

Reentry Council

City & County of San Francisco

Subcommittee on Legislation, Policy & Practices

AGENDA

Wednesday, March 27, 2024

2:00pm to 4:00pm

CASC, 564 6th Street, SF, CA 94103; 2nd Floor Rm 226/227

Note: Public comment will be taken throughout the meeting or by email to reentrycouncil@sfgov.org

1. Introductions/Roll Call (*discussion only*)
2. Ohlone Land Acknowledgement (*discussion only*)
3. 2024 State Legislation Discussion and Voting (*discussion and possible action*)
4. Reentry Council Retreat – Priorities Discussions (*discussion and possible action*)
5. Reentry council Retreat – Identified Working Groups Finalization (*discussion and possible action*)
6. 2024 Scheduled Meetings (*discussion and possible action*)
7. Member Roundtable and Agenda Items for Next Meeting (*discussion only*)
8. Adjournment (*discussion and possible action*)

Next Meeting:

April 10, 2023

2:00pm – 4:00pm

CASC, 564 6th Street, 2nd Floor, Rm 226/227

San Francisco, California 94103

Reentry Council

City & County of San Francisco

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, Reentry Division Director, Adult Probation Department, 564 Sixth St., San Francisco, CA 94102, or via email: victoria.westbrook@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.

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Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,

Reentry Council

City & County of San Francisco

San Francisco, CA 94102-4683.

Telephone: (415) 554-7724

Fax: (415) 554-5163

E-Mail: soft@sfgov.org

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2023 Legislation to Consider

Bill ID/Topic	Author	Bill Name	Summary	LegiScan
AB1186	Asm. Mia Bonta [D] Asm. Isaac Bryan [D]	Juveniles: restitution	This bill would remove the ability of the court to require the minor to pay monetary restitution to the victim. The bill would authorize the court to instead order the minor to make nonmonetary restitution by participating in a community-based restoration program, performing community service, or participating in an educational, employment, youth development, or mental health program, as specified. The bill would require the court to determine the amount of economic loss suffered as a result of the minor's conduct and issue a restitution order, which would then be transmitted to the California Victim Compensation Board. The bill would require the California Victim Compensation Board, upon appropriation by the Legislature for these purposes, to compensate the victim for the amount in the order. This bill contains other related provisions and other existing laws. Last Amended on 6/19/2023	https://legiscan.com/CA/bill/AB1186/2023
AB1877	Asm. Corey Jackson [D]	Juveniles: sealing records.	A county probation officer, once the person who was the subject of a petition or cited to appear before a P.O has reached 18 years of age, to petition the court for sealing of certain records unless otherwise specified. It would require the court to order all records sealed if the court find the person has not been convicted of a felony or misdemeanor involving moral turpitude and that rehabilitation has been successfully fulfilled. Furthermore, the probation department will be required to notify the person in writing that their record has been sealed pursuant to these provision or that they do not qualify for the sealing of their record under these provisions, reason, or reasons for not sealing. The bill would additionally authorize the court, a state or local agency and, upon approval by a court, a researcher or research organization to access juvenile records sealed by the court as a result of a petition filed by the probation department pursuant to the aforementioned provisions.	https://legiscan.com/CA/bill/AB1877/2023
AB2040	Asm. Marie Waldron [R]	Prison and parole: California Reentry Officer.	This bill would establish the position of the California Reentry Officer, operating independent from the CDCR, to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts to ensure successful reentry services are provided to incarcerated individuals. The bill would require the officer to focus on programming through the period of incarceration that supports successful reentry to society, facilitate the smooth transition of individuals from prison to release, and raise awareness of continuity of care for incarcerated individuals with health and substance use disorders during community supervision and parole.	https://legiscan.com/CA/bill/AB2040/2023
AB2045	Asm. Josh Hoover [R]	Controlled substances: fentanyl trafficking penalties.	The bill would increase the penalty for the following crime as it relates to fentanyl to 5, 8, or 11 years and would make the following enhancement applicable to offenses involving fentanyl. The applicable offenses are: encouraging or soliciting a minor to commit specified crimes relating to controlled substances, to hire or employ a minor to transport or sell controlled substances, or to sell or give controlled substances to minors and impose a punishment for a period of 3, 6, or 9 years.	https://legiscan.com/CA/bill/AB2045/2023
AB2055	Asm. Eloise Reyes [D]	Criminal procedure: expungement of records.	This law allows a defendant to petition the court to have the pleading dismissed, releasing the person of any penalties and disabilities of conviction congruent to successful participation in the California Conservation Camp program as an incarcerated individual hand crew member, or successful participation as a member of a county incarcerated individual hand crew, or participation at an institutional firehouse.	https://legiscan.com/CA/bill/AB2055/2023
SB1001	Sen. Nancy Skinner [D]	Death penalty: intellectually disabled persons.	The bill would define "manifested before the end of the developmental period" to mean that the deficits were present during the developmental period and does not require a formal diagnosis or tests of intellectual functioning in the intellectual disability range before the end of the developmental period. The codified law will specify that individuals with intellectual disability are ineligible for the death penalty and would specify that the question of intellectual disability is a question of fact that may be stipulated to by the parties and would require the court within 30 days to accept the stipulation and declare the defendant/petitioner ineligible for the death penalty. Furthermore, the bill would authorize the court to order said defendant/petitioner to submit to testing by a qualified prosecution expert only if the prosecution presents a reasonable factual basis that the intellectual functional testing by the defendant/practioner is unreliable. If the court enters an order for the defendant or petitioner to submit to testing, the bill would require the prosecution to submit a proposed list of tests so that the defendant/petitioner may raise any objections before testing is ordered. The court will be required, in the event a jury cannot reach an unanimous verdict, to enter a finding that the defendant is ineligible for the death penalty if consensus about the person's disability cannot be reached.	https://legiscan.com/CA/bill/SB1001/2023

	SB1005	Sen. Angelique Ashby [D]	Juveniles	For certain offenses, probation officers will be authorized, upon receiving consent from the minor and the minor's parents, to refer an offense to youth court as specified. Existing law authorized probation officers to delineate specific programs of supervision for the minor not to exceed six months, and attempt to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within the jurisdiction. Existing law allow the probation officer is also authorized to provide or contract for services including sheltered-care facilities, crisis resolution homes, or counseling and educational centers upon receiving consent from the minor and the minor's parents.	https://legiscan.com/CA/bill/SB1005/2023
	SB1011	Sen. Brian Jones [R] Sen. Catherine Blakespear [D] Asm. Juan Alanis [R] Sen. Marie Alvarado-Gil [D] Sen. Brian Dahle [R] Asm. Laurie Davies [R] Sen. Bill Dodd [D] Asm. Bill Essayli [R] Asm. Heath Flora [R] Asm. James Gallagher [R] Sen. Shannon Grove [R] Asm. Joe Patterson	Encampments: penalties	Bill would prohibit a person from sitting, lying, sleeping, sotring, using, maintaining, or placing personal property on a street or sidewalk if a homeless shelter is available to the person. In addition, they would not be able to do the aforementioned within 500 ft of a public and private school, open space, or major transit shop. It shall be specified that the violation of this prohibition is a public nuisance that can be abated and prevented, as specified. A violation of the prohibition may be charged as a misdemeanor or an infraction at the discretion of the prosecutor. The person will not be found in violation of the bill's provisions unless given notice within 72 hours bfore enforcement operations commence. In addition, no reimbursement is required by this act.	https://legiscan.com/CA/bill/SB1011/2023
	SB987	Sen. Caroline Menjivar [D]	Pretrial release: pretrial assessment agencies.	The bill would prohibit a defendant from being charged a fee for pretrial supervision, maintain information obtained in pretrial supervision services apart from law enforcement and criminal justice records, and make confidential information in the course of performing pretrial supervision subject to specified exceptions including that the court may order the disclosure of information if the information is material, exonerating on the issue of guilt, and would not otherwise be available. The disclosure of information shall be released to specified entities such as the court to determine bail, release, conditions of release, detention, compliance with release conditions, or sentencing and to a law enforcement agency upon a reasonable belief that it is necessary to apprehending an individual. It would prohibit the admissibility of this information on the issue of guilt in a criminal proceeding when the crime was committed while on pretrial supervision or a defendant failed to appear to a criminal proceeding while on pretrial supervision. Every investigation by a court employed investigative staff or a county pretrial agency staff shall have an investigative report for every investigation. If the report is issued, the staff will only be required to include information relevant to the release of the defendant and would prohibit the staff from soliciting from the defendant information regarding the alleged offense. The report shall be kept specified, unless specified. Furthermore, the AG will be required to furnish state summary criminal history to a treatment and allow the AG to furnish federal-level criminal history information to a treatment provider with the consent of the subject to the state summary criminal history and for purposes of furthering the subject's compliance with pretrial release or diversion. The bill would include pretrial investigation and release within the definition of an activity of a criminal justice agency. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest, the bill would make legislative findings to that effect. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason. If the Commission on State Mandates determines the bill contains the costs so mandated by the state, that reimbursement for those costs shall be made pursuant to the statutory provisions.	https://legiscan.com/CA/bill/SB987/2023

	AB1986	Asm. Isaac Bryan [D]	State prisons: banned books	<p>Existing law grants a person sentenced to imprisonment the right to purchase, receive, and read any and all newspapers, periodicals, and books, as specified, subject to restrictions reasonably related to legitimate penological interests. Existing law authorizes the Department of Corrections and Rehabilitation to prescribe and amend rules and regulations for the administration of state prisons, including determining which materials are a threat to legitimate penological interests. Existing law creates the Office of the Inspector General and grants the Inspector General responsibility for oversight of the department, as specified.</p> <p>This bill would require the Inspector General to post the list of materials that have been banned Centralized List of Disapproved Publications maintained by the department on the office's internet website. The bill would authorize the Inspector General General, upon request, to review materials publications on the list to determine whether there is a legitimate penological interest for the publication being on the banned materials list, list and, if not, would authorize the Inspector General to require the department to remove that material from the department's banned materials list. list of disapproved publications.</p>	https://legiscan.com/CA/bill/AB1986/2023
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SUMMARY

AB 1186 modifies and enhances California’s current youth restitution system, so it may effectively provide survivors with more equitable, timely, and stable compensation.

BACKGROUND

California’s current youth restitution system is not working. It fails to live up to its goals of ensuring victims receive what they need, when they need it, to heal and move forward. Instead, it harms both survivors and young people. Each year, California counties order restitution from thousands of young people to be paid to crime survivors based on the loss suffered or harm endured. However, minors are functionally indigent as they are too young to work, have academic obligations, and are legally restricted from establishing any earning capacity. As such, minors ordered to pay restitution and their parents, who are held jointly and severally liable, are often unable to pay these orders. Research shows only 21% of the ordered youth restitution is collected each year. The young people that cycle through the juvenile legal system are mostly Black and brown, and mostly come from low-income families.

This system not only fails to adequately compensate survivors, it is actively causing further harm in the communities where survivors live. Because most young people cannot pay their orders, survivors typically receive delayed or no compensation for the harm or losses endured. Reliance on revenue from youth and their families is such an inconsistent revenue source, one study found that as few as 4% of survivors received any form of restitution payment. Furthermore, since victims and survivors often live in the same communities, the stress of having to pay an unattainable debt impacts a community as a whole. In order to avoid debt, a young person or their family is often forced to forego basic necessities in order to pay. This type of concentrated toxic stress further marginalizes Black and brown neighborhoods.

This inability to pay restitution results in the accumulation of insurmountable debt and lasting harm for young people and their families. Debt from restitution never expires and cannot be discharged in bankruptcy proceedings. Many young people who are

ordered to pay restitution enter adulthood with a debt that threatens their economic security.

Finally, collecting restitution is costly and inefficient for counties. Counties waste millions on collection efforts, spending an estimated \$0.66 to collect each dollar, while recovering only 21% of overall restitution ordered to young people.

EXISTING LAW

Under the Welfare and Institutions Code § 730.6, a juvenile court can order restitution to a victim of a crime who has incurred any economic loss as a result of the commission of a crime or the conduct of a minor found in violation of the law. In addition, WIC § 730.6 gives the court discretion to find that there are compelling and extraordinary reasons to not order restitution, in which case the court may order the young person to perform community service. There is no limit as to how much a court can order for restitution and the minor’s ability to pay cannot be taken into consideration.

PROBLEM

While California’s youth restitution system is intended to help survivors address economic loss, it relies on the discretion of a court system tainted by racial bias to procure resources that young people simply do not have. This ineffective costly system harms young people and their families, while failing to address the needs of survivors. The current system also fails to center community healing.

SOLUTION

AB 1186, the Realizing Equity while Promoting Accountability and Impactful Relief (REPAIR) Act removes the statutory authority of courts to order restitution to youth and their families, alleviating the harm done to young people and their families by California’s current youth restitution system. To hold youth accountable, adequately address harm, and facilitate healing, young people will instead participate in restorative justice programs, community service or other employment, skill-building or mental health programs. AB 1186 will also ensure survivors now receive adequate and timely compensation for economic loss incurred by seeking compensation through CalVCB.

SUPPORT

- Debt Free Justice California (Sponsor)
- ACLU Cal Action
- All of Us or None - Legal Services of Prisoners with Children
- Alliance for Boys and Men of color
- Alliance for Children's Rights
- Anti-Recidivism Coalition
- Attorney General Rob Bonta
- California Alliance for Youth and Community Justice
- California Catholic Conference
- Californians for Safety and Justice
- California Public Defenders Association (CPDA)
- Californians United for a Responsible Budget
- Care First California
- Center on Juvenile and Criminal Justice
- Ceres Policy Research
- Children's Defense Fund-California
- City and County of San Francisco
- Communities United for Restorative Youth Justice
- Community Legal Services in East Palo Alto
- Community Works
- Debt Collective
- Dignity and Power Now
- East Bay Community Law Center
- Ella Baker Center for Human Rights
- Freedom 4 Youth
- Fresh Lifelines for Youth
- Fresno Barrios Unidos
- Friends Committee on Legislation of California
- Initiate Justice
- Justice2Jobs Coalition
- Jakara Movement
- La Defensa
- Lawyers Committee for Civil Rights of the San Francisco Bay Area
- Legal Services for Prisoners with Children
- Motivating Individual Leadership for Public Advancement (MILPA)
- National Association of Social Workers, California Chapter
- National Consumer Law Center, Inc.
- Pacific Juvenile Defender Center
- Peace Anger Love
- Prosecutors Alliance California
- Returning Home Foundation
- Root and Rebound
- RYSE Youth Center
- Safe Return Project
- San Francisco District Attorney Brooke Jenkins
- San Francisco Financial Justice Project
- San Francisco Public Defender's Office
- Santa Cruz Barrios Unidos, Inc.
- Showing up for Racial Justice Bay (SURJ) Area
- Sister Warriors Freedom Coalition
- Smart Justice California
- The Bar Association of San Francisco
- The Collective Healing and Transformation Project
- The Maven Collaborative
- The Unity Council
- The W. Hayward Burns Institute
- The Transformative In-Prison Workgroup
- UC Berkeley's Underground Scholars Initiative (USI)
- Underground Grit
- United CORE Alliance
- Western Center on Law and Poverty
- Young Women's Freedom Center

FOR MORE INFORMATION

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Assembly Bill 2045 – Controlled substances: fentanyl trafficking penalties

SUMMARY

AB 2045 (Hoover) seeks to add an additional 2-year penalty on the sale of fentanyl to minors, making the felony punishable by 5, 8, or 11 years in state prison. Furthermore, it will add fentanyl to the list of illicit drugs already covered by state law by adding a 2-year sentence enhancement for providing fentanyl to minors on or near school grounds and increases penalties for trafficking fentanyl to minors on or near school grounds.

BACKGROUND

Health and Safety Code § 11353 makes it a crime for any adult to solicit, induce, encourage or intimidate a minor to commit a drug crime. This offense is a felony punishable by 3, 6, or 9 years in state prison.

Current law also states that for offenses of solicitation, encouraging or intimidating a minor to commit a drug crime involving heroin, cocaine, etc., and occurring upon, or within 1,000 feet of any public or private school while minors are present, the defendant is subject to a 2-year enhancement.

Finally, for an adult who commits specified drug trafficking offenses upon the grounds of, or within 1,000 feet of, a public or private school while school children are present, shall receive an additional punishment of 3, 4, or 5 years. If the offense involves a minor who is at least four years younger than an adult defendant, an additional

enhancement of 3, 4, or 5 years (subject to realignment) applies.

PROBLEM

Recent news stories and statistics demonstrate that fentanyl has become a nationwide crisis. Fentanyl is increasingly deadly as it is often used to lace cocaine, marijuana, and various other street drugs to an unsuspecting public. Between 2020 and 2021, drug overdose deaths increased by 20% between 14-18 year olds and in 2021, 77% of overdose deaths among this age group involved fentanyl. Additionally, in 2021, there were 1,557 fentanyl-related pediatric deaths. Among those deaths, 133 involved children under the age of five. Fentanyl is a deadly drug that is affecting and claiming the lives of our youth.¹

California has been slow to update existing statutes to include fentanyl, making it difficult to punish these drug dealers accordingly. As a lethal opioid, fentanyl should have at least the same, if not more severe penalties than other controlled substances. In fact, fentanyl is 50 times stronger than heroin and 100 times stronger than morphine.

SOLUTION

AB 2045 would classify fentanyl in the same category as other dangerous drugs by increasing penalties for fentanyl dealers who specifically target our children.

¹ Source: *Combating Fentanyl, The America First Action Plan*

SUPPORT

STAFF CONTACT INFORMATION

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AB 2055 (Reyes): Data Collection on Expungements

SUMMARY

This bill would require the Judicial Council of California (Judicial Council) to submit a report to the Legislature detailing the rate of expungements granted to individuals who successfully participated in the California Conservation program as incarcerated hand crew members.

BACKGROUND

The California Conservation Camp Program was initiated by the California Department of Corrections and Rehabilitation (CDCR) to provide incarcerated individuals with the opportunity to work on meaningful projects throughout the state. These projects include clearing firebreaks, restoring historical structures, maintaining parks, sand bagging and flood protection, reforestation and clearing fallen trees and debris.

However, despite their time working as a part of the California Conservation Camp Program and providing critical services to the state of California, many who participated in this program struggled to find permanent and stable employment once released from custody. This was in part due to the significant barriers in place for individuals with prior convictions.

In response, AB 2147 (Reyes, 2020) was introduced and signed into law. The bill allowed an individual who successfully participated as an incarcerated hand crew member under the California Conservation Camp Program to apply for an expungement upon release from custody. AB 2147 set a pathway for many individuals who served

our state as hand crew members to seek meaningful employment, reintegration, and true rehabilitation.

Since this landmark piece of legislation passed, the rate of expungements granted to these individuals is unclear. Without this information, the Legislature cannot determine the effectiveness of the intent of AB 2147 or the opportunities being provided to previously incarcerated hand crew members.

THIS BILL

AB 2055 would require each superior court to provide data to Judicial Council on the rate of expungements granted pursuant to Section 1203.4b of the penal code. Judicial Council would then be required to provide a report to the Legislature with this data on a biennial basis beginning in June of 2027.

SUPPORT

- ACLU California Action
- Anti-Recidivism Coalition (ARC)
- California Public Defender Association
- Initiate Justice
- Initiate Justice Action

CONTACT

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ASSEMBLY BILL

No. 2215

Introduced by Assembly Member Bryan

February 7, 2024

An act to amend Section 849 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2215, as introduced, Bryan. Criminal procedure: arrests.

Existing law requires that a person arrested without a warrant be taken before a magistrate without unnecessary delay. Existing law also provides certain circumstances under which a person arrested without a warrant may be released from custody before being taken before a magistrate, including, among others, when the arresting officer believes that insufficient grounds exist to make a criminal complaint against the person arrested or when the person is arrested for intoxication only and no further proceedings are desirable. Existing law requires the record of arrest of a person released pursuant to specified circumstances to include a record of release and that the arrest be deemed a detention.

This bill would authorize an arresting officer to release an arrested person from custody without bringing the person before a magistrate if the person is, subsequent to being arrested, delivered or referred to a public health or social service organization that provides services including, but not limited to, housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education, and no further proceedings are desirable. The bill would require that the arrest under this provision be deemed a detention.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 849 of the Penal Code is amended to
2 read:

3 849. (a) When an arrest is made without a warrant by a peace
4 officer or private person, the person arrested, if not otherwise
5 released, shall, without unnecessary delay, be taken before the
6 nearest or most accessible magistrate in the county in which the
7 offense is triable, and a complaint stating the charge against the
8 arrested person shall be laid before the magistrate.

9 (b) A peace officer may release from custody, instead of taking
10 the person before a magistrate, a person arrested without a warrant
11 in the following circumstances:

12 (1) The officer is satisfied that there are insufficient grounds
13 for making a criminal complaint against the person arrested.

14 (2) The person arrested was arrested for intoxication only, and
15 no further proceedings are desirable.

16 (3) The person was arrested only for being under the influence
17 of a controlled substance or drug and the person is delivered to a
18 facility or hospital for treatment and no further proceedings are
19 desirable.

20 (4) The person was arrested for driving under the influence of
21 alcohol or drugs and the person is delivered to a hospital for
22 medical treatment that prohibits immediate delivery before a
23 magistrate.

24 (5) The person was arrested and subsequently delivered to a
25 hospital or other urgent care facility, including, but not limited to,
26 a facility for the treatment of co-occurring substance use disorders,
27 for mental health evaluation and treatment, and no further
28 proceedings are desirable.

29 (6) *The person was arrested and subsequently delivered or*
30 *referred to a public health or social service organization that*
31 *provides services including, but not limited to, housing, medical*
32 *care, treatment for alcohol or substance use disorders,*
33 *psychological counseling, or employment training and education,*
34 *and no further proceedings are desirable.*

1 (c) The record of arrest of a person released pursuant to
2 paragraph (1), (3), ~~or (5)~~ (5), *or* (6) of subdivision (b) shall include
3 a record of release. Thereafter, the arrest shall not be deemed an
4 arrest, but a detention only.

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AB 2833 (McKinnor) The Restorative Justice Integrity Act FACT SHEET

Sponsor: Initiate Justice, American Friends Service Committee, Californians for Safety and Justice, Community Works, RYSE Center

Staff Contact: Sean Porter, sean.porter@asm.ca.gov

As Introduced: 2/15/24

ISSUE

Restorative Justice (RJ) is a community-based, non-punitive approach to harm that encourages accountability, healing, and repair. RJ processes seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime. Expressions of true remorse and accountability, and commitments to repair harm can lead to healing and restoration in an RJ process that isn't possible in standard criminal processes. In order to accomplish this, a person who caused harm needs to feel safe being fully honest about their actions. However, when confidentiality is not guaranteed, the relevant parties often feel unable to share their stories openly, for fear of future retribution.

Currently, several RJ programs in California address the issue of confidentiality by entering into memoranda of understanding (MOU) with local prosecutors' offices and/or law enforcement agencies. These MOUs typically govern aspects of the programs' operation, including confidentiality. They delineate what is confidential and typically prevent information obtained during an RJ process from being used against the person who caused harm in future proceedings. However, not all organizations use MOUs and it is incredibly labor-intensive to negotiate and renegotiate these agreements. It also leads to inconsistencies across jurisdictions and results in a patchwork of understanding regarding confidentiality for Californians, rather than a comprehensive protection related to RJ processes. Additionally, these MOUs are highly subject to localized politics and thus in need of the standardization and guardrails that can come from well-crafted legislation.

SOLUTION

AB 2833 would provide comprehensive admissibility and confidentiality protections for all Restorative Justice processes that occur within the state. This legislation would make clear that any information shared in the preparation for, in the course of, or pursuant to the Restorative Justice process is confidential and inadmissible in any future court proceeding.

SUPPORT

Initiate Justice (Cosponsor)

American Friends Service Committee (Cosponsor)

Californians for Safety and Justice (Cosponsor)
Community Works (Cosponsor)
RYSE Center (Cosponsor)

Senate Bill 1001

Death Penalty: Intellectual Disabilities Senator Nancy Skinner (D-Berkeley)

THIS BILL

Existing state law and rulings by the US Supreme Court have deemed the execution of a person who is intellectually disabled as cruel and unusual punishment. Intellectual disability is defined as someone who has below average intelligence and whose life skills, before adulthood, demonstrate difficulty in thinking and understanding that impacts conceptual, social, and practical skills.

SB 1001 would provide important safeguards to California's existing law to help prevent the execution of those who are intellectually disabled. Specifically, SB 1001 would retain the requirement that a person's intellectual disability had to be present when they were young, e.g.; during their developmental period, but would not require the disability to have been formally diagnosed during that time period.

ISSUE

In *Atkins v. Virginia* (2002), the U.S. Supreme Court held that the execution of intellectually disabled individuals violates the Eight Amendment's prohibition on cruel and unusual punishments. In 2003, California codified this prohibition in SB 3 (Burton), and in 2020, AB 2512 (Stone) updated and modernized the statute to adopt current clinical standards for diagnosing intellectual disability.

However, these prior bills did not adequately account for the fact that some people with legally defined intellectual disabilities were not able to be formally diagnosed while they were young and in their developmental period.

Research demonstrates that many people with intellectual disabilities do not receive proper diagnosis in childhood. Only [41% of adults with intellectual or developmental disabilities](#) are currently served through the disability system in the United States. Intellectually disabled individuals evade diagnosis for many reasons.

Families lacking health care coverage or living in areas without clinics or specialists who can administer the necessary tests for such a diagnosis may not have had the means or ability to determine their child's intellectual disability.

Schools also vary in what testing and services may be available, leaving many children undiagnosed and untested. These socio-economic and other barriers can prevent the determination of an intellectual disability during a person's developmental stage. This does not mean that a person is not intellectually disabled, it only means the person was not able to obtain such a diagnosis before adulthood.

SOLUTION

SB 1001 will help ensure that California is not executing people who meet the legal definition of being intellectually disabled by:

1. Allowing someone to show, through evidence, such as medical evaluation, diagnosis and testing, and testimony that they were intellectually disabled before the end of their developmental period;
2. Codifying court rules to clarify the procedures used when the prosecutor seeks additional testing of the individual;

SUPPORT

- Bend The Arc: A Jewish Partnership for Justice (Co-Sponsor)
- California Catholic Conference (Co-Sponsor)
- Friends Committee on Legislation (Co-Sponsor)
- 8th Amendment Project
- Alliance for Boys and Men of Color
- Amnesty International
- California Alliance for Youth and Community Justice
- California Anti-Death Penalty Coalition
- California for Safety and Justice
- California Innocence Coalition
- Californians Public Defenders Association

- Californians United for a Responsible Budget
- Communities United for Restorative Youth Justice
- Death Penalty Focus
- Disability Rights California
- Ella Baker Center for Human Rights
- Felony Murder Elimination Project
- Full Picture Justice
- Grip Training Institute
- Initiate Justice Action
- Initiate Justice
- La Defensa
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Legal Services for Prisoners with Children
- NextGen California
- Santa Cruz Barrios Unidos
- Sister Warriors Freedom Coalition
- Smart Justice California, a Project of Tides Advocacy
- The Transformative In-Prison Workgroup
- Uncommon Law
- University of San Francisco School of Law Racial Justice Clinic
- Young Women's Freedom Center

CONTACT

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SB 1005 – Youth Courts

Allows youth the opportunity to experience a jury of their peers.

SUMMARY

SB 1005 gives statutory authority for minors, with referral from a probation officer and consent of the minor’s parent, to waive traditional juvenile court system hearing and sentencing procedures and experience a court of fellow minors.

BACKGROUND

Youth courts are a type of diversion program where a minor accused of committing a certain offense can opt-into an alternative court-like setting where youth volunteers play a variety of roles in the judicial process – such as district attorney, public defender, bailiff, or juror. Generally, juveniles charged with minor violations such as shoplifting, vandalism, truancy, or disorderly conduct are eligible for youth courts.

Many youth court programs already exist throughout the state and range in structure, with the earliest programs in California dating back to the mid-1980s. All programs are under the supervision of a judge.

These programs keep low-level youth offenders out of the formal juvenile justice system, allowing more resources directed toward youth with serious offenses. Individual research conducted on youth court programs across the nation found outcomes at least as positive as other diversionary alternatives, and some that were superior to other alternatives.

Recent studies show that youth court participation produces the following benefits for all involved: accountability, timeliness, cost savings, civic engagement, youth influence youth, and prevention.¹

Youth courts provide young people with avenues for positive development and personal success, and youth volunteers learn from each other while also gaining a deeper understanding of the legal system.

THE PROBLEM

Existing law provides probation departments with broad authority and options for alternative types of supervision for minors. However, there is currently no specific statutory authority for youth courts.

Without such statutory authority, jurisdictions hesitate to develop or promote youth courts, which are important components of a restorative justice system. This lack of clear statutory guidance may cause confusion for the courts, and keep jurisdictions from utilizing cost saving measures, as many youth court programs are primarily funded through non-public resources and community-based organizations.

THE SOLUTION

SB 1005 grants probation departments the statutory authority to maintain and operate youth courts, or contract with community-based organizations or private or public agencies, to implement youth courts. The most serious crimes are excluded from eligibility for these programs.

SB 1005 does not change the probation department’s discretion with case referral, may potentially reduce costs to the state, and has been a successfully implemented restorative justice program in a few courts across California.

SUPPORT

- California Judges Association (sponsor)

FOR MORE INFORMATION

Kevin Guzman, *Legislative Aide*
kevin.guzman@sen.ca.gov | Phone: (916) 651-4008

¹ [Judicial Council of CA](#)



Senate Bill 1011 Fact Sheet – Compassionately Clearing Homeless Encampments

Principle Coauthor: Senator Blakespear; Coauthors: Senators Alvarado-Gil, Dahle, Dodd, Grove, Nguyen, Niello, Ochoa Bogh, Seyarto, Wilk, Assemblymembers Alanis, Dahle, Davies, Essayli, Flora, Gallagher, Joe Patterson, Sanchez,

SUMMARY

SB 1011 prohibits homeless encampments near schools, open spaces, and major transit stops. This bill balances accountability with compassion by implementing a 72-hour warning before an encampment is cleared, and requires enforcement officers to provide information about sleeping alternatives, homeless and mental health services, and/or homeless shelters in the area.

BACKGROUND

California [leads the nation](#) with the most chronically homeless individuals. Estimates indicate that homelessness in California increased by [6%](#) last year, and nearly 40% over the last six years, to over [181,000](#) people. During those six years, California spent over \$22 billion on homelessness. For example, in San Diego County, the number of homeless shot up by [14%](#) in 2023 alone, to over 10,000 individuals. Similar trends are seen across the state with a [10%](#) increase in the homeless population in LA just last year and a nearly [70%](#) growth in the homeless population in Sacramento from 2019 to 2022.

Californians are becoming increasingly concerned with the state’s growing homeless population as they notice the homelessness encampments increase across the state. In fact, [60%](#) of Californian adults say the presence of homeless people has increased over the past year and almost [70%](#) of Californian adults see it as a big problem.

Residents are [concerned](#) about dangerous encampments, crime, and quality of life degrading in their neighborhoods because of the homelessness crisis. Parents are [worried](#) about their family’s safety with encampments steps away from schools, playgrounds, and areas where children often congregate.

PROBLEM

Some local governments have already taken action to address their residents’ concerns about increasing homelessness. The City of Los Angeles recently passed a [measure](#) aimed at banning homeless encampments near certain schools, parks, libraries, and daycare centers.

The City of Sacramento recently passed [measures](#) to ban homeless encampments within 500 feet of schools, childcare centers, colleges, hospitals, and levees.

The City of San Diego has just passed the [“Unsafe Camping Ordinance”](#) which prohibits camping within 500 feet of schools, open spaces, or transit stops.

These measures have strong support from residents in local jurisdictions. However, these additional tools to compassionately clear encampments are not available to all local jurisdictions statewide.

SOLUTION

This bill, based on San Diego’s successful encampment ordinance, will help compassionately clear encampments and help improve public safety and public health. Specifically, this bill will:

1. **Prohibit encampments near schools, open spaces, or transit stops.** This will help protect our most vulnerable population: our children;
2. **Prohibit camping on sidewalks if a homeless shelter is available.** This will protect pedestrians’ need to utilize sidewalks for travel without unfairly inconveniencing homeless individuals.
3. **Require a 72-hour warning before an encampment is cleared.** This will give homeless individuals a chance to find alternatives and accept services before their encampment is cleared; and
4. **Require enforcement officers to provide information about sleeping alternatives, homeless and mental health services, and/or homeless shelters in the area.** This will help connect homeless individuals to desperately needed services.

This bill strikes an appropriate balance between accountability and compassion while tackling the homelessness crisis and putting public health and public safety as the top priority.

CONTACT

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Senate Bill 950
Healthy Recovery and Reentry
Senator Nancy Skinner (D-Berkeley)

THIS BILL

SB 950 is aimed at breaking the cycle of drug addiction and recidivism by helping to ensure that healthcare, supportive services, and the substance use treatment on which many formerly incarcerated people rely are continued after the person's release and as they re-enter the community.

ISSUE

California prisons release about 37,000 people every year. Programs designed to reduce recidivism and increase success in reentry can make the difference as to whether a person returns to prison or thrives. Research published by Stanford University has shown that the California Department of Corrections and Rehabilitation's (CDCR) Male Community Reentry Program (MCRP) and Community Correction Reentry Program (CCRP) for women have the best outcomes when it comes to achieving these goals.

This is because MCRPs and CCRPs offer people leaving prison with services and supports during their last two years of custody to prepare them for re-integration with their families and into their communities.

Specifically, these programs relocate incarcerated people to a community-based location, where they may serve up to the last twenty-four months of their sentences. There, MCRP and CCRP participants have access to a variety of social, work readiness and education services, as well as communal housing, all while remaining in CDCR custody. Not only do these programs cost the state less than housing a person in prison, those who participate for at least nine months are much less likely to be recidivate. The more months they stay, the more effective this program becomes.

While CDCR and MCRP program providers are proud of what has been accomplished with this new reentry strategy, there is more to do.

Approximately 60% of people in reentry struggle with a drug addiction, and need continued substance abuse treatment and other health services. Currently our MCRP and CCRP programs have limited health care options for their participants, especially options that can help ensure that a participant's addiction treatment can continue even after the participant returns home. When someone under treatment for a substance use disorder has their treatment interrupted, the potential for falling back into addiction and criminal behavior is greatly increased.

SOLUTION

SB 950 will help break the cycle of drug addiction & recidivism by:

- Requiring CDCR to work with the federal government and other state departments to assist eligible incarcerated people to enroll in Medicaid/Medi-Cal, SSI, CalFresh and other programs as appropriate prior to the person's release into the community;
- Requiring the Board of State and Community Corrections (BSCC) and CDCR to work w/ drug & alcohol recovery experts, reentry advocates, providers of supportive housing and others, to help secure housing prior to an incarcerated person's release; and
- Ensuring that those residing in MCRP, CCRP, or other re-entry facilities who are eligible are enrolled in food, healthcare and other support services to maximize support and facilitate reentry success.

SUPPORT

Amity Foundation, Sponsor

CONTACT

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George.Harris@Sen.Ca.Gov

Independent Pretrial Services

Senate Bill 987

Senator Caroline Menjivar (D – San Fernando Valley)

SUMMARY

SB 987 would expand the definition of “criminal justice agencies” to include pretrial release departments, allowing an independent agency to establish an independent pretrial division capable of offering a wide array of client services, along with the traditional aspects of a pretrial operation.

PROBLEM

Existing law only allows pretrial work to be completed by Probation departments, the Courts, or other existing “criminal justice agencies” and does not allow for an independent pretrial agency. The law defines “criminal justice agencies” as agencies that perform activities that relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders. As a result, independent pretrial agencies like Los Angeles County’s Justice, Care and Opportunities Department (JCOD) does not qualify under “criminal justice agencies,” which precludes it from accessing criminal history information and implementing a single all-inclusive independent pretrial operation. Failure to expand the definition of “criminal justice agencies” may result in two agencies operating in the pretrial space, which may preclude them from cooperating on issues involving a client’s criminal history.

BACKGROUND

Pretrial services programs are used in the early stages of the criminal case process, offering the court alternatives by improving the breadth and quality of information about defendants – including their housing and employment situation, relationships with family, and other ties to the community – and by providing services to address identified needs.¹ California’s Courts have acknowledged the importance of independent pretrial agencies to ensure

the independence of operations needed to manage screenings and recommendations for pretrial release.² There are currently two independent pretrial agencies in the state – in Santa Clara County and Los Angeles County. Los Angeles County’s “Care First, Jail Last” model seeks to scale alternatives to incarceration and expand diversion so care and services are provided first, and jail is a last resort. These agencies, however, do not currently have the statutory authority to offer full pretrial services.

SOLUTION

This proposal would allow for an independent pretrial services agency to carry out an all-inclusive pretrial program including client services. This measure would:

- Expand the definition of “criminal justice agencies” to include pretrial agencies that implement pretrial services and programs;
- Allow State and local law enforcement partners to share criminal history background with County’s pretrial agency and authorize JCOD to access criminal history information to complete background checks

STATUS

Introduced – January 30th, 2024

SUPPORT

Los Angeles County Board of Supervisors (Sponsor)
Amity Foundation
California Public Defenders Association
Los Angeles Regional Reentry Partnership (LARRP)
Oakland Privacy
Somos Familia Valle
Tarzana Treatment Centers, Inc.

¹ Mahoney, Barry, et al. “Pretrial Services Programs: Responsibilities and Potential.” *Office of Justice Programs*, US Department of Justice, Mar. 2001, www.ojp.gov/pdffiles1/nij/181939.pdf.

² Pilnik, Lisa. “A Framework for Pretrial Justice - California Courts.” National Institute of Corrections, Feb. 2017, www.courts.ca.gov/partners/documents/pdr-nat-research-

[a_framework_for_pretrial_justice_essential_elements_of_a_n_effective_pretrial_system_and_agency.pdf](#).

CONTACT

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Reentry Council

City & County of San Francisco

LPP Subcommittee 2024 Suggested Priorities

- State Legislation to present to Reentry Council for support or opposition (10 bills)
- Formerly Incarcerated/Justice Involved as a Protected Class
- Strengthening the Fair Chance Ordinance to include all housing instead of just Affordable housing
- Words/Terminology, terms such as “Ex-Con” re-tooled to ‘Returning Community Members’ to shed stigma. (See Humanizing Language Resolution in Public Packet – perhaps we just need to revise/amend this??)
- Allow International Attorney Access for immigrant clients in custody.
- Address staffing shortages in case management and legal systems to facilitate quicker client-interface, create and manage more Re-Entry Programs, and facilitate administrative functions efficiently.
- Allow access to Medi-Cal services for the incarcerated population

Warm Handoffs

- Release times that correspond with daytime hours to facilitate receiving of services.
- Post release transport to areas of their choice.
- During incarceration, have case managers meet their clients so action plans can be created. Pre-planning for receiving of Re-Entry services up to and including the completion of administration work.
- Housing Protection Policy; intertwine protection policy with protected class status to ensure safe and equitable treatment for returning community members.
- Adopt 90 day medicine plan like in state prison.
- Refrain from forwarding policies that criminalize mental health. Emphasize policies that treat causes and symptoms of mental illness.
- Create “Re-Entry Pods” that allow Returning Community Members to plan, organize, and understand Re-Entry services prior to release to facilitate a more seamless transition.

1 [Adopting and Utilizing Person-First Language When Referring to People With a Criminal
2 Record]

3 **Resolution recognizing the harmful impacts of the institutionalization of the use of**
4 **pejorative language to refer to formerly incarcerated people, and urging the City and**
5 **County of San Francisco to adopt person-first language.**

6
7 WHEREAS, Approximately one in every five California residents has a criminal record;
8 and

9 WHEREAS, People with criminal records endure intense legal and social sanctioning,
10 including segregation, harassment, and harm; and

11 WHEREAS, People with criminal records are part of our communities, schools,
12 workplaces, and places of worship; and

13 WHEREAS, Language shapes the ideas, perceptions, beliefs, attitudes, and actions of
14 individuals, societies, and governments; and

15 WHEREAS, Language usage that emphasizes or prioritizes a criminal record over the
16 individual undermines, devalues, dehumanizes, demoralizes and dishonors the humanity of
17 that individual; and

18 WHEREAS, Dehumanizing language like “prisoner,” “convict,” “inmate,” or “felon” only
19 serve to obstruct and separate people from society and make the institutionalization of racism
20 and supremacy appear normal; and

21 WHEREAS, Inaccurate information, unfounded assumptions, generalizations, and
22 other negative predispositions associated with justice-involved individuals create societal
23 stigmas, attitudinal barriers, and continued negative stereotypes that affect access to
24 employment, housing, healthcare, professional licensing, travel, support services, and other
25 integral aspects of community life; and

1 WHEREAS, People-first language places the individual before the criminal record by
2 using neutral, objective, and non-pejorative language; and

3 WHEREAS, People-first language promotes positive, sound, and unbiased
4 communication and diminishes categorization and segmentation for people with a criminal
5 record, such that an individual is not defined solely or primarily by a criminal record, arrest, or
6 other contacts with the criminal justice system; and

7 WHEREAS, The District Attorney's Sentencing Commission, the Reentry Council, and
8 the Youth Commission have all passed resolutions supporting the adoption and utilization of
9 person-first language; now, therefore, be it

10 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
11 recognizes that language that is not people-first obstructs the integration, inclusion,
12 participation, and respect of justice involved individuals; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
14 Francisco urges all agencies and departments, both executive and judiciary, to adopt people-
15 first language with respect to people with criminal records in all its official written, voice,
16 audiovisual, and signed communications; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
18 Francisco urges adoption and utilization of people-first language in all legislation, co-
19 sponsorship memos, reports, policies, and other documents; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
21 Francisco recognizes that some agencies, including but not limited to Adult Probation,
22 Juvenile Probation, the Police Department, the District Attorney, and the Sheriff, will need
23 training and ongoing support to implement this shift in culture; and, be it

24 FURTHER RESOLVED, Where possible the City and County of San Francisco should
25 provide adequate support to those agencies; and be it

1 FURTHER RESOLVED, That the following examples serve as models of the appropriate
2 use of person-first language:

- 3 1) "formerly incarcerated person," "returning resident," or "justice involved," not "felon" or
4 "offender;"
- 5 2) "person on parole" or "person under supervision" not "parolee" or "probationer;"
- 6 3) "currently incarcerated person," not "convict" or "inmate;"
- 7 4) "person convicted of a drug offense," not "drug offender"
- 8 5) "a person convicted of a violent/serious offense," not "violent offender" or "serious
9 offender;"
- 10 6) "person" or "individual" not "returning citizen" or "illegal alien;"
- 11 7) "person with a felony conviction" not "felon;"
- 12 8) "young person with justice system involvement" or "young person impacted by the
13 justice system," not "juvenile offender" or "juvenile delinquent"
- 14 9) "person with a history of substance use" not "addict," or "substance abuser"



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190769

Date Passed: July 16, 2019


Resolution recognizing the harmful impacts of the institutionalization of the use of pejorative language to refer to formerly incarcerated people, and urging the City and County of San Francisco to adopt person-first language.

July 16, 2019 Board of Supervisors - ADOPTED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani,
Walton and Yee
Excused: 1 - Mar

File No. 190769

I hereby certify that the foregoing
Resolution was ADOPTED on 7/16/2019 by
the Board of Supervisors of the City and
County of San Francisco.




Angela Calvillo
Clerk of the Board

Unsigned
London N. Breed
Mayor

7/26/19
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

7/26/19
Date

Reentry Council

City & County of San Francisco

LPP Subcommittee 2024 Meeting Calendar

All Subcommittee Meetings will be held at the CASC, 564 6th Street, SF, CA 94103

- Wednesday, 03/27/2024, 2pm – 4pm
- Wednesday, 04/10/2024, 2pm – 4pm– Workgroup mtg on Zoom
- Wednesday, 06/26/2024, 2pm – 4pm
- **Wednesday, 07/24/2024, 2pm – 4pm – Workgroup mtg on Zoom**
- Wednesday, 09/25/2024, 2pm – 4pm