

Work Group to Re-envision the Jail Replacement Project Report Release & Next Steps

Board of Supervisors
June 13, 2017





Background & Work Group Process

Background

- Board of Supervisors Resolution No. 02-16 (January 2016):
"Resolution urging the Director of the Department of Public Health and the Sheriff to convene a working group to plan for the permanent closure of County Jails 3 and 4, and any corresponding investments in new mental health facilities and current jail retrofits needed to uphold public safety and better serve at-risk individuals."
- Co-chairs:
 - Sheriff Vicki Hennessy (Sheriff's Department)
 - Barbara Garcia (Director of Department of Public Health)
 - Roma Guy (Taxpayers for Public Safety)
- Work Group:
 - 37 members from the City and the community.
 - Community representation from sectors including formerly incarcerated, youth, criminal justice reform, homeless, mental health, and others.

Work Group Process

- First public/city process to consider reduction of the jail population and permanent closure of seismically unsafe County Jails #3 and #4.
- Brought together a diverse group of stakeholders who engaged in a respectful and productive dialogue on the criminal justice system.
- Provided opportunities to increase collaboration and cooperation between City departments involved in the criminal justice system.

Budget Information

- The City spends at least **\$119.5 Million** annually on programs targeting the justice-involved population in San Francisco
- The City spends **\$945 million** annually on housing, homelessness and behavioral health services.
 - Housing - \$300 Million
 - Homelessness Services - \$275 Million
 - Behavioral Health Services - \$370 Million
- Inventory of Existing Programs compiled by Mayor's Office
 - Includes: Descriptions, budgets, intercept areas
 - <http://bit.ly/JRPworkgroup>

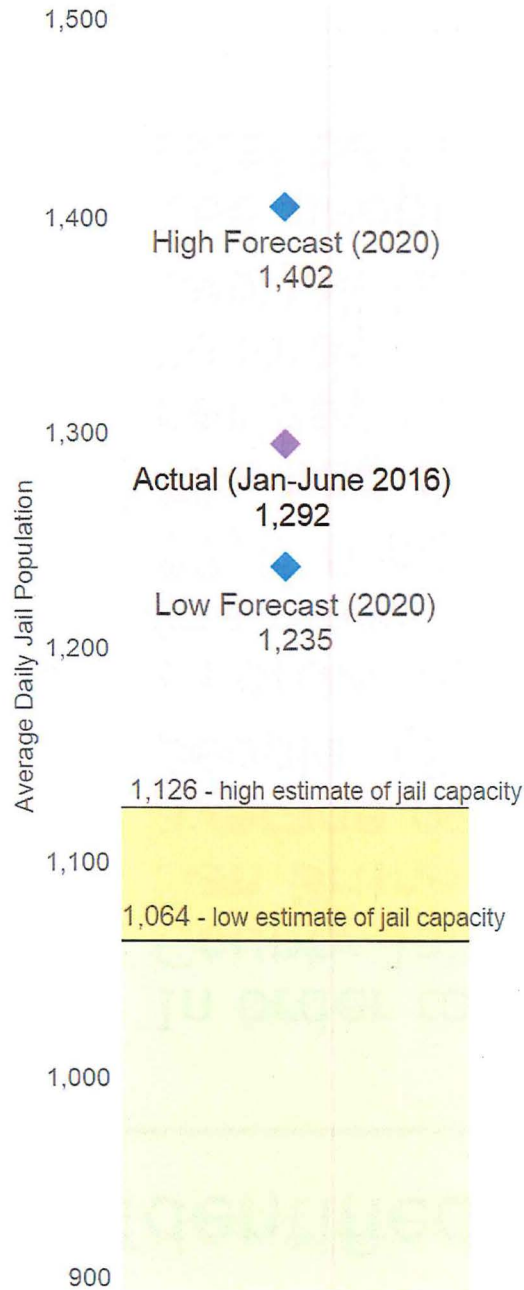



Key Analytical Findings

Identified Challenges to Reducing Count

- In order to close the Hall of Justice jails and use only County Jail #2 at 425 7th Street and County Jail #5 in San Bruno, the jail population must be reduced by an average daily population of between 166 to 228 people. (Based on 2016 Average Daily Jail Population)
- In order to permanently close the Hall of Justice jails the workgroup set a jail population reduction goal of 83,220 bed days.
- The bed day analysis is based on the number of people per day, on average, that would need to be out of custody in order to have enough room in the remaining two jail facilities.
- 166 people per day on average *365 days = 60,590 total bed days; 228 people = 83,220 bed days

Bed Day Analysis



Difference between actual jail population and jail capacity is 228 people per day, which is equivalent to **83,220 bed days per year**

*Jail population has increased since analysis was completed. ADP for 2016 was 1287

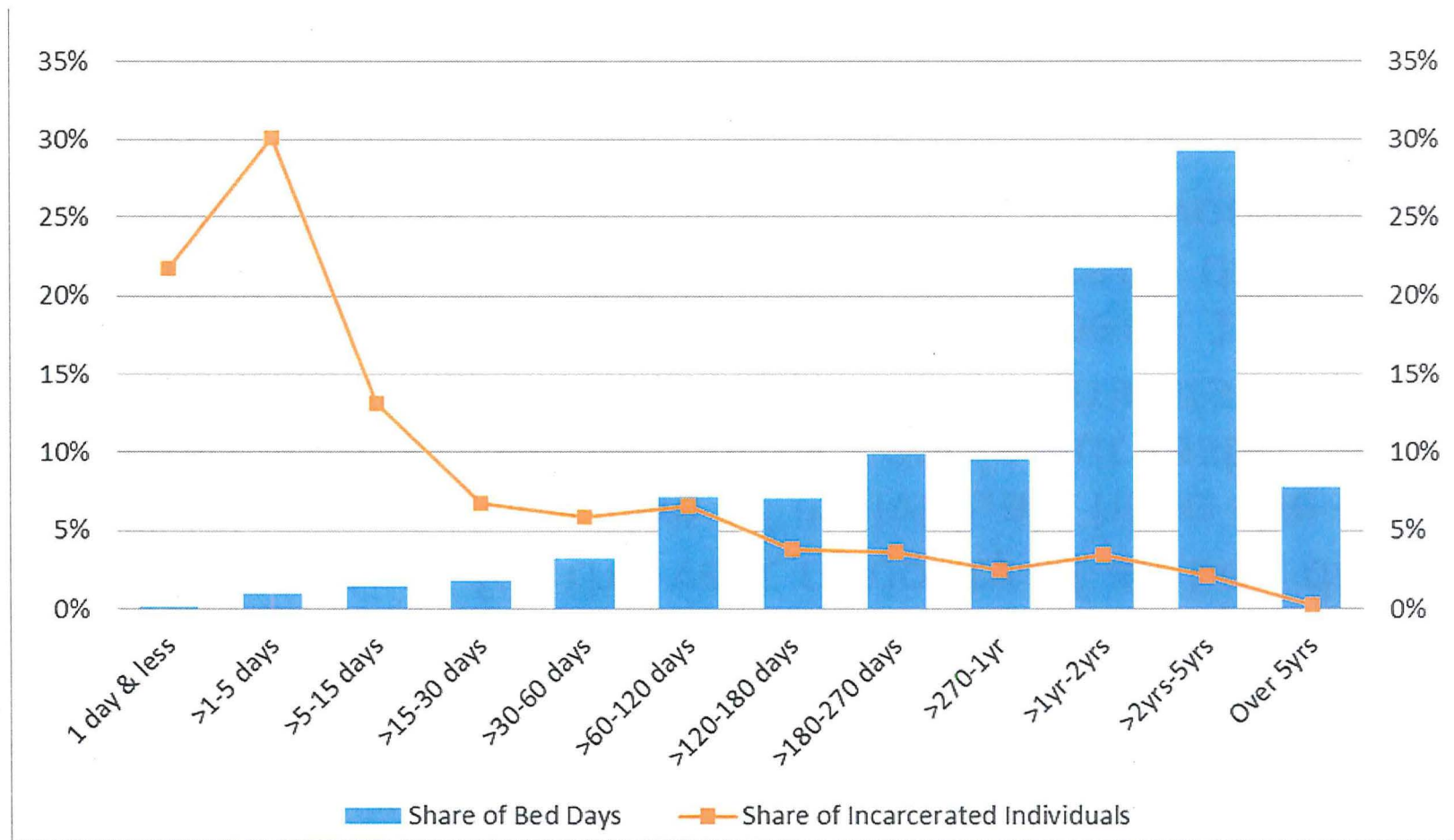
Identified Challenges to Reducing Count

- A small proportion of individuals have long stays in jail and account for the vast majority of all bed days
- The largest proportion of individuals have the shortest stays in jail. Getting those people out faster results in a consistent reduction in small increments of bed days.
- Diverting an individual who would spend 180 days in jail has the same impact on the average daily population as diverting six people who would spend 30 days in jail.



Relatively few prisoners with longest stays have biggest impact on bed days

2015 jail population excluding federal detainees





The jail population using the most bed days is disproportionately young and Black

Share of Jail Bed Days by Age and Race/Ethnicity - 2015

Ethnicity	18-25	26-34	35-45	46-64	65+	Total
Black	16.2%	14.2%	10.3%	12.3%	0.3%	53.3%
White	3.4%	6.0%	5.9%	5.4%	0.7%	21.4%
Hispanic	6.3%	4.2%	2.5%	1.9%	0.2%	15.1%
Filipino	0.5%	0.6%	0.5%	0.2%	0.0%	1.9%
Chinese	0.1%	0.3%	0.2%	0.8%	0.0%	1.5%
Other	0.5%	0.3%	0.3%	0.2%	0.1%	1.4%
Less than 1%	0.1%	0.7%	0.3%	0.1%	0.0%	1.2%
Samoan	0.6%	0.2%	0.3%	0.0%	0.0%	1.1%
Other Asian	0.1%	0.6%	0.3%	0.1%	0.0%	1.1%
Vietnamese	0.0%	0.3%	0.2%	0.2%	0.0%	0.7%
No response	0.1%	0.2%	0.3%	0.1%	0.0%	0.7%
American Indian	0.1%	0.2%	0.1%	0.0%	0.0%	0.5%
Total	28%	28%	21%	21%	1%	100%



The majority of people in custody are not eligible for release

1,957 Number of people who would be in jail without pretrial diversion	In-custody (8/23/16)	1,371
	Processing	-112
	Holds/Detainer	-50
	Sentenced County Jail	-84
	Sentenced with Pending Matter	-116
	Safekeep	-30
	Enroute Other County	-9
	State Parole	-24
	Probation	-47
	No Bond or over \$500,000	-283
1,371 People in custody August 23, 2016	Total Remaining	616
586 People in Pre-trial Release and Sentenced Diversion		

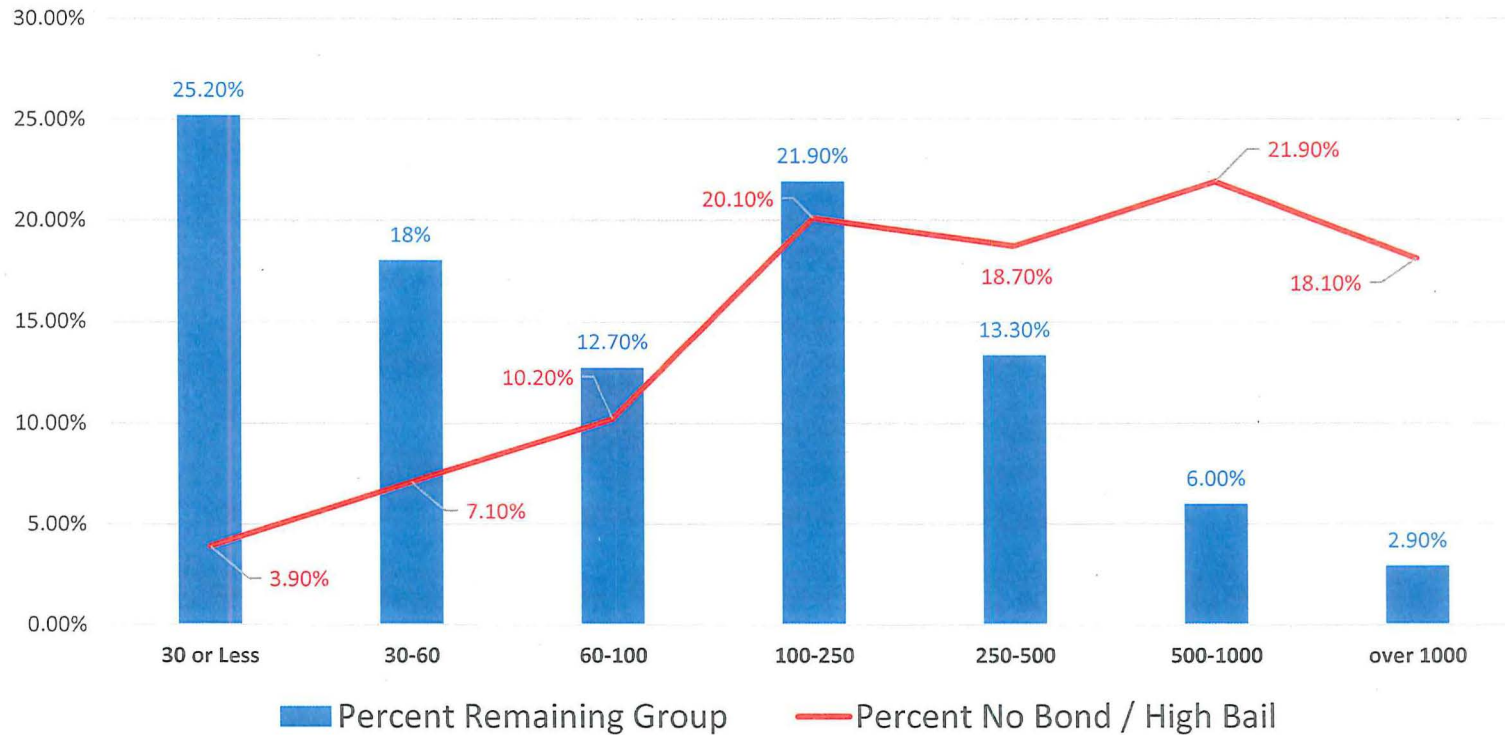
The breakdown of release eligibility in this August 23, 2016 snapshot was typical and representative of the count in 2016.



Relatively few prisoners with longest stays have biggest impact on bed days

Updated Snapshot of August 23, 2016

Days in Custody - Remaining Group of **616** vs.
no Bond / High Bail Group of **283**





...with bail amounts less than \$500,000

Bail range and common charges for 616 remaining in custody

Bail Range	Remaining People	Most Common Charges (based on most serious charge for each person)
>\$500,000	239	2nd Degree Burglary - Commercial First Degree Robbery Second Degree Robbery Murder Assault With A Deadly Weapon-Not A Firearm
>\$100,000-\$500,000	218	Second Degree Robbery 2nd Degree Burglary - Commercial First Degree Burglary-Residential First Degree Robbery Assault on Peace Officer Likely to Cause GBI
>\$50,000-\$100,000	84	Second Degree Robbery 2nd Degree Burglary - Commercial First Degree Burglary-Residential First Degree Robbery Domestic Violence
>\$10,000-\$50,000	56	Second Degree Burglary Criminal Threats Receiving Stolen Property, Motor Vehicle First Degree Burglary-Residential 2nd Degree Burglary - Commercial
\$10,000 and less	19	Exhibiting A Deadly Weapon Assault With Force Likely To Commit Great Bodily Injury Second Degree Burglary
Grand Total	616	


August 23, 2016



 Work Group's
Key Prioritized
Strategies
& Department Actions

Strategy Categories

Strategy Category	Strategy Category Description	Strategies & Actions
Capital Investments	Actions the City and County of SF could fund to create new facilities for people who would otherwise be housed in County Jails #3 and #4	6 Strategies 14 Actions
Policies	Actions that require local or state policy/legal reform	7 Strategies 22 Actions
Services & Programs	Actions that may require City to invest in new or expanded programs and services to reduce the jail population	7 Strategies 36 Actions

 In 2015, ~18,000 (4%) of total bed days were occupied by ~360 individuals awaiting behavioral health placement


Prioritized Workgroup Strategies:

1. Develop a 47 bed Psychiatric Respite Program located at ZSFG to provide voluntary mental health and substance use disorder treatment services.
2. Decrease mental health stays in county jail by transferring more quickly to residential treatment.

Action Items:

1. FY 2017-18 budget includes 116+ new behavioral health beds:
 - 15 beds at **Hummingbird Place** at the Behavioral Health Center on the ZSFG campus
 - 34 new **medical respite** beds (funded in 2015, opened in 2017)
 - 30+ **conservatorship** beds in San Francisco
 - 32 **residential substance use disorder treatment** beds
 - 5 **detox** beds

Potential Impact: ↓ wait times by ~25% (~5,000 jail bed days)

 In 2015, ~18,000 (4%) of total bed days were occupied by ~360 individuals awaiting behavioral health placement

Action Items: (continuing)

2. Public Health and Safety Bond will facilitate upgrades to former hospital building, which may could allow for additional behavioral health beds. While funding has not been identified to support on-going costs for the possible program expansion, DPH is looking into opportunities and options to increase capacity for these types of beds.



There may be opportunities for diversion that should be explored in San Francisco

Prioritized Workgroup Strategies:

1. Develop pilot program in which law enforcement can redirect low-level offenders with mental health and/or substance use issue to services instead of jail (e.g., Seattle LEAD program).
2. Create a one-stop-shop triage center to make pre-booking diversion easier for arresting agencies.
3. Create a Reentry Navigation Center open 24/7 to provide post release case management to homeless or unstably housed people exiting jail and people participating in post release programs.
4. Consolidate reentry and social services and resources for at-risk populations and previous offenders, making them more accessible and well-staffed.
5. Expand crisis diversion programs.
6. Expand the work of the Homeless Outreach Team (HOT) and case managers to provide wrap-around services.
7. Establish a joint response team of mental health crisis clinicians and police officers.
8. Increase the number of behavioral health and mental health professionals outside the criminal justice system on the streets.



There may be opportunities for diversion that should be explored in San Francisco

Action Items:

1. FY 2017-18 budget also includes:
 - Implementation of **LEAD SF** with a \$5.9M grant award
 - Expands Community Assessment and Services Center (CASC) to 24 hours
 - Includes an outreach component putting case managers and peer staff in the Tenderloin and Mission
 - **Crisis response team** that pairs behavioral health staff with responding SFPD officers
 - Added 5 staff, including clinical psychologists and behavioral health clinicians who are experienced and licensed in the behavioral health field.
 - Brings behavioral health expertise to support police at the scene in de-escalation of critical incidents and assist with debriefing and crisis intervention trainings
2. Regular convening of **Police/Health Policy Group**

Other Behavioral Health Improvements Underway

- Continuing to improve **jail behavioral health services**
 - Includes the addition of one additional psychiatrist
- Launching a **strategic planning** effort for the behavioral health system of care
- Working to ensure that all individuals who are appropriate for participation in the **Community Independence Placement Program** are enrolled



Individuals booked on felony charges may wait up to four days before decision to dismiss charges is made by the District Attorney

Prioritized Work Group Strategy:

1. Enable District Attorney's Office to make charging decisions on Saturdays, Sundays and holidays to reduce the length of stay of individuals booked into jail on or near weekends.

Action Item:

1. The District Attorney supported by the Mayor's Office has this included in the FY 2017-18 budget.



San Francisco high bail unfairly results in increased bed days for those without funds to post a bond

Prioritized Workgroup Strategies:

1. Advocate for reform of statewide laws on bail.
2. Reduce statutory bail amounts in San Francisco.
3. Expand Pretrial Diversion's capacity to serve more clients.
4. Increase the capacity of the Public Defender's Bail Unit to file more motions to reduce or eliminate bail.

Action Items:

1. City leaders are actively advocating for reform.
2. The State Superior Court, with the SF Presiding Court Judge, are working on changes to existing bail procedures.
3. Mayor has approved additional funds for SF Pretrial Diversion to become more productive and efficient.
4. The Public Defender approved for funds to enhance will the Bail Motion Unit and provide counsel pretrial.



The SF Pretrial Diversion Project is effective in reducing the jail population by an average of 47% since adopting the validated PSA risk assessment tool in May of 2016.

New "Arnold" Risk Assessment Tool - First 6 Months		
8,855 Jail Bookings		
-5211 Not eligible for PSA due to mandatory charges, detainers, holds, or citation		
3644 PSAs Completed		
-1346 Not considered by court due to release on bail, citation or no charges filed by the DA		
736 Considered by the duty judge		
677 PSA Recommended for release		413 Approved for Release
1562 Considered by judge at first arraignment		
749 PSA Recommended for release		202 Approved for Release
35% Failure Rate		
258 Failed to appear as ordered 28%		86 Booked into jail on a new charge 9%
Compared to previous risk assessment tool		
Duty judge decisions to release defendants prior to arraignment has increase from 29% to 61%		
Arraignment judge decisions to release defendants has increased from 17% to 27%		



The SF Pretrial Diversion Project is effective in reducing the jail population by an average of 47% since adopting the validated PSA risk assessment tool in May of 2016.

Prioritized Workgroup Strategies:

1. Expand **Pretrial Diversion's** capacity to serve more clients.
 - Provide additional options to judges for applying electronic monitoring in assertive case management.
 - Work on decreasing the failure rate while increasing the number of successful completions.
 - Review the success rate of diversion programs and expand what works.

Action Items:

1. The FY 2017-18 budget includes \$700,000 toward funding for the SFPDP, including SFPDP Task Force that will meet regularly to review the effectiveness of the pretrial release tool.
2. The Sheriff's Department's FY 2017-18 budget includes additional options to the court for **adding electronic monitoring.**



Data limitations challenge the ability of the City to identify, collect, analyze and predict the impact of most recommendations.

Prioritized Workgroup Strategies:

1. Expand the role of JUSTIS information system to support use of criminal justice data to inform system improvements and coordinate efforts across multiple jurisdictions.
2. Expand the Sheriff Department's resources and capacity to address limitations in data collection and analysis, so that the City can calculate definitively which strategies will allow the City to reduce the jail population by 83,220 bed days.
3. Coordinate interdepartmental data collection and quality control efforts for missing variables listed in the Burns Report and Appendix A of the Data Brief (especially race/ethnicity data).
4. Expand the San Francisco Police Department's capacity to collect data, and require the department collect data on all citations, including misdemeanor cites and arrests.
5. Ensure any investments in capital, programs, and services include an analysis on disparate racial impact.



Data limitations challenge the ability of the City to identify, collect, analyze and predict the impact of most recommendations.

Action Items:

1. The Mayor's Criminal Justice Forum has tasked **DataScienceSF** to work with criminal justice departments to adopt a common race and ethnicity data standard. Those meetings are in progress.
2. The **City Administrator, as Executive Sponsor of JUSTIS**, is considering ways the system and its member departments can more effectively collect, share and report data to address the data challenges identified by the Re-Envisioning Work Group.
3. The **Human Rights Commission** has launched "Engineering for Equity,"
 - a) To advise city departments on strategies to eliminate disparities in the provision of public services; and
 - b) To ensure community involvement in the full range of government decisions.

Inventory of Existing Programs

- In Spring 2017, the **Mayor's Budget Office** surveyed 14 departments to quantify the investments made by the City on programs that serve the justice-involved population in San Francisco.



Identified Priorities: Roma Guy

- Significant consensus by Work Group members to permanently close County Jails #3 and #4 without constructing a replacement jail but rather investing in criminal justice program collaborations such as the Law Enforcement Assisted Diversion (SF LEAD) project and the Arnold Foundation's Public Safety Assessment (PSA) tool and essential collaborations with Department of Public Health and Department of Homelessness and Supportive Housing.
- Eliminating racial disparities in City incarceration rates is central to the successful permanent closure of seismically unsafe County Jails #3 and #4.
 - City data has consistently shown the general jail population is two thirds people of color with African Americans occupying the largest percentage of jail bed days verified by E Hayward Burns Report 2015



Identified Priorities: Roma Guy

- Non-criminal justice City and County programs are a significant factor in eliminating inappropriate paths to incarceration, and in reducing San Francisco's significant recidivism rate.
 - The Public Health Department and the Department of Homelessness and Supportive Housing must be engaged as decision-making partners in programs and collaborations targeting diversion and exit.
 - To reduce the recidivism rate, the criminal justice system must have an agreed definition of recidivism. In addition, all aspects must be monitored and evaluated while creating strong relationships with community agencies that provide multiple services in the areas of diversion, intake and transition to community.
 - Population-based approaches to diversion and post-release interventions and programs must be developed further, particularly for the seriously mentally ill (SMI), for Transitional Age Youth age 18-25 who are incarcerated and in adult jail, older individuals over age 50, women, and transgender individuals, as well as bail reform for the poor and people of color, including the undocumented.
-

Recommended Next Steps

- Departments report to the Board of Supervisors on their progress implementing relevant work group strategies by March of 2018.
- The Board of Supervisors reviews the City's average daily jail population in September 2018. As discussed in the report, the City has capacity to house an average daily jail population of between 1,064 and 1,126 people without County Jails #3 and #4.
- The City will begin assessing the feasibility of reopening of County Jail #6 for at San Bruno in the event the jail population is not reduced.