

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

Safety and Justice Challenge Subcommittee

AGENDA: SPECIAL MEETING

Thursday, July 30, 2020, 9:00 am

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/98805473335>

Public Comment Call-In: 877 853 5247 US Toll-free

Meeting ID: 988 0547 3335

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.

The Safety and Justice Challenge Subcommittee meetings 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 josie.halpern-finnerty@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 Subcommittee. Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfdistrictattorney.org/sentencing-commission-relevant-documents>

1. Call to Order; Roll Call.
2. Public Comment.
 - a. General Public Comment.
 - b. Public Comment on All Agenda Items.
3. Review of the SJC Subcommittee Preliminary Progress Report on the Closure of County Jail #4 (discussion and possible action).
4. Adjournment.

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

SUBMITTING WRITTEN PUBLIC COMMENT TO THE SAN FRANCISCO SAFETY AND JUSTICE SUBCOMMITTEE

Persons who are unable to attend the public meeting may submit to the San Francisco Safety and Justice Challenge Subcommittee, 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 Subcommittee. Written comments should be submitted to: Josie Halpern-Finnerty, San Francisco District Attorney's Office, via email: josie.halpern-finnerty@sfgov.org

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Sentencing Commission website at <http://www.sfdistrictattorney.org> or by emailing josie.halpern-finnerty@sfgov.org. 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 Josie Halpern-Finnerty at josie.halpern-finnerty@sfgov.org 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 Josie Halpern-Finnerty at josie.halpern-finnerty@sfgov.org 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
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/>

PRELIMINARY PROGRESS REPORT: COUNTY JAIL #4 CLOSURE

To: Members of the Board of Supervisors

From: Safety and Justice Challenge Subcommittee of the San Francisco Sentencing Commission

CC: The Office of the Mayor, City Administrator, and SJC Subcommittee Member Organizations

Submitted: July 31, 2020

I. OVERVIEW

The following preliminary progress report summarizes actions taken in response to Ordinance 80-20, which directed the closure of County Jail Number #4 (“CJ4”) and established the Safety and Justice Challenge (SJC) Subcommittee of the San Francisco Sentencing Commission (Sentencing Commission) to plan for the reduction of the City’s daily jail population and the closure of CJ4. The report includes progress and data on the current jail population, updates on measures and strategies implemented across justice agencies, mitigation activities related to the Novel Coronavirus (COVID-19), and outstanding challenges and next steps.

II. BACKGROUND

On May 12, 2020, the Board of Supervisors for the City and County of San Francisco (CCSF) passed Ordinance 80-20, directing the closure of CJ4 by November 1, 2020. The Board further assigned a newly formed SJC Subcommittee operating under the auspices of the Sentencing Commission with the task of identifying measures and strategies to sustain jail population reductions. The Ordinance became effective on June 21, 2020, and the Sentencing Commission voted to approve the bylaws of the newly formed Subcommittee on July 15, 2020.

Prior Planning Efforts: This recent action builds on prior efforts related to the closure of CJ4. On January 12, 2016, the Board passed a resolution urging the Director of the Department of Public Health and the Sheriff to convene a work group to plan for the permanent closure of CJ4 and any corresponding investments in new mental health facilities and current jail retrofits needed to uphold public safety and better serve at-risk individuals. The Work Group to Re-envision the Jail Replacement Project was formed in response to this resolution. The work group consisted of 39 criminal justice and mental health experts from the City and community, and was chaired by Vicki Hennessy (Sheriff), Barbara Garcia (Director of Department of Public Health), and Roma Guy (community member and representative of Taxpayers for Public Safety). The work group produced a series of recommendations outlined in the “Workgroup to Re-envision the Jail: Final Report.” These recommendations will help inform the current planning process.

Safety and Justice Challenge: The Safety and Justice Challenge (SJC) Subcommittee was formed around an existing partnership to implement a \$2 million-dollar Safety and Justice Challenge grant investment from the MacArthur Foundation in fall 2018. The goal of the SJC initiative is to safely reduce the local jail population to enable the closure of the seismically unfit County Jail 4. San Francisco’s SJC initiative is a partnership between the Superior Court, the Sheriff’s Office, Public Health Department, Adult Probation Department, Public Defender’s Office, the District Attorney’s Office, and community stakeholders such as the San Francisco Pretrial Diversion Project, and has operated with oversight from the San Francisco Sentencing Commission since the grant’s inception.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

Strategies and Working Structure: The work of the SJC initiative is based on analysis of what drives the local jail population (see Section III). Based on this analysis, the SJC partnership identified five main areas of focus for the initiative: enhance data-driven decision-making; increase transparency and shared focus; improve case processing; increase healthy connections; and root out racial bias. Progress in these areas is outlined in Section V below. Information about SJC efforts and work under the recent Ordinance is shared in the three public meetings, as shown in Table 1.

Table 1. Public Meetings July-November 2020

Public Meeting	Meeting Dates July-November 2020
San Francisco Sentencing Commission Founded in 2012, Administrative Code 5.250 through 5.250-3 Meetings are held virtually once a quarter from 10:00am-12:00pm unless otherwise specified.	<ul style="list-style-type: none">• July 15, 2020• October 7, 2020
SJC Subcommittee Founded July 2020 (Formerly the SJC Workgroup) Meetings are held virtually from 12:00-2:00pm unless otherwise specified.	<ul style="list-style-type: none">• July 21, 2020• Special Meeting: July 30, 2020, 9am• August 18, 2020• September 15, 2020• October 20, 2020
Criminal Justice Racial Equity Workgroup Founded in September 2018 Additional dates to-be-determined at the July 31st meeting.	<ul style="list-style-type: none">• July 31, 2020, 1:00pm

All meetings of these bodies are open to the public and information is posted on the San Francisco District Attorney's website and with the library. Meetings are held virtually in response to the ongoing pandemic per guidelines issued by Governor Gavin Newsom and Mayor London Breed. As of this report, all the members required by the Ordinance are participating in the SJC Subcommittee.

Approval of the Progress Report and Outstanding Questions: This preliminary progress report was shared at a special meeting of the SJC Subcommittee on July 30th, 2020. The members gave feedback that was incorporated into the progress report, including the request to highlight outstanding legal questions about whether options that involve holding people in CJ4 past November 1, 2020, are permissible under the ordinance. Members also requested that the report highlight concerns shared by members of the public at the July 21, 2020 SJC Subcommittee meeting about continuing to house or hold individuals in CJ4 past the November deadline. Additional details on these issues can be found in Section V. With these changes and other clarifying edits, the SJC Subcommittee members voted to move the report to the Board of Supervisors with the request that any information provided by the City Attorney's Office clarifying the outstanding legal issues be included as an addendum to the report with or following submission. Additional clarification from the City Attorney's Office was not available prior to submission of this report, and any available guidance will therefore be submitted as an addendum.

III. CURRENT PROGRESS & DATA ON JAIL POPULATION

Jail Population Drivers: The original SJC jail reduction goal was to achieve an average daily population (ADP) of 1,044 or fewer people, estimated as the reduction needed to allow for the closure of CJ4. This goal built on many years of work to reduce the jail population and minimize the presence of low-risk individuals and those with limited criminal histories in jail. See, e.g., [James Austin, *Eliminating Mass Incarceration: How San Francisco Did It*](#), JFA Institute, for more information.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

As a result, in recent years, the population has primarily comprised individuals on pre-trial status for alleged felonies and a small number of misdemeanors—with none detained for traffic violations or warrants associated with failure to pay fines or fees. San Francisco also recently ended the Sheriff's use of the Court's bail schedule pre-arraignment through the implementation of the *Buffin v. San Francisco* settlement in February 2020, instead relying on risk assessment to determine pre-arraignment release for most individuals who are arrested. The Buffin settlement mandates that the Public Safety Assessment (PSA) report go to Superior Court within 8 hours from time of ID confirmation, and that the Sheriff's Office use the PSA results to determine release if the Superior Court has not made a decision regarding release within 18 hours or a law enforcement agency requested extended time.

Individuals who have remained subject to detention often present more complicated needs requiring more complicated interventions: people with extensive and frequent criminal justice involvement tend, on average, to have more criminogenic needs than similarly situated individuals without justice-involvement. While the Average Daily Population (ADP) has decreased over the last ten years, the number of individuals in custody with mental health conditions generally have increased. In San Francisco, 75% of the jail population between 2014 and 2017 had either serious mental illness and/or a history of substance use.¹ Eighteen percent of the jail population had a serious mental illness, either with or without substance use, 73% of the population had a history of substance use, either with or without serious mental illness, and 16% had both a serious mental illness and a history of substance use.² Nationally, rates of serious mental illness are four to six times higher than in the general population.³

SJC partners have sought to better understand the drivers of the current jail population. In 2018, the JFA Institute did a preliminary analysis of San Francisco's jail population. JFA found that to reduce the jail population San Francisco must focus on people who are booked and released quickly, people with multiple bookings each year, and those with lengthy pretrial stays. JFA identified lengthy stays as a particularly important driver of the local jail population: from April 2017 to 2018, there were 17,063 releases from the jail with an overall average length of stay (LOS) of 20 days. Individuals who were in jail at the time of the analysis for violent felony charges had spent an average of 421 days in jail to-date. Across all crime types, approximately 27% of the releases during the 12-month period had a release reason of 'criminal matters adjudicated' or 'time served' as a release reason. It is not unusual in San Francisco for an individual to receive credit for time served at sentencing; whereby a state prison commitment is served locally under pretrial status. JFA found that the number and length of court continuances contributed significantly to LOS and to the jail population. The analysis also identified significant racial disparities in the jail, with Black men being representing nearly 50% of the jail population though Black people represent less than 6% of San Francisco's total population.

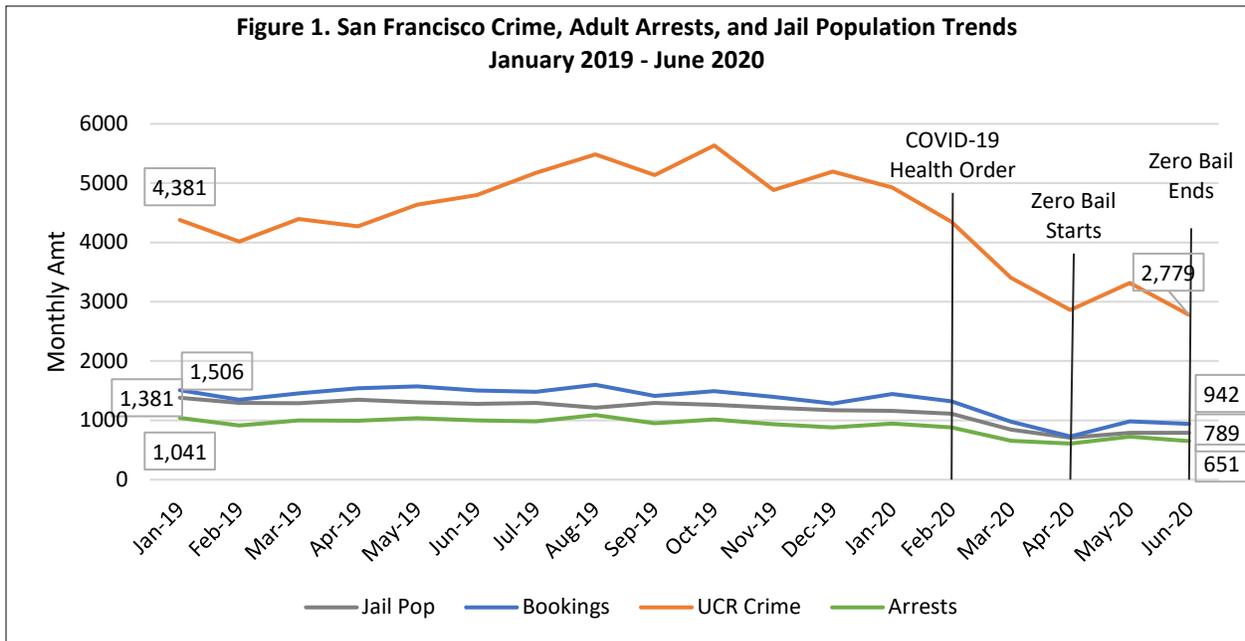
¹ [Presence of Severe Mental Illness and/or History of Substance Use in San Francisco County Jails.](#)” *Budget and Legislative Analyst, City and County of San Francisco*. December 4, 2018, at 11.

² A history of substance use in the above statistics refers to recent substance use with any level of intensity, including the use of legal substances like alcohol.

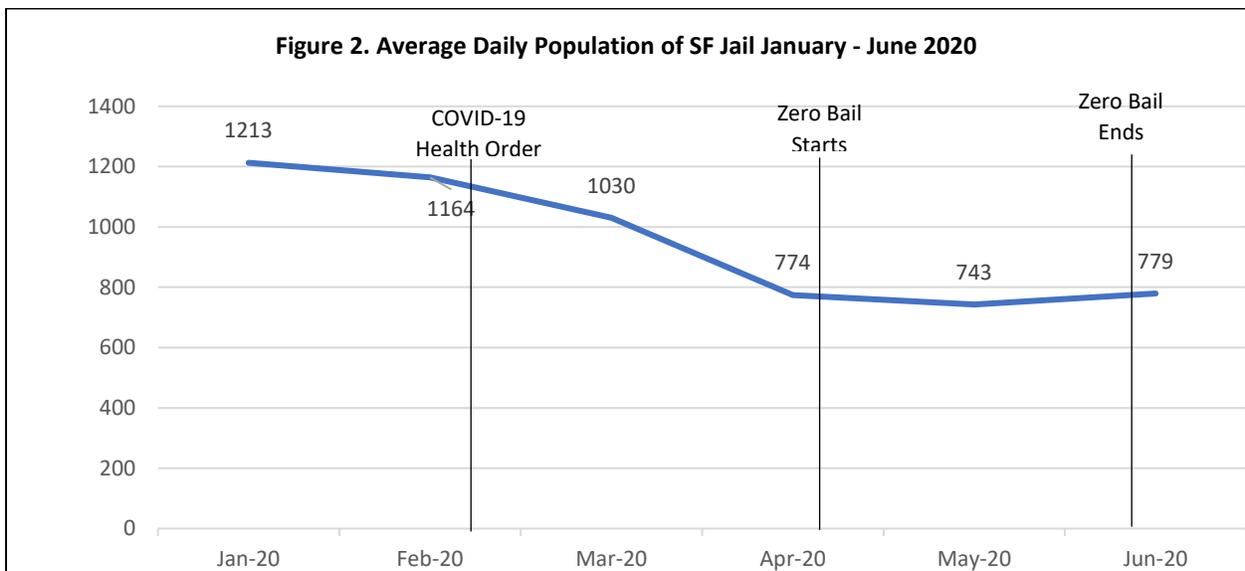
³ Ram Subramanian et al., *Incarceration's Front Door: The Misuse of Jail in America*, Vera Institute of Justice (2015), <http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/01/incarcerations-front-door-report.pdf>

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

Recent Trends: The SJC jail population reduction goal was revised in response to the COVID-19 pandemic. Based on guidance from Jail Health Services Medical Director Dr. Lisa Pratt, local leaders and SJC partners worked diligently to safely reduce the jail population to between 700-800 people using a host of strategies outlined in Section IV. In January 2020, prior to the onset of COVID-19 in San Francisco, the Average Daily jail population (ADP) was 1,212 people. As of June, the ADP is 779 people, a 36% decrease in the jail population since the onset of COVID 19 (see Figure 1 below). Statewide, in the 16 weeks between February 29 and June 20, there has been a 29.7 percent reduction in the jail population.⁴



Source: Data from Sheriff's Office and SF Police Department, July 2020. "Crime" includes violent and property crime.

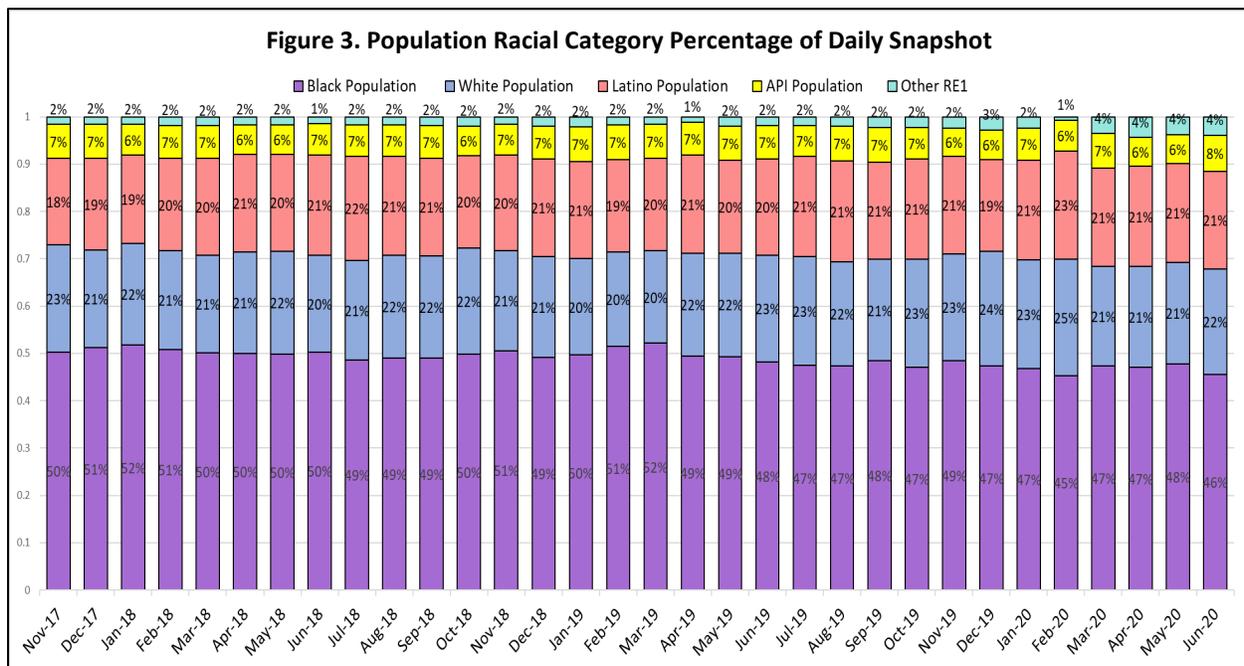


Source: Data compiled from the Sheriff's Office, July 2020.

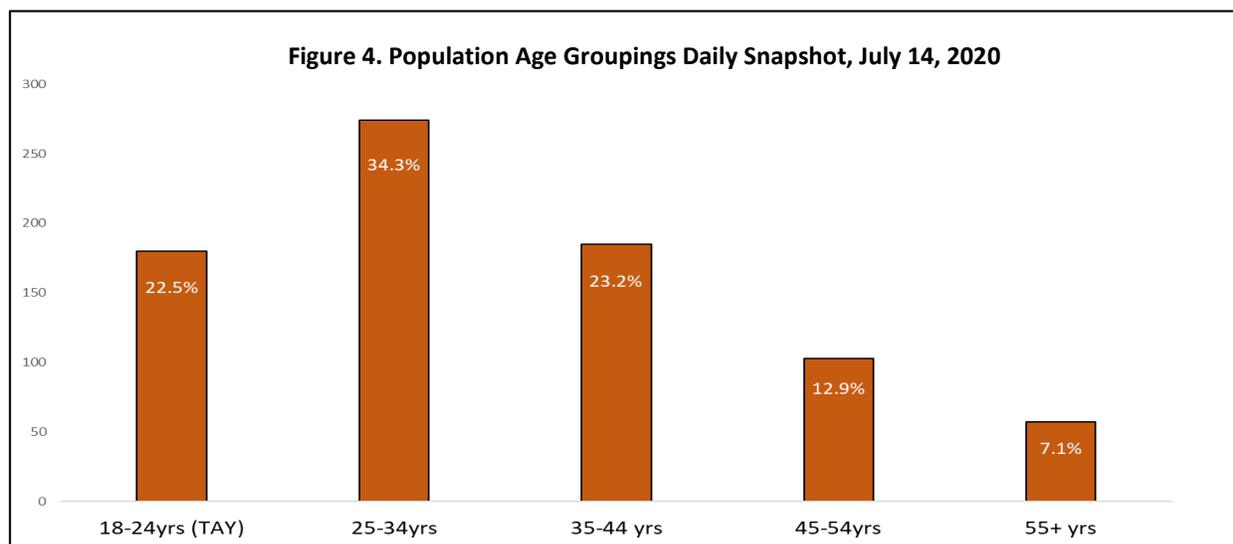
⁴ CA Board of State and Community Corrections, "Jail Populations During COVID-19" (June 2020), <http://www.bscc.ca.gov/wp-content/uploads/JPS-ADP-Data-Snapshot-6.26.2020.pdf>

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

In 2019, the annualized average of daily jail admissions was 50 people. Post COVID-19, daily admissions have been between 20 to 30 people. Figure 1 also illustrates the corresponding reduction in crime reported to the San Francisco Police Department during the period when COVID-19 restrictions have been in place. In February through June 2020, the average length of stay for individuals released each month increased sharply and then declined, likely reflecting in part the joint effort of partners around stipulated releases for those serving a sentence in jail. Racial disparities in the population have remained constant during the reduction of the jail population, neither growing nor shrinking, as shown in Figure 2 below. Young adults make up the majority of the jail population; in July, over half the population was between the ages of 18-34. Additional data on jail population trends, including bookings and releases, is available in *Attachment A*.



Source: Data compiled from the Sheriff's Office, July 2020.



Source: Data compiled from the Sheriff's Office, July 2020.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

IV. COVID MITIGATION ACTIVITIES

Mitigation Activities To-Date: CCSF justice system leaders and community partners instituted a range of emergency measures in response to the COVID-19 crisis. During the initial shelter-in-place period, the SF Superior Court suspended many of its operations and dramatically increased the use of virtual conferencing technology for others. Numerous measures were put in place by the Sheriff's Office, the Department of Public Health's Jail Health Services, and other local justice partners to implement COVID-19 safety protocols related to the jail. Jail Health Services began offering COVID-19 tests on April 12, 2020 to people who were being booked in county jail. Working with the Sheriff's custody division, they have quarantined all new arrestees and isolated positive cases of individuals entering the jail from the rest of the incarcerated population.

The Sheriff's Office's implemented strict COVID prevention protocols, requiring space for quarantine, isolation and physical distancing in order to avoid an outbreak of COVID-19 in the jails and to identify asymptomatic people who are COVID positive. As of July 28, 2020, 28 people have tested positive for COVID-19. Three people are currently housed in isolation in custody; three others have recovered and remain in custody; 22 people who tested positive have since been released. Partners, including the Sheriff's Office and Jail Health Services, have worked collaboratively to place people in COVID-19 alternative housing where needed.

A host of strategies—including but not limited to bail reform, cite-and-release policies, and enhanced coordination of services—were established or emerging practices in SF prior to the crisis of COVID-19. Local partners also implemented further policy changes to reduce local jail incarceration and allow safe physical distancing in the County jail. These included the following:

- *Zero Bail:* California's Chief Justice modified the Rules of Court to establish a COVID-19 emergency bail schedule that called for those charged with specific offenses to be quickly released from custody without having to post bail. Between April 13, 2020 at 5pm and midnight June 20, 2020, there were 486 \$0 bail releases from the San Francisco Jail comprised of 447 individuals. When the San Francisco Superior Court decided to end zero-bail locally, they made an exception for those held in other jurisdictions on San Francisco warrants. As of July 28, there were 87 individuals granted \$0 bail who were being held in other counties on San Francisco warrants.
- *Stipulated Releases:* The San Francisco justice community reviewed cases of eligible persons sentenced to a term in the county jail for early release to lower the jail count and reduce the threat of exposure. Between March 20 and July 27, 2020, the courts approved 56 early releases as stipulated by the District Attorney and Public Defender.
- *Prioritization of In-Custody Case Review:* The San Francisco District Attorney's Office implemented a number of policy changes intended to prioritize review and action on cases of people in-custody, including identification of cases where probation or mandatory-supervision sentences were appropriate, increasing referrals to collaborative courts, and offering pleas that allow immediate release when appropriate.
- *Pretrial Release:* Local justice and community partners continue to work collaboratively to pursue the release of those held pretrial who do not pose an unreasonable safety risk to a specific person or persons. The SF Pretrial Diversion Project, a local community

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

organization serving individuals released pretrial, has seen their caseload volume increase by 250, amounting to a total client population of 1,184 and an Assertive Case Management (ACM) population of 579 clients. Expanded pretrial release has also corresponded with an increase in electronic monitoring. Since the Humphrey decision in January 2019, there has also been an increase in the use of electronic monitoring for the pretrial population; the average daily caseload for the first six months of 2020 was 277 people.⁵

- *Reentry Coordination:* The Jail Health Services Reentry Team has worked closely with Sheriff's Office programs, and other local justice and community partners such as SF Pretrial and the Adult Probation Department to ensure the health and safety of individuals leaving jail and the communities they return to after release. This involved even closer coordination among all partners particularly around connection to DPH-hosted housing options newly funded by CCSF in response to COVID-19. The District Attorney's Office has enhanced efforts to support this work with a notification system about charging decisions. This allows DPH to plan at the earliest point possible for the safe release of a person where charges are not filed. Early notification combined with the Jail Health Services post release isolation/ quarantine system, ensures that anyone who needs isolation/quarantine is successfully connected to a place where it is possible.
- *Reentry Housing Expansion:* In addition to the COVID-19 housing referenced above, the Adult Probation Department (APD) worked with local community partners to expand emergency reentry housing options. The 6-month pilot project provides 51 private rooms. This collaborative effort involves partners including the Recovery Survival Network and the SF Pretrial Diversion Project. The project is designed to both support the safe and effective transition of the target population from jail to private hotel rooms and provide the Court with an additional option as it navigates the new landscape of release decisions brought on by the COVID-19 pandemic.

Potential Challenges and Needs: As of April 2020, the daily jail population had dropped below 700 people, within the range of 700 to 800 people identified by Jail Health Services Director Dr. Pratt as necessary to comply with medical guidance and implement appropriate physical distancing. By June, however, jail numbers had increased to an ADP of 779 people. The upcoming closure of CJ4 puts additional pressure on the City to identify options to sustain and further reduce the jail population. The Sheriff's Office has noted that fewer custody housing options, combined with the need for physical distancing and isolation/quarantine, may pose challenges housing individuals who have conflicts with other individuals in-custody. The Sheriff's Office has also identified that shifts to available physical space due to COVID-19 and CJ4 closure will limit the ability to provide programming in certain settings.

Challenges to sustaining the reductions to the jail population made during COVID-19 and implementing public health guidelines include the following:

⁵ A snapshot of the electronic monitoring caseload at the end of April 2020 revealed that 45%, or 148 of the 332 persons on electronic monitoring were released on charges defined as Serious and Violent per Penal Codes 1192.7 and 667.5.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

- *Zero Bail Ending:* In June the California Judicial Council voted to end use of the COVID-19 emergency bail schedule, leaving it to individual counties to determine whether to continue the policy. San Francisco County Superior Court made the decision to end use of the emergency bail schedule, unlike many other large counties such as Alameda County, Contra Costa County, Santa Clara County, and Los Angeles County, which decided to maintain use of the emergency bail schedule out of concern for public health. At least 30 California counties have kept COVID-19 emergency bail schedules to help curb the spread of COVID-19 in jails and surrounding communities during the pandemic, according to data reported by superior courts.⁶ The San Francisco Public Defender's Office, District Attorney's Office, Department of Public Health, and community partners such as SF Pretrial all expressed disagreement with ending use of the emergency schedule. The Sheriff's Office is currently working on assessment of the impact of zero-bail on the local jail population.
- *Limitations to Housing, Service and Treatment Capacity:* Many of the community-based service investments made to support jail reductions in response to COVID-19 were intended as temporary, emergency measures. As the pandemic continues, the City will need to invest in and identify solutions to continue addressing housing, service, and treatment needs of people who might come into contact with the jail. Community-based programs have had to make significant adjustments to safely serve participants during COVID-19, causing additional strain on the City's existing housing, service, and treatment infrastructure.
- *Ongoing Monitoring and Coordination:* Local justice and community partners came together to safely and rapidly reduce the jail population in response to COVID-19. This collective effort produced many strong policies and partnerships, just a few of which are outlined above. Partners must now contend with how to operationalize and embed these changes into their ongoing work and maintain the urgency of the initial response over a longer period. The SJC Subcommittee offers one space, among others, that will support these planning efforts.

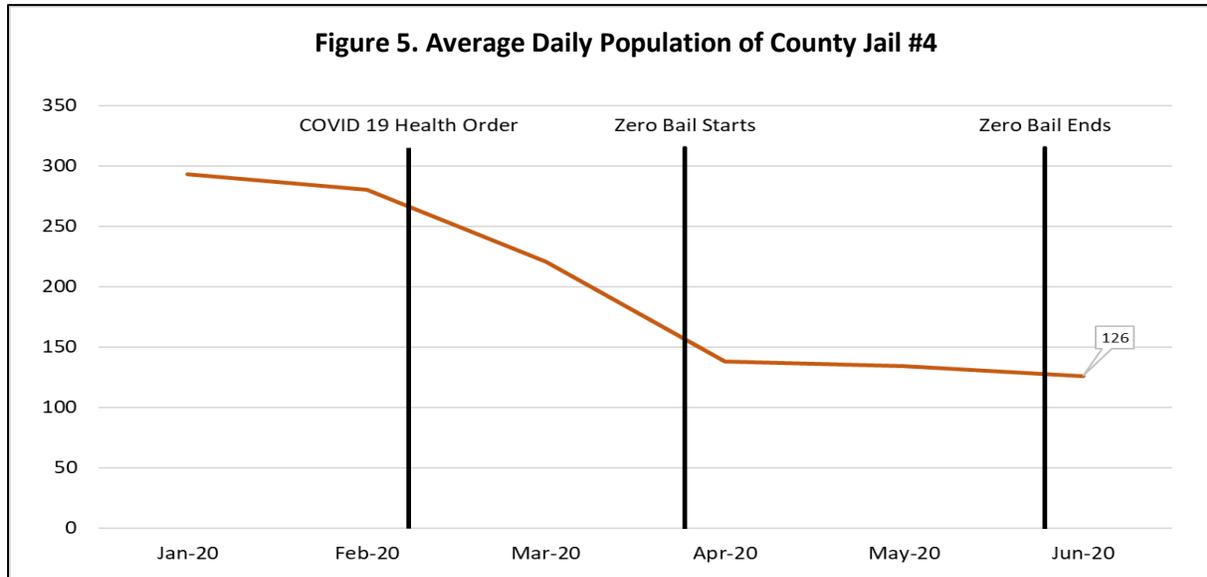
V. PROGRESS ON STRATEGIES TO-DATE

A series of critical operational steps must occur to enable the closure of CJ4; progress in these areas and remaining challenges are outlined below. As noted above, San Francisco must also continue to pursue strategies to safely sustain reductions or make further reductions in the jail population as CJ4 is closed and the pandemic continues. A summary of activities already underway in the five strategies originally identified the SJC partnership is also included in this section, along with additional steps and measures the Subcommittee will give further consideration.

Operational Plan to Close CJ4: As of July 27, 2020, there are 97 people currently located in CJ4. The Sheriff's Office has begun moving many of the remaining people from CJ4 and locating them in County Jails #2 (CJ2) and #5 (CJ5). Figure 5 shows the change in people housed at CJ4 since January 2020.

⁶ The Judicial Branch of CA, "CA Counties Keeping COVID-19 Emergency Bail Schedules," July 10, 2020, <https://newsroom.courts.ca.gov/news/california-counties-keeping-covid-19-emergency-bail-schedules>

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE



Source: Data compiled from the Sheriff's Office, July 2020.

CJ4 currently houses people with a range of different needs and classification levels, and staff are making plans to find other safe and appropriate jail locations. The Sheriff's Office expects to complete these transfers well in advance of the November 1 deadline.

The Sheriff's Office, in collaboration with the Department of Human Resources' Employee Relations Division, will be scheduling meet and confers with the bargaining units affected by the closure of CJ4. The Sheriff's Office anticipates that meet and confers will occur between July 27 and August 21.

CJ4's kitchen serves people housed in CJ2. With CJ4's impending closure, the City has started construction of a new kitchen at CJ2 to replace the CJ4 kitchen. When complete, the renovated kitchen will provide meals for people in the Intake and Release Center and for those who are housed at CJ2. Until that time, the Sheriff plans to continue to use the kitchen at CJ4. The Sheriff's Office has outlined plans to continue housing 20-25 individuals in CJ4 until the kitchen renovation is complete. The City's contract for the remodel of the kitchen states that the project must be completed within 270 days from the issuance of the notice to proceed; the notice was issued on July 13, 2020. The Sheriff's Office notes that the planning process is evolving and includes exploring alternatives such as having workers who live in CJ2 staff the CJ4 kitchen.

The Sheriff's Office also requires secure spaces to hold individuals who are being transferred from CJ5 to the Hall of Justice court rooms for their appearances. CJ4 provides transitional space to hold individuals who must travel from CJ5 to downtown for court appearances. CJ4 also includes legal interview rooms for defense counsel to meet with CJ5 clients before and after court. Between now and the formal closure of CJ4, the Sheriff's Office intends to identify space within existing facilities that can accommodate transfers without compromising security or increasing the risk of exposure to COVID-19. The Sheriff's Office has proposed video arraignments as one potential solution to this challenge.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

Response to Operational Plan: Several SJC Subcommittee members have expressed concerns and questions about the Sheriff's proposed plan to continue having people live in CJ4 past the November 1 deadline. Some members have expressed disagreement that housing individuals in CJ4 is legally permissible as part of the Sheriff's continued use of the 7th floor for administrative, kitchen, and laundry purposes outlined in the Ordinance. These members have noted the potential consequences of continuing to house anyone in the facility given its known seismic instability. At the July 21st, 2020, meeting of the SJC Subcommittee, there were 19 public speakers and 27 written comments submitted expressing similar concerns. Guidance is expected from the City Attorney's Office on this issue but was not available prior to submission of this report. Any available guidance will therefore be submitted as an addendum.

Several alternate options have been proposed to address needs related to the kitchen facilities, including having individuals housed in CJ2 work in the CJ4 kitchen space while the remodel is completed, and contracting out for food service. The Sheriff's Office is including in their planning process an assessment of the feasibility of moving workers to and from CJ2 and CJ4. In addition, the Sheriff's Office has had preliminary conversations about contracting out food service. The Sheriff's Office is prepared to discuss this option further but notes that the cost of this alternative may be prohibitive, particularly in light of the budget cuts being requested of all City departments. SJC Subcommittee members have expressed interest in working collaboratively to identify and explore additional options to address needs related to the kitchen and holding cells.

Strategies to Sustain Jail Population Reductions: As San Francisco prepares to close CJ4, local partners must continue to focus on strategies and measures to sustain or further reduce the jail population. This need is particularly urgent considering COVID-19.

Since Board of Supervisors approval to accept and expend SJC funds in May 2019, the SJC partnership has carried out many activities that can help inform future efforts. Notable activities from the first year and potential next steps are outlined below. *Attachment B* maps the alignment of the existing SJC strategies with those named in Ordinance 80-20.

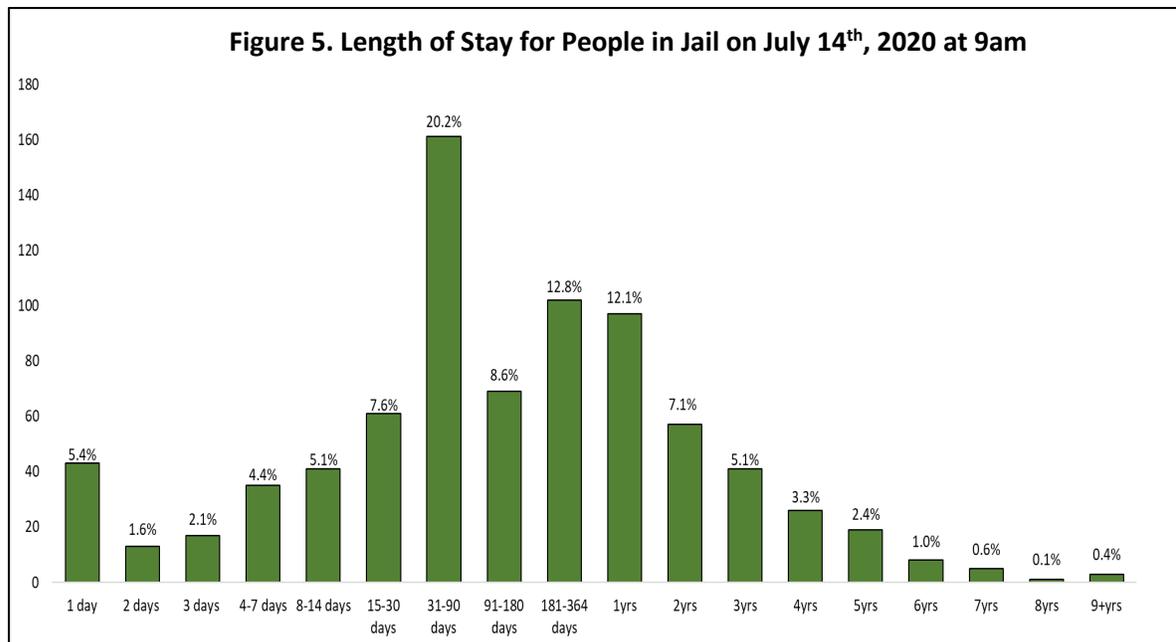
- 1) Enhance Data-Sharing and Driven Decision-Making.** In August 2019, the Justice Dashboard went live. The Justice Dashboard reviews subsequent criminal justice contact at distinct decision-making points for three years post-conviction: arrest, arraignment, and conviction. The Dashboard is disaggregated by race/ethnicity as well as gender, age and offense type. Additional cohorts will be added each year, and CCSF will explore the extent to which positive outcomes external to the justice system can be measured (i.e., housing and health). Partners are seeking ways to expand reciprocal data-sharing of the Justice Dashboard and other local criminal justice data to improve planning and coordination related to sustaining jail reductions. SJC Subcommittee members are also involved in efforts to increase data-sharing through the City's JUSTIS initiative, including the development of a cross-agency data-sharing agreement to guide sharing through the JUSTIS hub.
- 2) Increase Transparency and Reduce Repeat Bookings.** The SJC collaborative has launched a Jail Population Review team. The team is a group of individuals and criminal justice stakeholders who meet on a regular basis to discuss the CCSF's jail population and methods to safely reduce the jail population, with a focus on reducing racial disparities. The team uses data to focus on types of cases that drive the jail population, makes recommendations for release for individuals

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

when possible, and use lessons learned from case review to inform larger policy changes and collaborative efforts. Jail Population Review teams have been identified as a best practice in reducing the jail population, and implemented by sites such as Pima County, AZ, and St. Louis, MO. The Sheriff's Office has hired a Jail Population Liaison who will help the team identify people with repeat bookings and assist in the team's work.

Over the spring and summer, the team has focused on reviewing cases of individuals awaiting trial who had a "release recommended" score on the Public Safety Assessment tool, and cases of individuals with potential medical vulnerabilities. Next steps for the Jail Population Review involve developing a concentrated and coordinated plan to reduce racial disparities, with a focus on young black men in jail, and a deeper analysis of the impact of "holds" on the jail population.

- 3) Explore Expedited Case Processing.** The SJC partners coordinated with technical assistance provider Justice Management Institute to conduct a site visit and gather data related to court case processing time. This engagement with the Superior Court culminated in a report describing local legal culture and a set of recommendations regarding management standards that were shared with judges and SJC stakeholders in November. The analysis found that as of January 2019 there were 2,868 active pending felony cases, and that San Francisco had a backlog of roughly 38% in which cases exceeded California's 365-day resolution standards. JMI's analysis echoed earlier findings by the JFA Institute that the number of court continuances is a key driver of the local jail population. A snapshot from July 14, 2020 shows that fully 32% of the jail population had been in custody for more than one year inclusive of a cohort of 13% who had been in custody more than 3 years.



Source: Data compiled from the Sheriff's Office, July 2020.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

JMI found that San Francisco had an unusually high number of court hearings and events associated with felony cases (an average of 15.3 hearings per disposition), with many events scheduled and rescheduled particularly at the preliminary hearing stage (see table 2 for comparison).

Table 2. Comparison of Felony Case Resolution Practices in SJC Sites⁷

Jurisdiction	Average # hearings per felony disposition	Time standard	How often time standard is not met (clock starts at indictment)
San Francisco ⁸	15.3	365 days	38% of cases exceed time standard
Harris County	7.4	365 days	15% of cases exceed time standard
Fulton County ⁹	Approx. 7	365 days	30% of cases exceed time standard
Baltimore County	3.5	180 days	17% of cases exceed time standard ¹⁰

Next steps associated with reducing case delay could involve identifying a collaborative team to work closely with JMI on improving coordination of criminal cases. Clear tracking and data analysis are also critical to this effort; the Superior Court has hired a data analyst supported by the grant to assist the court in establishing a data baseline and dashboards as it transitions to a new case management system. Lastly, The Jail Population Review team could re-focus on developing criteria for prioritizing cases and developing shared protocols for the treatment of designated case types, incorporating guidance from the Courts, and coordinate with Jail Health Services and community-based providers. The SJC Subcommittee will establish actionable steps addressing this issue at the next meeting.

- 4) Increase and Maintain Healthy Connections.** Given the clearly identified need for additional mental health, substance abuse, and housing supports for people touched by San Francisco’s criminal justice system, SJC partners are exploring several options for closer coordination among partners. Several positions related to increasing behavioral health supports have been hired through the grant: a jail-based Behavioral Health Clinician based in Jail Health Services and a Mental Health Disposition Planner in the DA’s Office. To learn about different methods of increasing access to healthy supports, a multi-agency San Francisco team conducted a site visit to Los Angeles to meet with their Office of Diversion and Reentry and tour community-based housing sites. A representative from Tipping Point Community joined the CCSF partners on the trip. This trip resulted in the launch of a pilot program to facilitate and fund transitions from jail into the City’s system of housing supports, in partnership with SF Pretrial, Episcopal Community Services, the Sheriff’s Office, DA’s Office, and Tipping Point. SJC Subcommittee members have proposed developing a housing team to continue exploring ways to address the need for additional supports focused on people in jail who are homeless, particularly those with behavioral health needs.

⁷ Comparisons shared by JMI based on work in other SJC sites; July 2020.

⁸ Data from 2019.

⁹ The majority of pleas were taken on the trial date (57%) or final plea date (39%).

¹⁰ Time standard in Baltimore; data from 2014.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

The SJC team also conducted a two-day Sequential Intercept Mapping (SIM) with 34 system and community partners in fall 2019. One of the strongest recommendations out of the SIM process was to explore alternative site(s) for police to take individuals experiencing a behavioral health crisis – a recommendation echoed by the Policy and Legislation Subcommittee of the Reentry Council and the Meth Task Force. San Francisco, along with many jurisdictions around the nation, has taken steps to improve responses to emergency situations involving a behavioral health crisis. Public health officials and other City leaders, community members, and behavioral health providers are actively exploring ways to expand existing crisis response models and/or implement new approaches. The SJC Subcommittee will leverage resources from the national SJC network to provide additional insight to these discussions.

County of residence prior to contact with the jail is an important factor when establishing the scope of case management and clinical resources available to individuals post-release. The jail population includes a sizeable number of residents from other counties. In 2019, 26% of the 11,258 people booked into the San Francisco Jail had addresses outside of San Francisco. The SJC Subcommittee will consider how to enhance a regional approach to fully realize the goals of the Healthy Connections strategy.

With SJC support, the California Policy Lab at UC Berkeley is currently working on a “high utilizers” report that will provide more in-depth information on the housing and mental health needs of people in jail in San Francisco. Together, these efforts can inform local stakeholders about options for reducing jail contact for people with behavioral health needs.

- 5) **Root Out Implicit Bias.** The SJC team’s work to reduce racial and ethnic disparities led to several policy changes including the integration of a Government Alliance on Race and Equity “leading with race” framework across the funded strategies. The San Francisco District Attorney’s Office has implemented a series of steps to mitigate and eliminate the impact of bias on prosecutor charging decisions. Charging Attorneys now complete Mitigating Bias in Charging action steps modelled after implicit bias bench cards prior to making charging decisions.

The Criminal Justice Racial Equity Work Group, operating in partnership with the SJC, has developed a racial equity statement and an “Agenda for Action” to pursue the commitment to eliminate racial disparities in San Francisco’s criminal justice system (see *Attachment C*). The action plan includes steps such as creating an inventory of implicit bias trainings conducted by criminal justice agencies, which will lead to recommendations for and implementation of additional training funded by SJC.

The SJC Subcommittee is also seeking ways to strengthen its partnership with and integration of people with lived experience to inform its efforts to re-envision justice, eliminate racial disparities, and reduce the misuse and overuse of jail in San Francisco. With funding from the SJC, the DA’s office is in the process of identifying a cohort of fellows who will engage in work related to this vision, training the DA’s office and other law enforcement partners on evidence-based and best practices, and providing insight and advice regarding public safety initiatives.

PRELIMINARY PROGRESS REPORT: CJ4 CLOSURE

VI. OUTSTANDING CHALLENGES AND NEXT STEPS

Work is underway to facilitate the closure of CJ4 and to sustain and further reduce the jail population. Remaining challenges and next steps include the following:

- *Address Operational Concerns:* The SJC Subcommittee will review any additional guidance from the City regarding the Sheriff's current operational plan to house 20-25 individuals in CJ4 past November 1, 2020, in order to staff the kitchen. Partners will also work collaboratively with the Sheriff's Office to explore potential options and any associated costs to address the operational challenges related to the kitchen and holding cells.
- *Refine and Prioritize Ongoing Strategies:* Partners must determine what COVID-19 policy changes and practices need to be continued and/or refined to sustain jail reductions amid the ongoing pandemic. Should bookings continue to increase, partners will need to examine the drivers of this trend and develop additional strategies to address it. Partners will explore processes and practices related to when people are placed on "holds" in the jail to understand how they influence the jail population. The SJC Subcommittee should identify any information or technical assistance needed to prioritize and implement existing or new strategies to keep the jail count low. SJC partners will continue to support justice partners' efforts to focus on the cases of people in jail, address issues related to delays in case resolutions, create an even stronger system of reentry supports, and seek to root out implicit bias in the criminal justice system.
- *Define Budget Parameters:* CCSF faces a serious budget deficit due to the COVID-19 pandemic. Given this reality, SJC Subcommittee partners must determine what can be done with existing resources and where additional funds may be needed to sustain reductions in the jail population and safely close CJ4.

The SJC Subcommittee remains committed to working collaboratively to safely reduce the San Francisco jail population, eliminate racial disparities, and promote public health. The SJC Subcommittee's final report will be brought to the Board of Supervisors by October 1, 2020.

ATTACHMENTS

- A. Jail Data Trends, prepared by the Sheriff's Office for the July SJC Subcommittee Meeting
- B. Comparison of Existing SJC Strategies with Strategies in Ordinance 80-20
- C. Criminal Justice Racial Equity Statement and Agenda for Action

ATTACHMENT A: JAIL DATA TRENDS

SJC Working Group Meeting

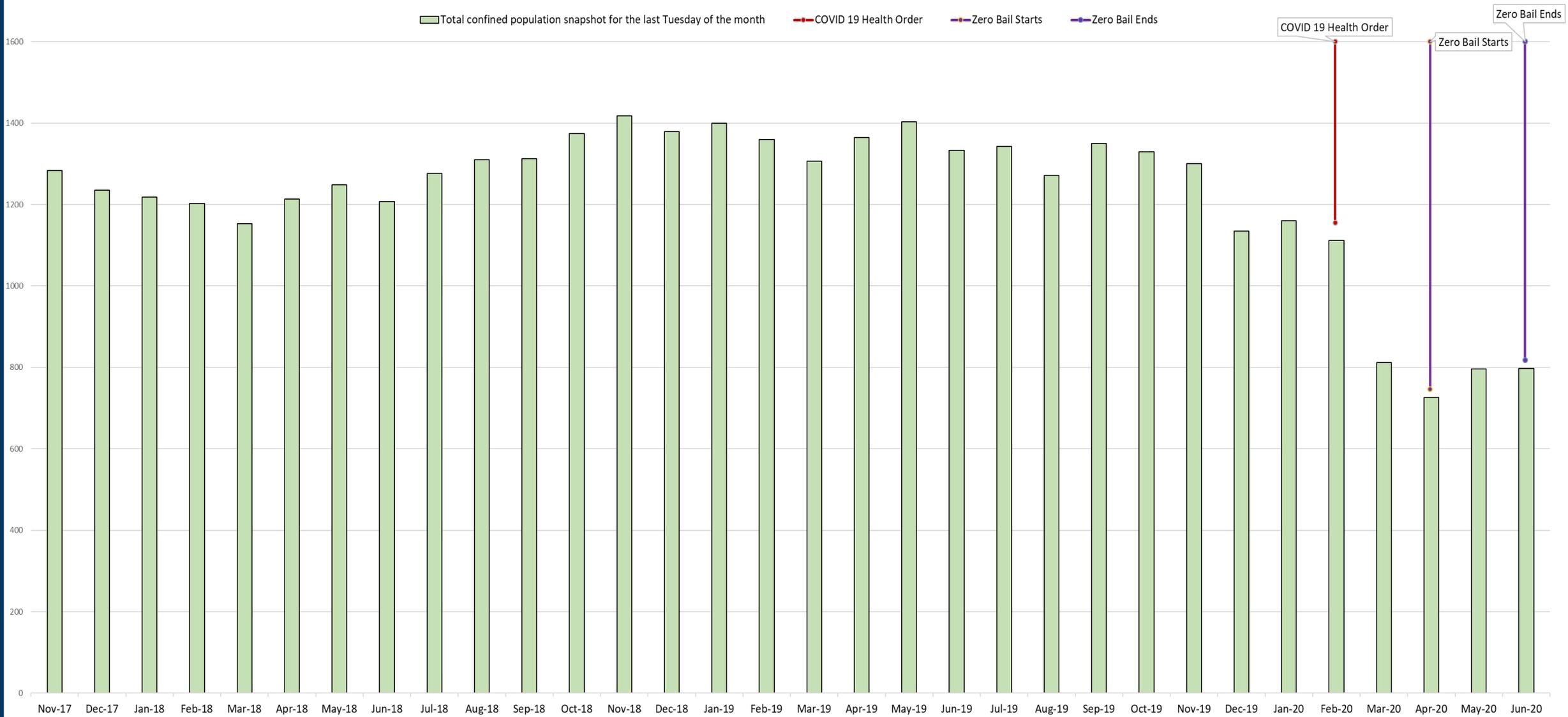
July 21, 2020



Supported by the John D. and Catherine T. MacArthur Foundation

June Safety and Justice MacArthur Report

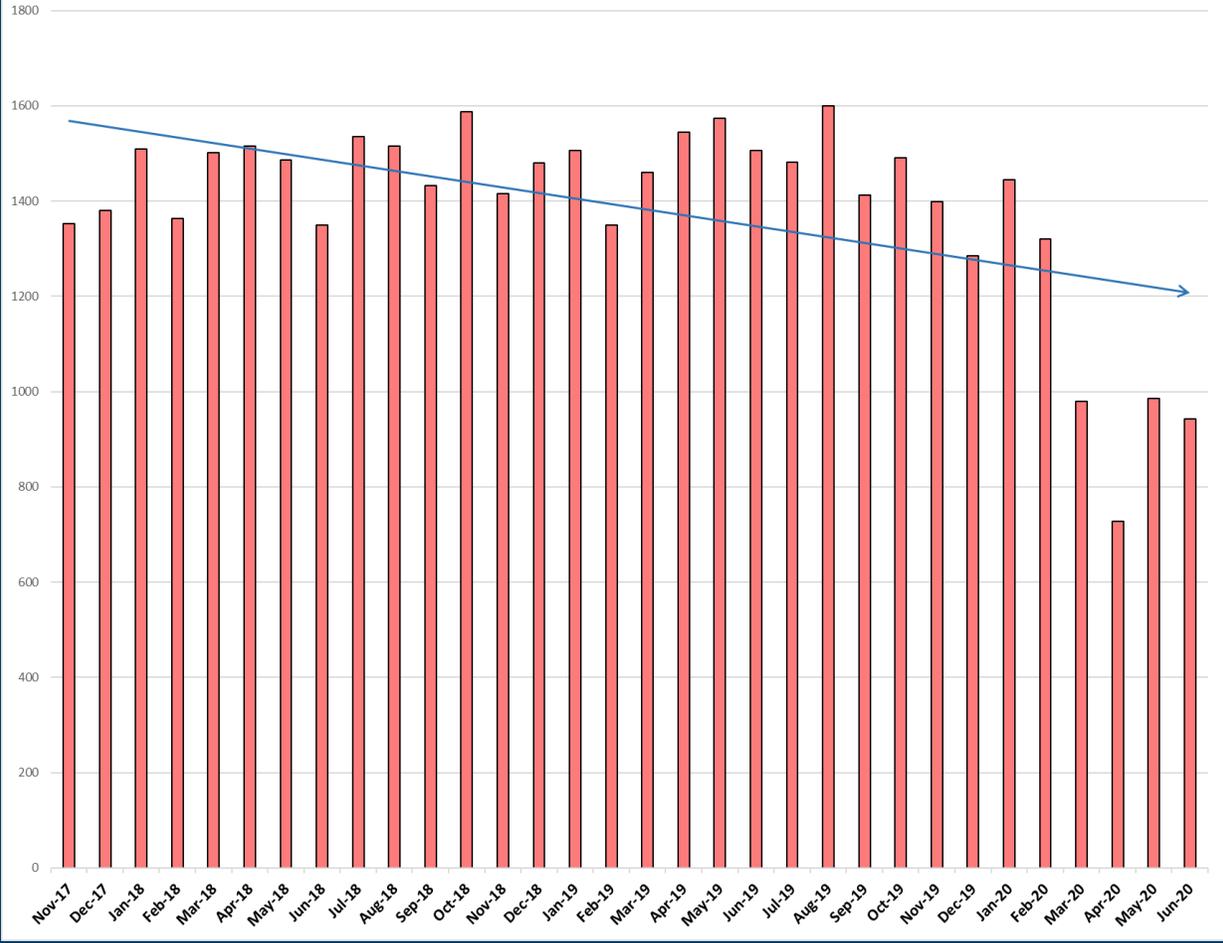
Total Confined Population since Baseline



June Safety and Justice MacArthur Report

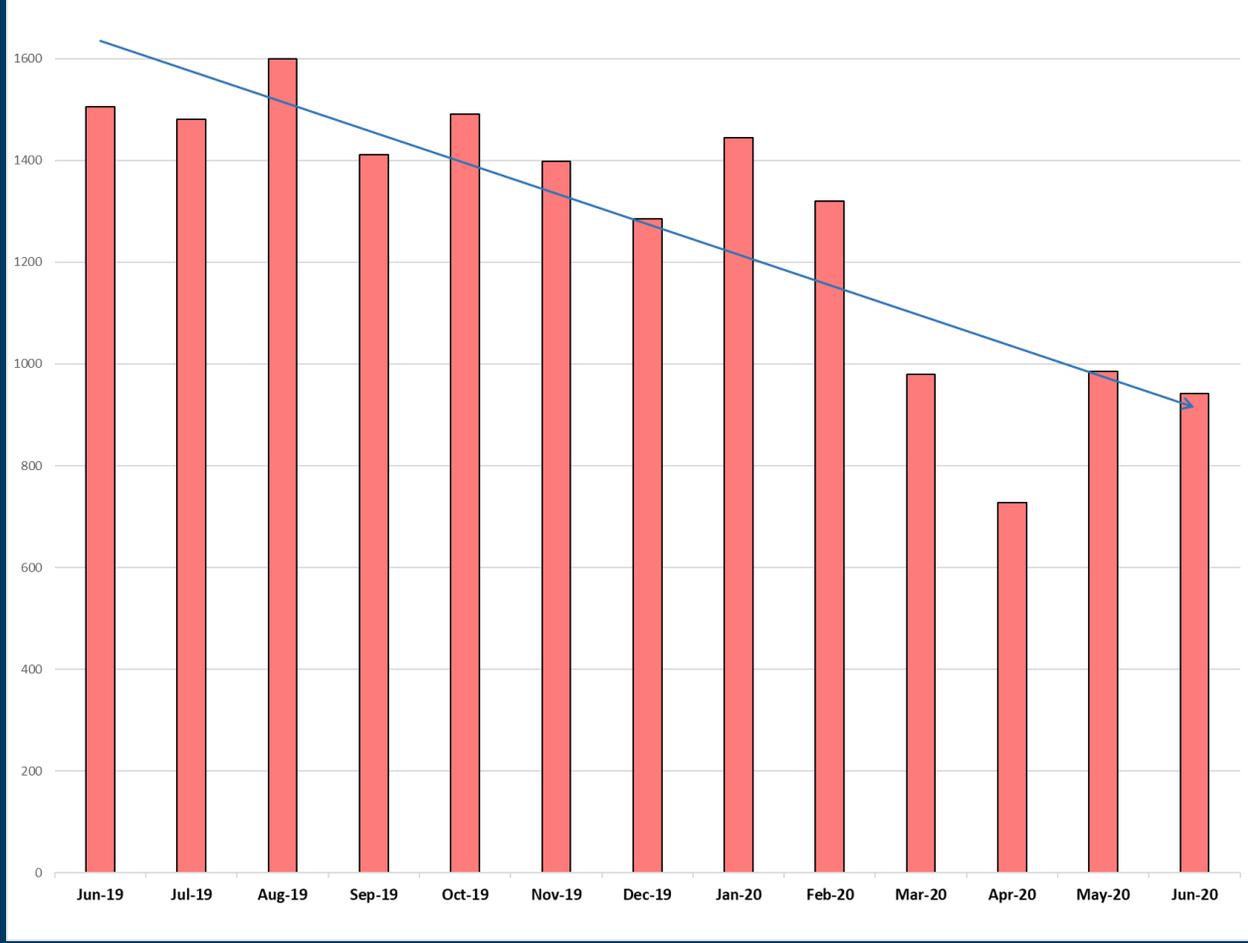
Total Bookings since Baseline

Total bookings Linear (Total bookings)

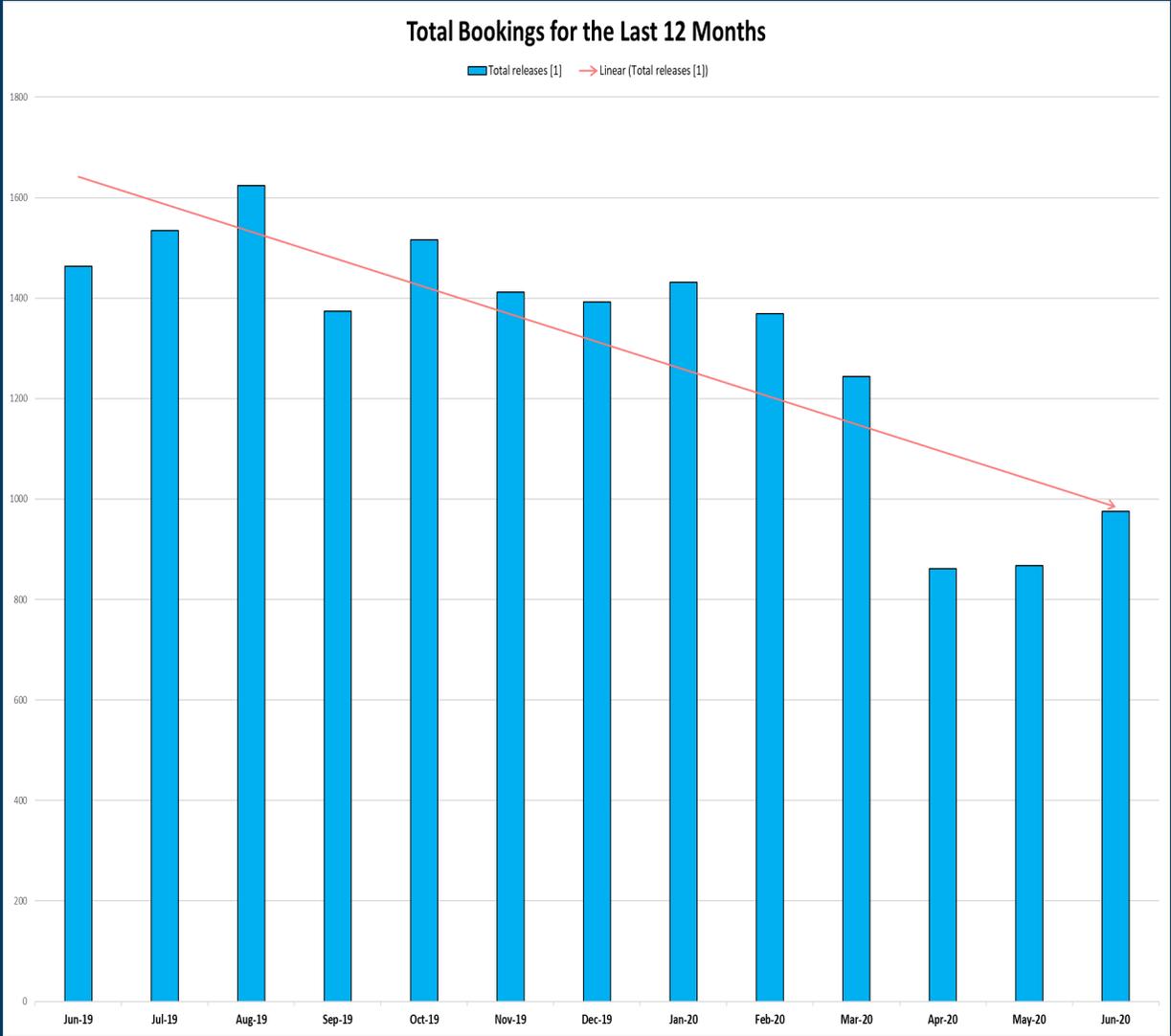
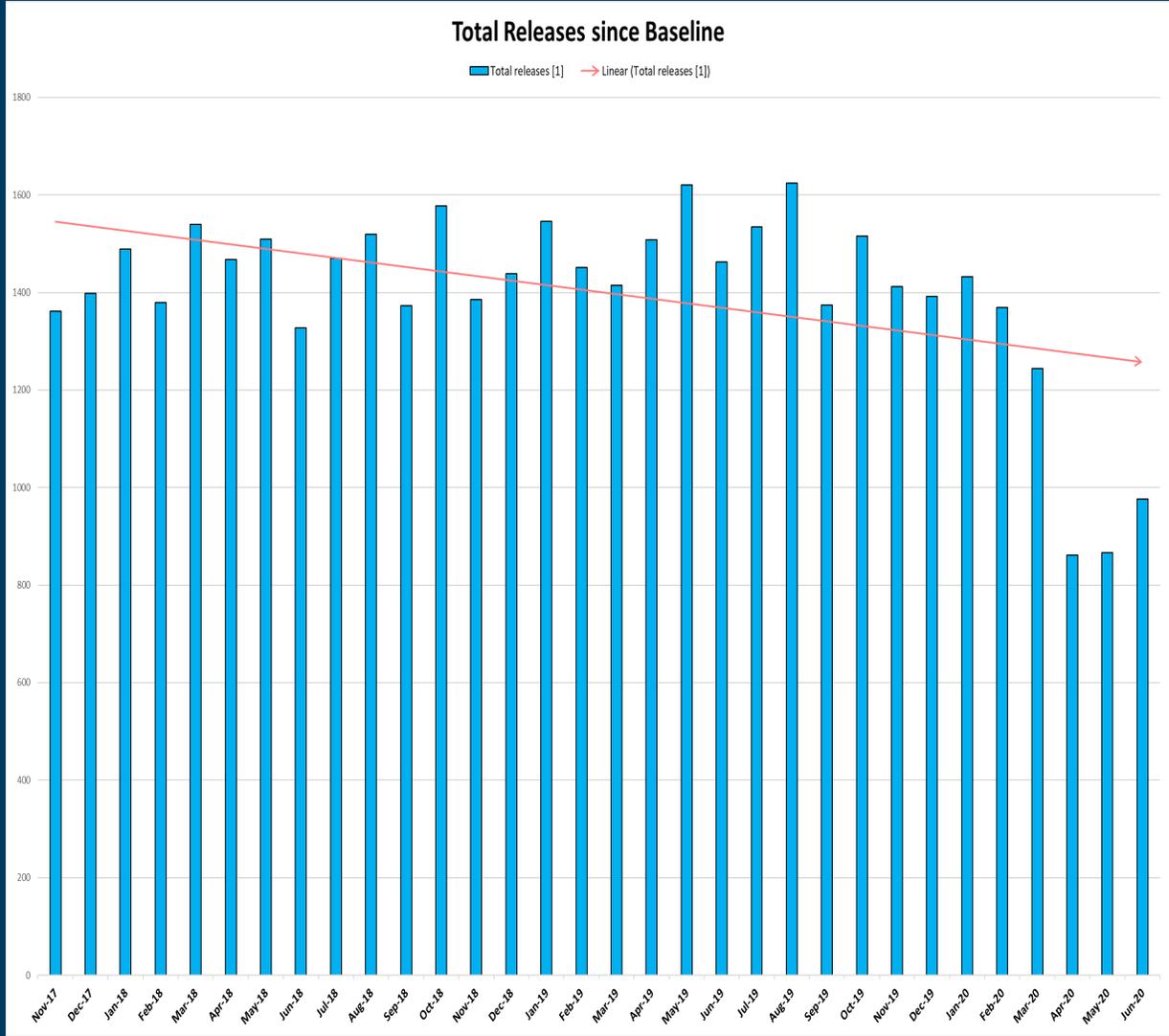


Total Bookings for the Last 12 Months

Total bookings Linear (Total bookings)

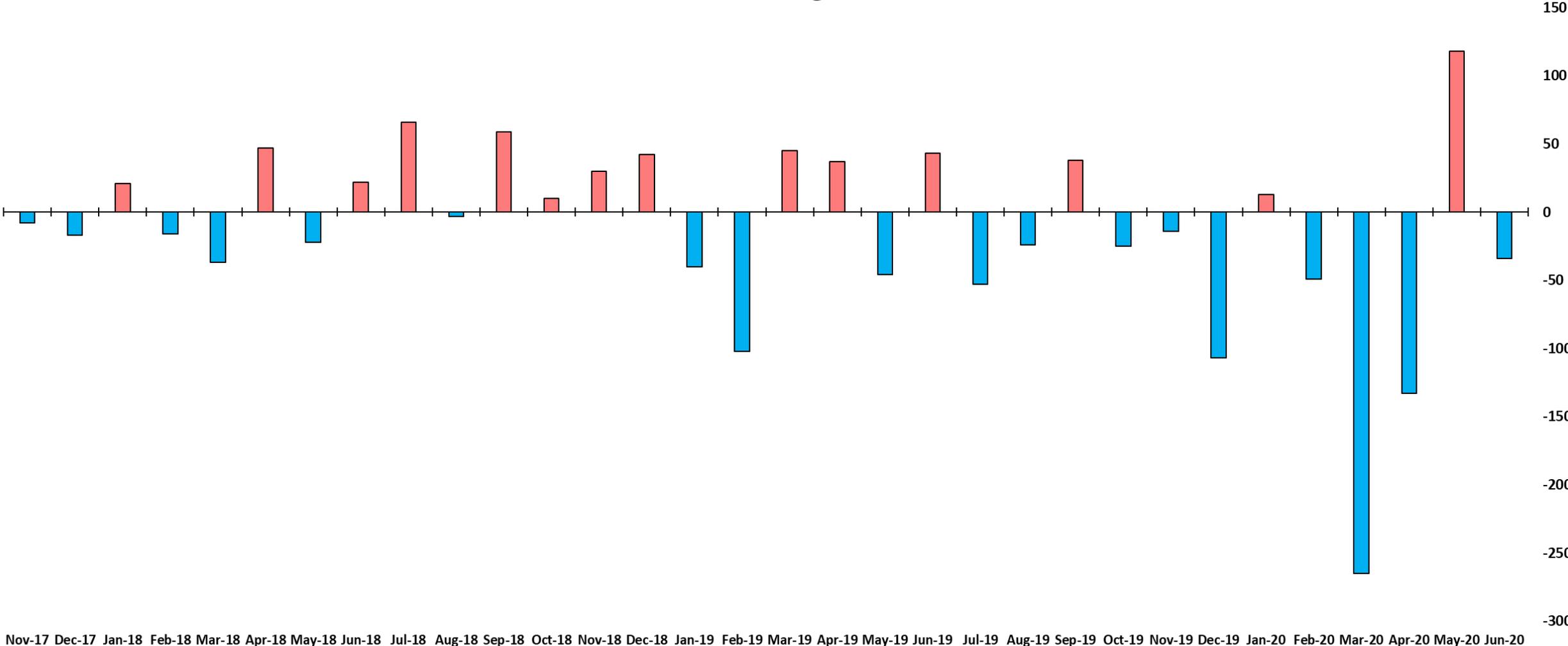


June Safety and Justice MacArthur Report



June Safety and Justice MacArthur Report

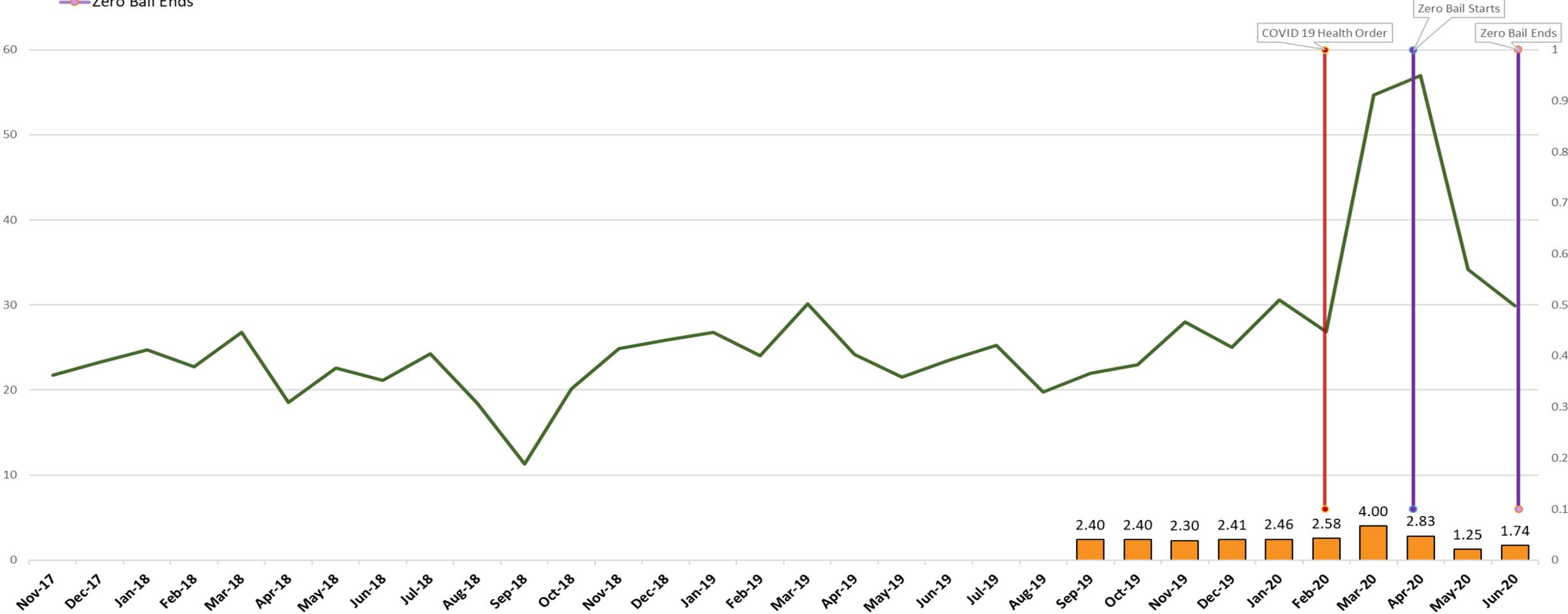
Difference in Bookings and Releases



June Safety and Justice MacArthur Report

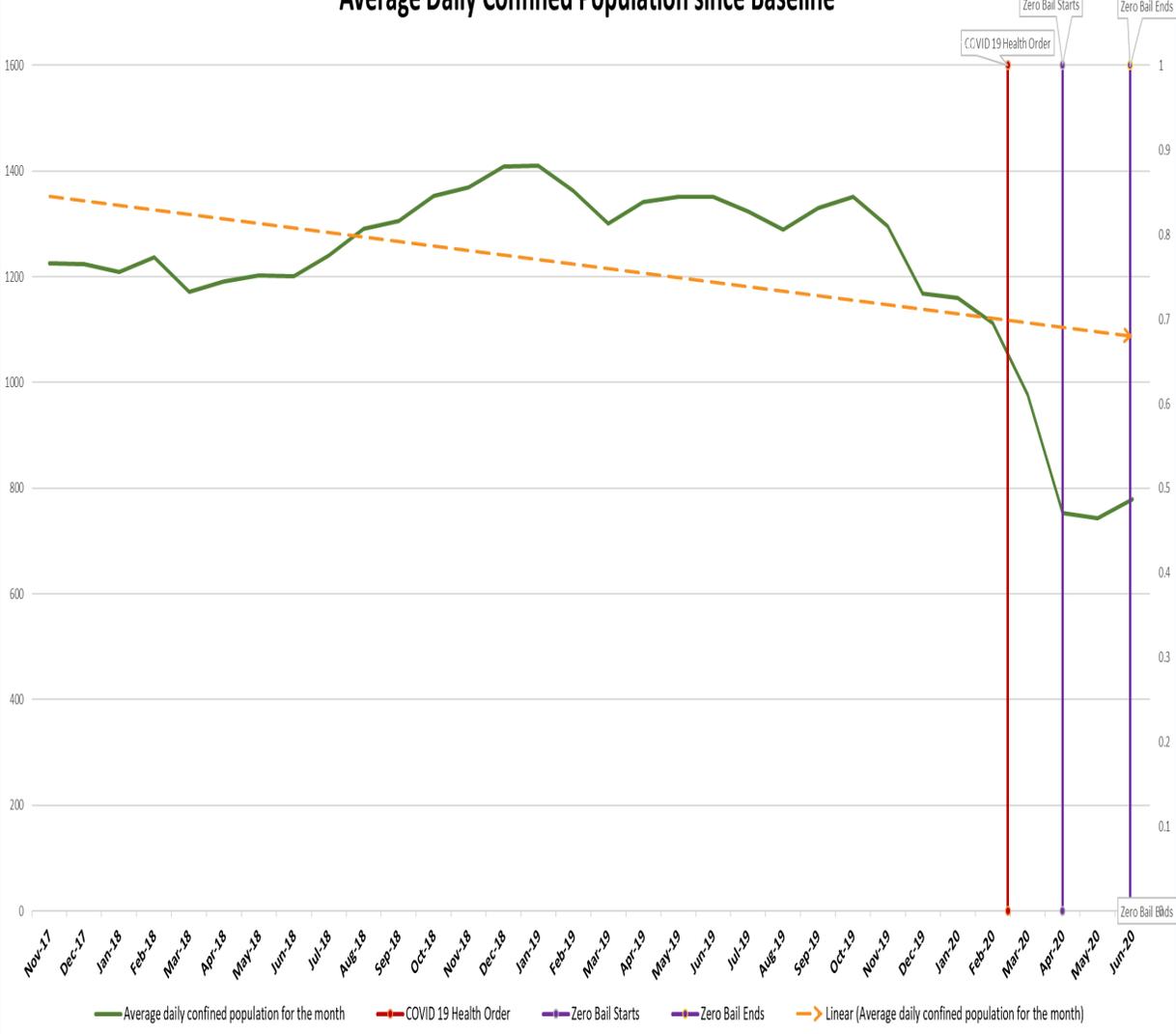
Released Individuals: Average Length of Stay vs Median Length of Stay

- Median length of stay (in days) among individuals released during the month
- Reported average length of stay (in days) among individuals released during the month [7]
- COVID 19 Health Order
- Zero Bail Starts
- Zero Bail Ends

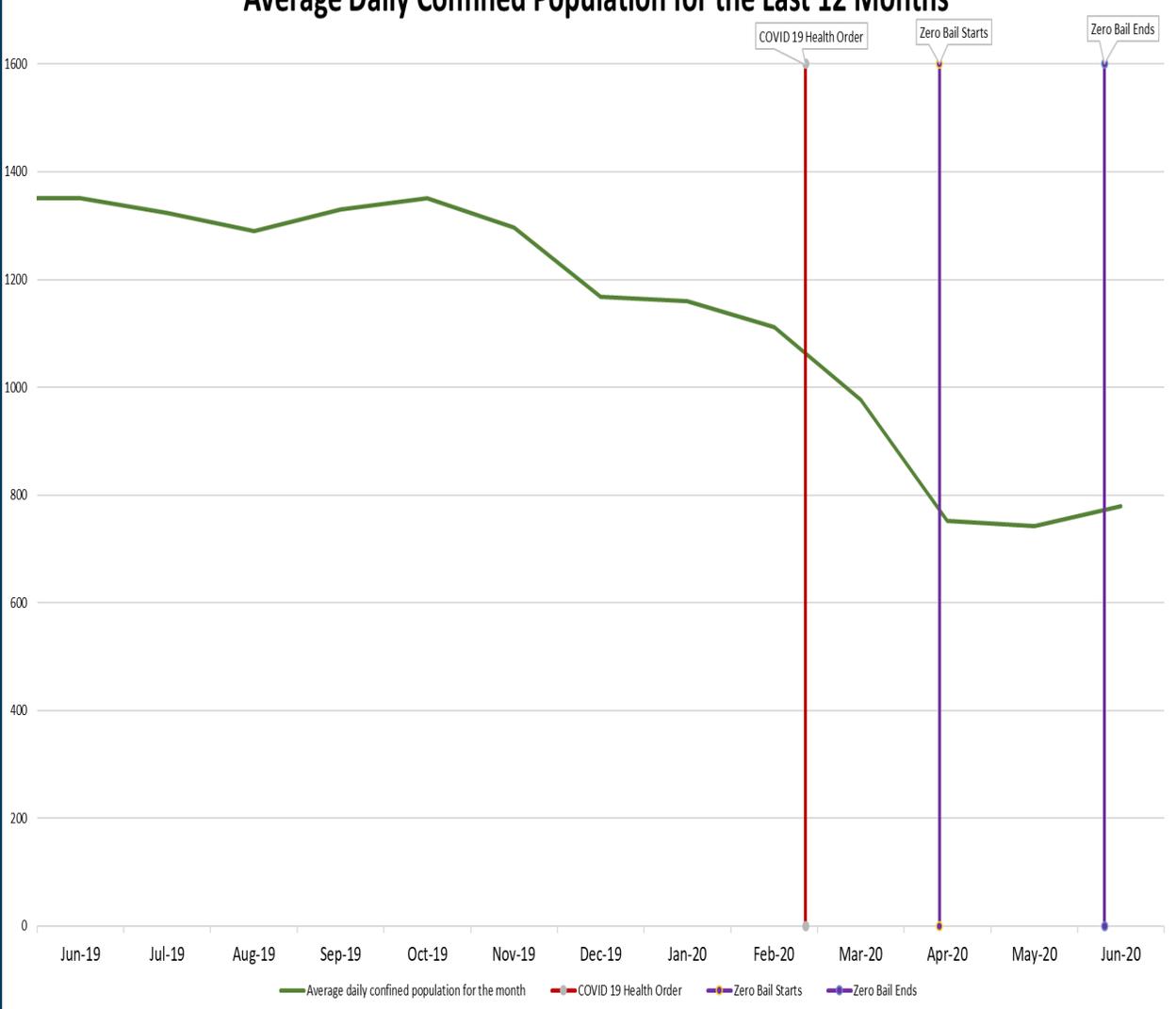


June Safety and Justice MacArthur Report

Average Daily Confined Population since Baseline



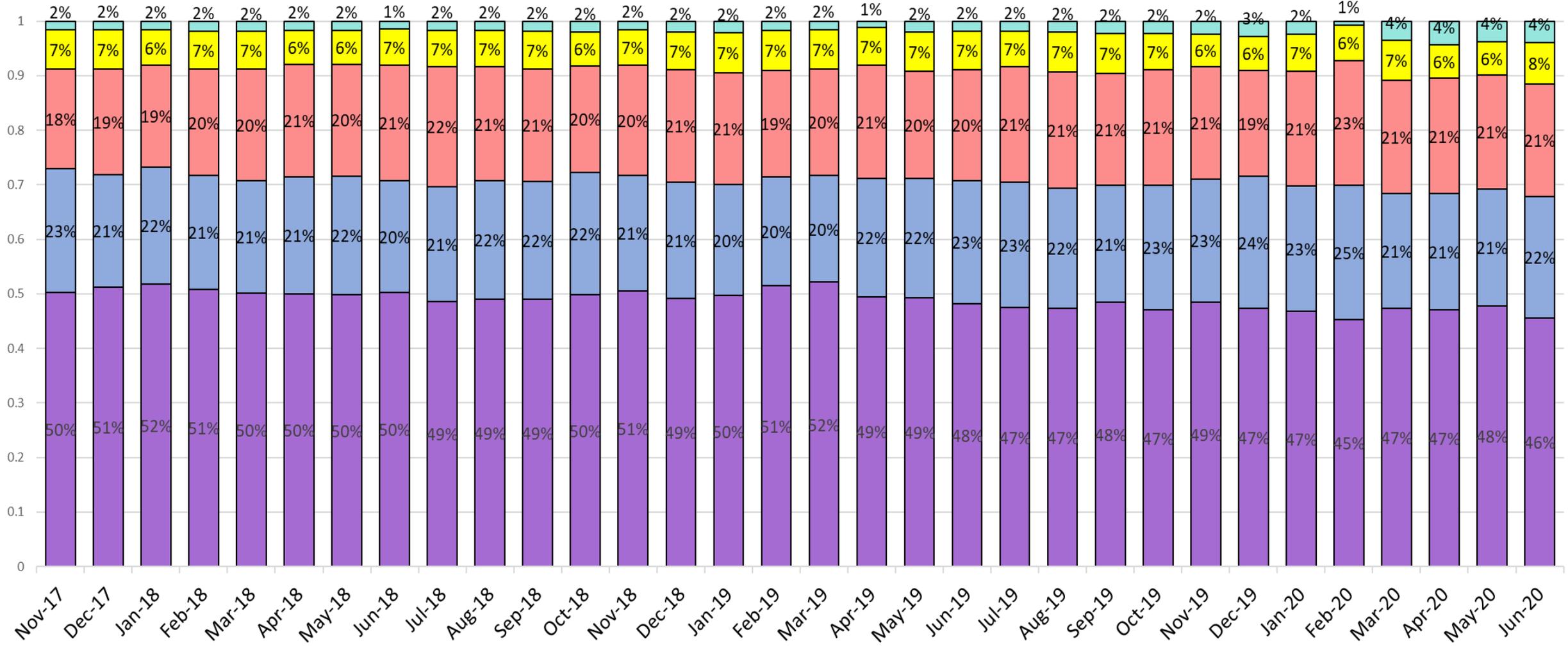
Average Daily Confined Population for the Last 12 Months



June Safety and Justice MacArthur Report

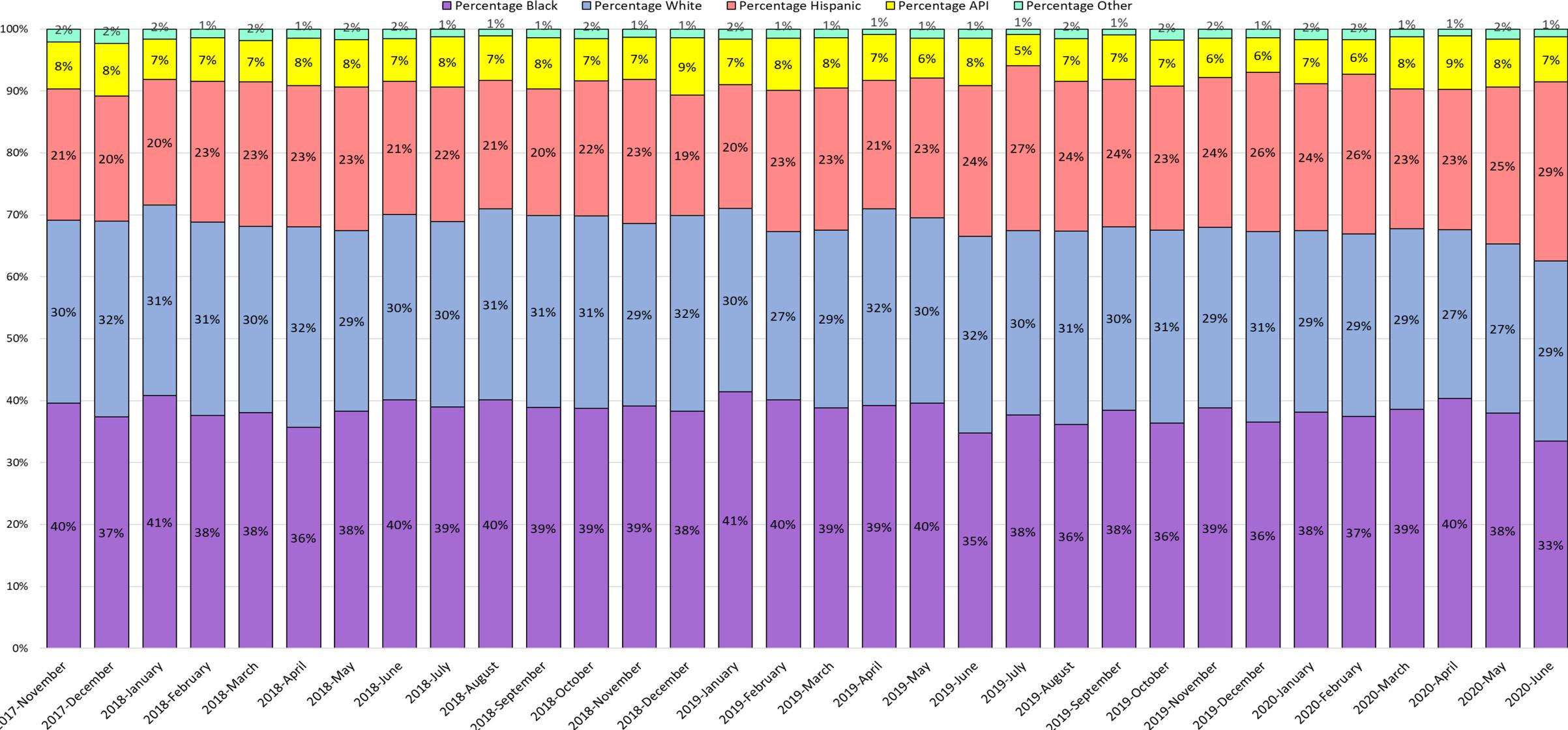
Population Racial Category Percentage of Daily Snapshot

■ Black Population
 ■ White Population
 ■ Latino Population
 ■ API Population
 ■ Other RE1



June Safety and Justice MacArthur Report

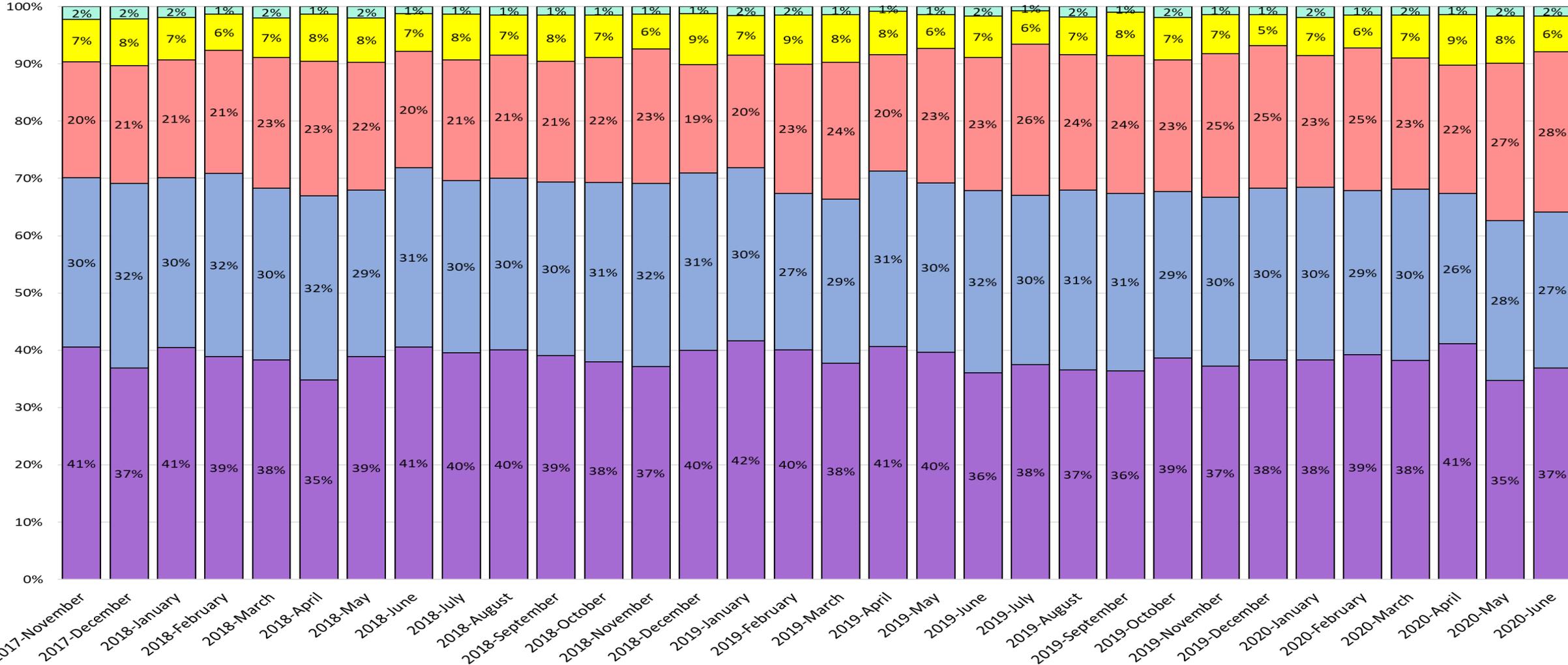
Bookings by Race and Ethnicity Percentage



June Safety and Justice MacArthur Report

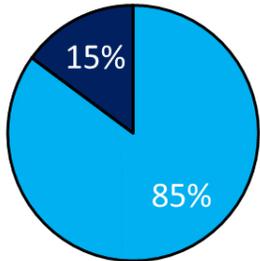
Releases by Race and Ethnicity Percentage

■ % Black
 ■ % White
 ■ % Hispanic
 ■ % Asian Pacific Islander
 ■ % Other



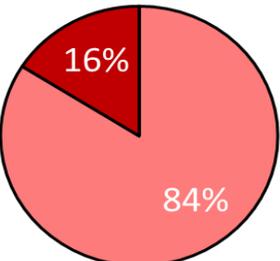
June Safety and Justice MacArthur Report

June Bookings



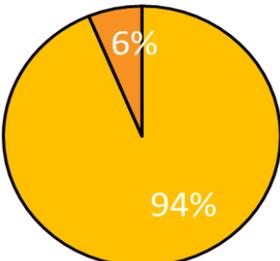
Male Female

June Releases



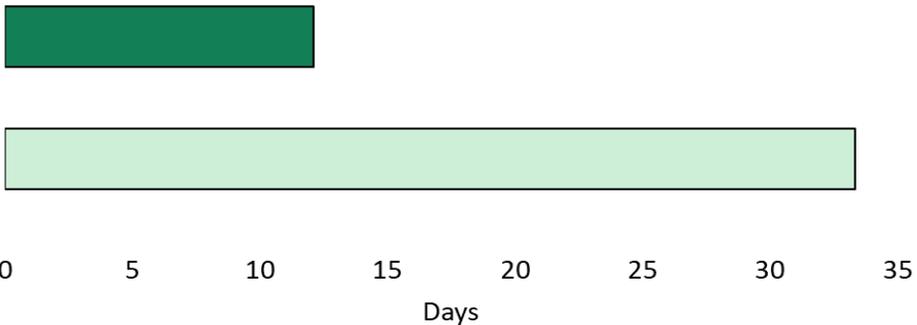
Male Female

June Population Snapshot



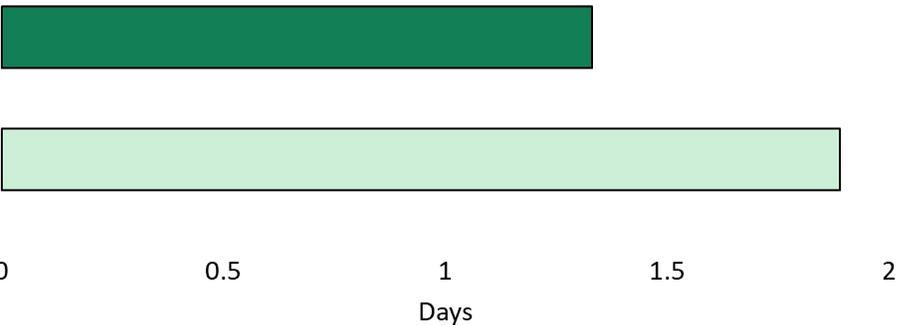
Male Female

Reported Average Length of Stay Among Individuals Released During The Month



Female Male

Reported Median Length of Stay Among Individuals Released During The Month



Female Male

END OF SLIDESHOW



Supported by the John D. and Catherine T. MacArthur Foundation

ATTACHMENT B: COMPARISON OF STRATEGIES TO BE CONSIDERED PER LEGISLATION WITH FUNDED SJC STRATEGIES

SJC Funded Strategy	Measures/Strategies Named in Legislation for Consideration
<p>1) Enhance data-driven decision-making: Develop strong data-sharing parameters and develop the role of the Justice Tracking Information System (“JUSTIS”) in tracking system outcomes.</p>	<p>L8) Maximize data-sharing among all criminal justice partners to facilitate a cohesive assessment of the jail population, using JUSTIS.</p>
<p>2) Increase transparency and reduce repeat bookings: Stand up a jail population review that looks at trends among specific case types and at real cases, to develop release options and policy recommendations.</p>	<p>L1) Expansion of pretrial release through review of denied releases. L2) Expansion of non-custodial supervision and support, including referrals to community courts, collaborative courts, and diversion programs. L13) Release processes that maximize release from jail before noon to allow access to same-day essential services, and same-day transport to court-ordered placements with verified bed space. L14) Examine probation holds, search and seizure conditions, electronic monitoring violations, and other practices related to incarceration.</p>
<p>3) Explore expedited case processing: Work with the Superior Court and across justice system partners to develop and adopt case processing standards.</p>	<p>L5) Evaluation and reduction of redundancies among agencies with regards to multiple court numbers for a single booking, hold and report to the court for short-term stays. L6) Participation and cooperation with the Superior Court’s plans to address lengthy court case processing and unnecessary continuances. L7) Expedited and streamlined sentencing and sentencing-recommendation processes. L10) Expedited processes for providing and sharing police reports and rebooking packets with criminal justice partners.</p>
<p>4) Increase and maintain healthy connections: Assess and connect individuals to existing behavioral health supports, identify gaps and needed interventions.</p>	<p>L15) Evaluate the correlation between individuals who reoffend and behavioral health issues and explore policies to reduce recidivism. L16) Evaluate and make recommendations about resources that ensure stability and prevent recidivism upon release, including: bridge housing with case management; treatments beds and wraparound supports; substance use treatment; mental health supports; and employment services. L17) Evaluate and develop targeted mental health diversion and coordination to facilitate quick entry into behavioral health programs.</p>
<p>5) Root out implicit bias: Track racial disparities in each strategy; make policy adjustments and provide training in each to reduce.</p>	<p>The legislation explicitly names reducing racial disparities as a primary responsibility of the Subcommittee; the Subcommittee should evaluate which measures or strategies will have an impact on disparities.</p>

ATTACHMENT B: COMPARISON OF STRATEGIES TO BE CONSIDERED PER LEGISLATION WITH FUNDED SJC STRATEGIES

SJC Funded Strategy	Measures/Strategies Named in Legislation for Consideration
<p>OTHER STRATEGIES NAMED IN LEGISLATION, and not directly connected to SJC-funded strategies.</p>	<p>L3) Evaluate the use of electronic monitoring.</p> <p>L4) Expansion of eligibility and capacity for programming, including milestone credits and work alternative programs.</p> <p>L9) Explore discontinuing “safe-keeping” arrangements for federal arrestees.</p> <p>L11) Increased transparency around the jail classification system and its impact on jail capacity.</p> <p>L12) Expedited and streamlined booking into CJ1.</p> <p>L18) Elimination of out-of-county custodial placements.</p> <p>L19) Consideration of the Board endorsement of the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership.</p> <p>L20) Formulation of a plan to prepare for an increase in the average daily population above 1,044 after the closure of County Jail 4.</p> <p>L21) Measures to protect public health in the jails, including identifying incarcerated people and jail staff as priority populations for infectious disease testing, and developing policy recommendations for temporary housing facilities if needed to prevent the spread of infectious disease.</p>

Attachment C: Criminal Justice Racial Equity Statement and Agenda for Action



- Community Corrections Partnership**
- San Francisco Reentry Council**
- San Francisco Sentencing Commission**
- San Francisco Juvenile Justice Coordinating Council**

Criminal Justice Racial Equity Statement

The San Francisco Community Corrections Partnership, Juvenile Justice Coordinating Council, Reentry Council and Sentencing Commission prioritize racial equity so that all people may thrive. San Francisco’s criminal justice policy bodies collectively acknowledge that communities of color have borne the burdens of inequitable social, environmental, economic and criminal justice policies, practices and investments. The legacy of these government actions has caused deep racial disparities throughout San Francisco’s juvenile justice and criminal justice system. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal justice system.

The Criminal Justice Racial Equity Statement was unanimously approved by the following;

- Sentencing Commission September 12, 2018
- Reentry Council September 25, 2018
- Community Corrections
Partnership Executive
Committee November 15, 2018
- Juvenile Justice
Coordinating Council December 5, 2018

Criminal Justice Racial Equity Workgroup

On September 12th the San Francisco Sentencing Commission voted to create a Criminal Justice Racial Equity Workgroup. This group meets bi-monthly to discuss practical steps that criminal justice departments and support agencies can take to ensure progress is made toward the identified racial equity goal; to eliminate racial disparities in the criminal justice system.

Draft Agenda for Action

San Francisco's Criminal Justice agencies and social service providers can take the following actions to narrow and ultimately eliminate the racial disparity gap.

1. Expressly commit to the elimination of racial disparities in the criminal justice system in legislation and/or resolution;
2. Require racial impact statements prior to the implementation of criminal justice policies and in reviewing the enforcement of existing policies. This includes but is not limited to Budgeting, Request for Proposals, Request for Qualifications, and all grant making mechanisms;
3. Mandate regular racial equity and implicit bias trainings for all criminal justice stakeholders;
4. Mandate regular procedural justice trainings for all criminal justice stakeholders;
5. Require disaggregated data collection, using agreed upon standard measures, on the race and ethnicity of individuals who come into contact with the criminal justice system;
6. Incentivize the elimination of racial disparities in the criminal justice system by requiring annual budgets to include racial equity assessments;
7. Ensure parallel justice; meaning that any of the investments in the criminal justice system that focus on the rights, punishment, and sometimes rehabilitation of the perpetrator include a comparable set of responses to victims;
8. Participate in San Francisco's Government Alliance on Race and Equity (GARE) Initiative;
9. Conduct meaningful community engagement;
10. Conduct department-level decision point analysis to learn whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points; and
11. Enhance recruitment, hiring, workforce development and promotional policies and practices to ensure the workforce in criminal justice agencies reflects the diversity of the communities we serve. This diversity should exist across the breadth (functions) and depth (hierarchy) of government.

For more information about this work please contact Tara Anderson, Director of Policy, San Francisco District Attorney's Office tara.anderson@sfgov.org.