative" courts to address the needs of, and improve the outcomes for, specialized populations of criminal offenders; this includes 44 counties with mental health courts for adult offenders and 13 counties with homeless courts. However, these courts are often underfunded and have insufficient programming options for participating defendants.

THE SOLUTION

In order to get individuals with mental illness and homeless individuals the care they need and to promote rehabilitation and housing stability, SB 1427 does the following (upon appropriation):

- Creates a competitive grant program, administered by the Board of State and Community Corrections, for counties that establish "homeless or mental health courts" as defined, for homeless individuals who commit specified types of misdemeanor crimes (e.g. theft, assault, public nuisance, public intoxication, drug possession, vandalism, trespassing). The court could be operated on a deferred entry of judgment (post-plea) or diversion (pre-plea) model. Participating defendants would receive a needs assessment, be required to participate in treatment programs, and be provided with services related to their circumstances. Upon completion of the program, charges against the defendant would be dropped or the conviction would be expunged.
- Creates a "Transition Home" grant program under which the Board of State and Community Corrections allocates grants to county sheriffs for re-entry planning, including housing navigation services, for jail inmates at risk of becoming homeless.

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Bill text and status can be found at:
<http://leginfo.legislature.ca.gov/>

³ <https://www.sacbee.com/opinion/article257679063.html>

¹ <https://www.chcf.org/wp-content/uploads/2017/12/PDF-MentalHealthPaintingPicture.pdf>

² <https://www.capolicylab.org/wp-content/uploads/2019/10/Health-Conditions-Among-Unsheltered-Adults-in-the-U.S.pdf>



SB 990 (Hueso) – Transfer for Students on Parole

Summary

SB 990 would allow people on parole the option to transfer from prison directly to the county where a post-secondary educational or vocational training program opportunity is located rather than to the county of last legal residence, so long as the transfer does not increase public safety concerns or conflict with existing mandatory release restrictions.

Background

In California, over 40,000 individuals leave prison each year with the opportunity to reintegrate into society. Less than 15% are picked up by friends and family. Most are provided only \$200, and must use this money to pay for clothing, a bus ticket home, housing, and other immediate essentials. In the first weeks following release from prison, an individual's risk of death is one dozen times greater than that of the general population. According to the CDCR, as of 2020, about 46 percent of incarcerated people released in California are reconvicted within three years of release and even more are rearrested.

When a person is released from prison, they must reestablish their life by acquiring identification, finding housing, and obtaining employment. There are tremendous logistical, material, emotional, and social obstacles that continue to punish and disadvantage a previously-incarcerated individual, even when they are actively trying to improve themselves and start a new life. These obstacles compound for minority populations and people of color. Of those that are unable to overcome those obstacles and return to prison, thirty percent return within the first month following release.

Research has proven that educational and vocational programs for incarcerated individuals can significantly reduce recidivism. While there has been some progress in recent years to tackle recidivism, like committing to phase out for-profit prisons (AB32, Bonta, 2019) and increasing access to higher education for incarcerated

people (SB416, Hueso, 2021), more can be done to assist incarcerated individuals once they complete their sentences and commit to reintegration. Specifically, helping those who take advantage of educational and vocational opportunities in prison transition that experience to meaningful opportunities post-release can be the crucial next step.

Why is this bill needed?

Currently, when someone completes their sentence, they return to the county of last legal residence, barring any release restrictions relating to public safety. A person's parole is usually restricted to that same county as well, with very few options for relocation. SB 990 would expand these relocation options, specifically for those incarcerated individuals who have earned a post-secondary or vocational opportunity in another county, such as gaining entry to a California university, by allowing them to transfer their parole to the county that corresponds with their educational or employment opportunity. By allowing this option, we can ensure that California can continue to support successful transitions for formerly-incarcerated people and vital reductions in prison recidivism. By improving access to educational, vocational, and employment options for those who have proven they want to reintegrate, we can increase the likelihood that these individuals not merely survive in the outside, but thrive while contributing to California's workforce.

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The Insight Garden Program
Communities United for Restorative Youth Justice
Initiate Justice
Southwestern College's Restorative Justice Program
UnCommon Law
LIFTED – UC Irvine
Underground Scholars Initiative – UC Irvine
Underground Scholars Initiative – UC Berkeley



Support Continued

John Burton Advocates for Youth
The Young Women's Freedom Center
The Sister Warriors Freedom Coalition
Creating Restorative Opportunities and Programs
Impact Justice
Underground Scholars Initiative – UC Davis
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Reentry Council of the City and County of San Francisco

2022 Meeting Calendar

Council Meetings: 4th Thursday of the first month of each quarter 10am-12pm

- January 27, 2022 - Zoom Meeting
- April 28, 2022 - TBD
- July 28, 2022 - TBD
- October 27, 2022 - TBD

Subcommittee on Direct Services: 2nd Wednesday of all uneven months 5:30-7:30pm

- January 12, 2022 - Zoom Meeting
- March 9, 2022 - TBD
- May 11, 2022 - TBD
- July 13, 2022 - TBD
- September 14, 2022 - TBD
- November 9, 2022 - TBD

Subcommittee on Legislation, Policy and Practices: 4th Wednesday of all uneven months 2:30-4:30pm

- January 26, 2022 - Zoom Meeting
- March 23, 2022 - TBD
- May 25, 2022 - TBD
- July 27, 2022 - TBD
- September 28, 2022 - TBD
- November 23, 2022 - TBD

Women 1st Subcommittee: 1st Wednesday of all uneven months 5:30-7:30pm

- January 5, 2022 - Zoom Meeting
- March 2, 2022 - TBD
- May 4, 2022 - TBD
- July 6, 2022 - TBD
- September 7, 2022 - TBD
- November 2, 2022 - TBD

Slated Community Events supported and/or hosted by Reentry Council

- 3rd Annual Recovery Summit – Location and Date to be Announced
- 9th Annual Restorative Justice Reentry Conference and Resource Fair at Cathedral of St. Mary of the Assumption Event Center located at 1111 Gough St - TBD