



San Francisco

**Sheriff's Office**

# San Francisco Pretrial Diversion Project Contract Approval

Government Audit and Oversight Committee  
June 3, 2021



San Francisco

# Sheriff's Office

## San Francisco Pretrial Diversion Project – History/Overview

- 1964 Own Recognizance (OR) Project
- Established process for alternative to cash bail
  - Independent agency services included minimal level of pre-trial client supervision
- 1976 San Francisco Pretrial Diversion Project (SFPDP)
- Independent non-profit contracting with Sheriff's Office
  - Diverted misdemeanor clients from pre-trial custody
- 1994 Sheriff's Office and SFPDP established supervised pre-trial release
- Expanded population eligible for pre-trial release
  - Supervised pre-trial release now referred to as Assertive Case Management (ACM)
- 2006 SFPDP assumed work of OR Project
- Merger into one independent agency
  - Services for clients with varying levels of acuity to divert them from pre-trial custody



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## San Francisco Pretrial Diversion Project – History/Overview

### 2015 Public Safety Assessment (PSA) implementation

- Developed by Arnold Foundation and used by Pretrial
- Blind process to assess likelihood of court-appearance/safety during pre-trial release

### 2018 Court of Appeal Ruling: In Re Humphrey

- Release conditions must consider ability to pay and non-monetary alternatives
- Additional SFPDP clients who before would be held in custody in lieu of bail
- SFPDP workload increased >50% from FY17-18 to FY18-19

### 2019 Federal Court Ruling: Buffin vs. San Francisco

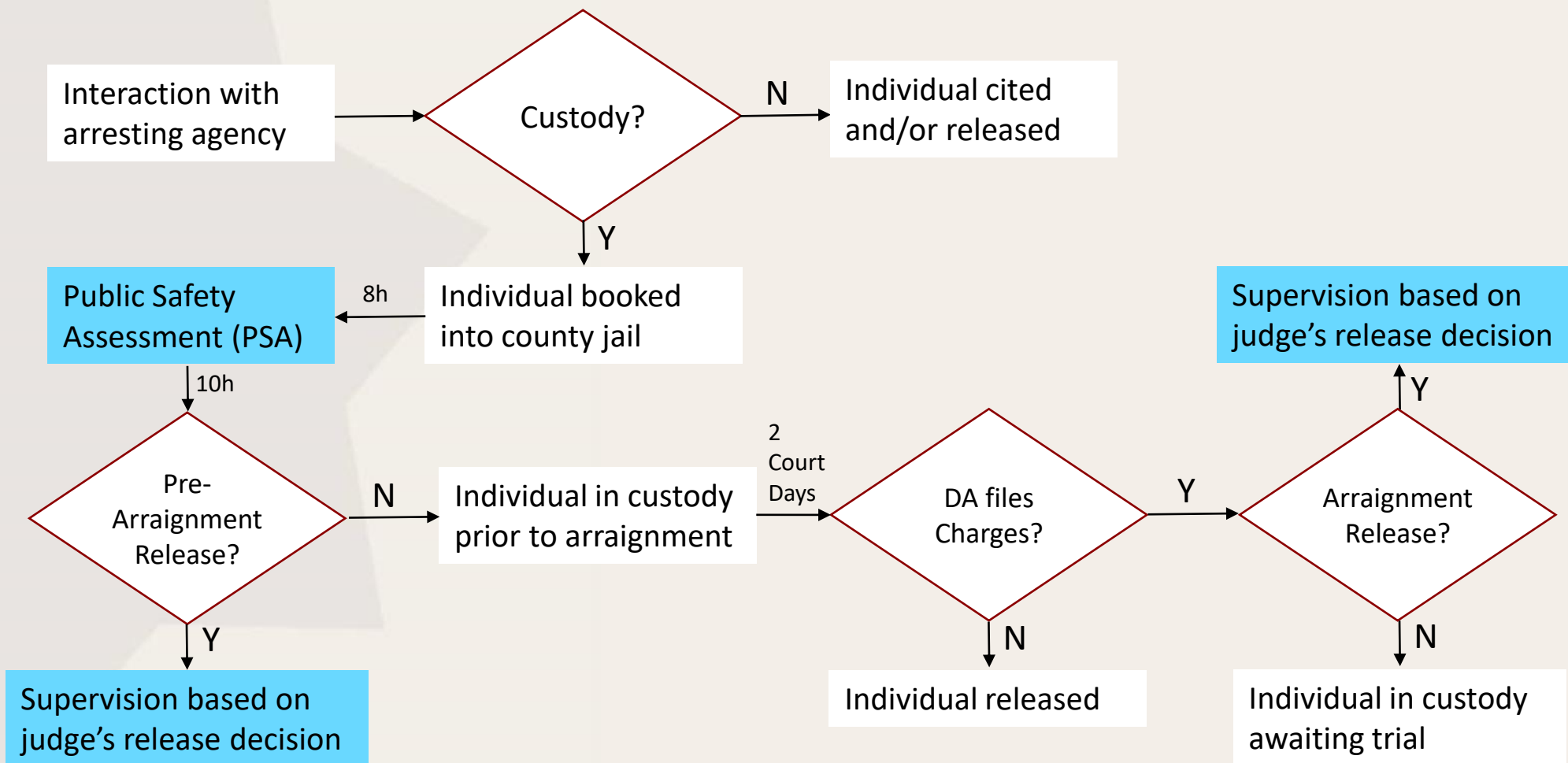
- Prohibits application of California bail schedule
- Set strict timelines for pre-arraignment detention
- Accelerates SFPDP timeline for completion of PSAs, requires 24/7 coverage
- Additional SFPDP clients who before would access bail

### 2021 Contract Approval Request

- Provides for services from 07/01/2021 through 06/30/2024
- San Francisco Pretrial workload more than doubled since start of prior grant agreement



# Pretrial Assessment/Supervision Process





# Public Safety Assessment – Decision Making Framework

		Safety Rate						Total
Score		1	2	3	4	5	6	
Appearance Rate	1	3,792	2,160					5,952
	2	131	1,728	3,380	2,646	69		7,954
	3		511	2,345	3,286	547	103	6,792
	4		154	547	1,382	1,310	389	3,782
	5		63	149	1,222	1,621	950	4,005
	6				44	154	1,032	1,230
Total		3924	4618	6424	8584	3706	2480	<b>29,736</b>

### Public Safety Assessments

Number of PSAs Scored - May 2016 to Dec 2020

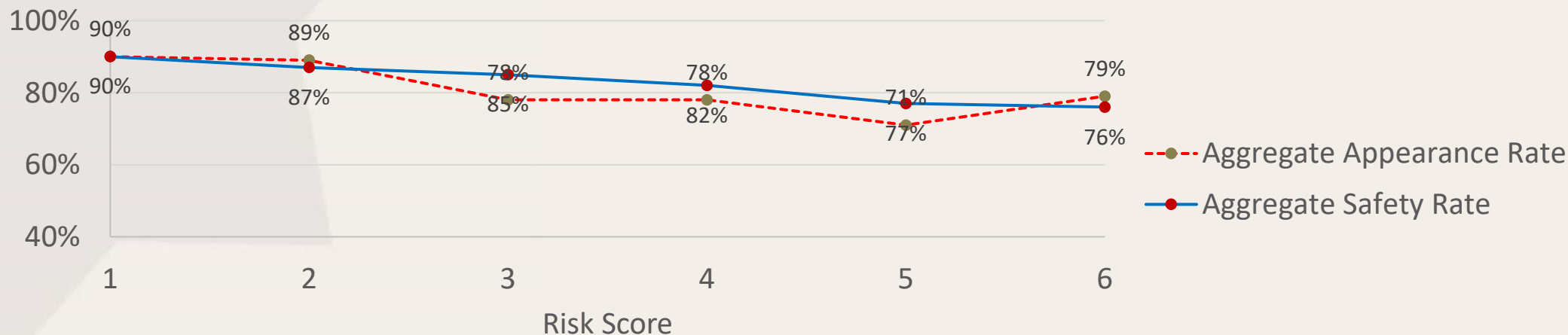
### Decision Making Framework Recommendation

Green: OR - No Active Supervision

Yellow: OR - Minimum Supervision

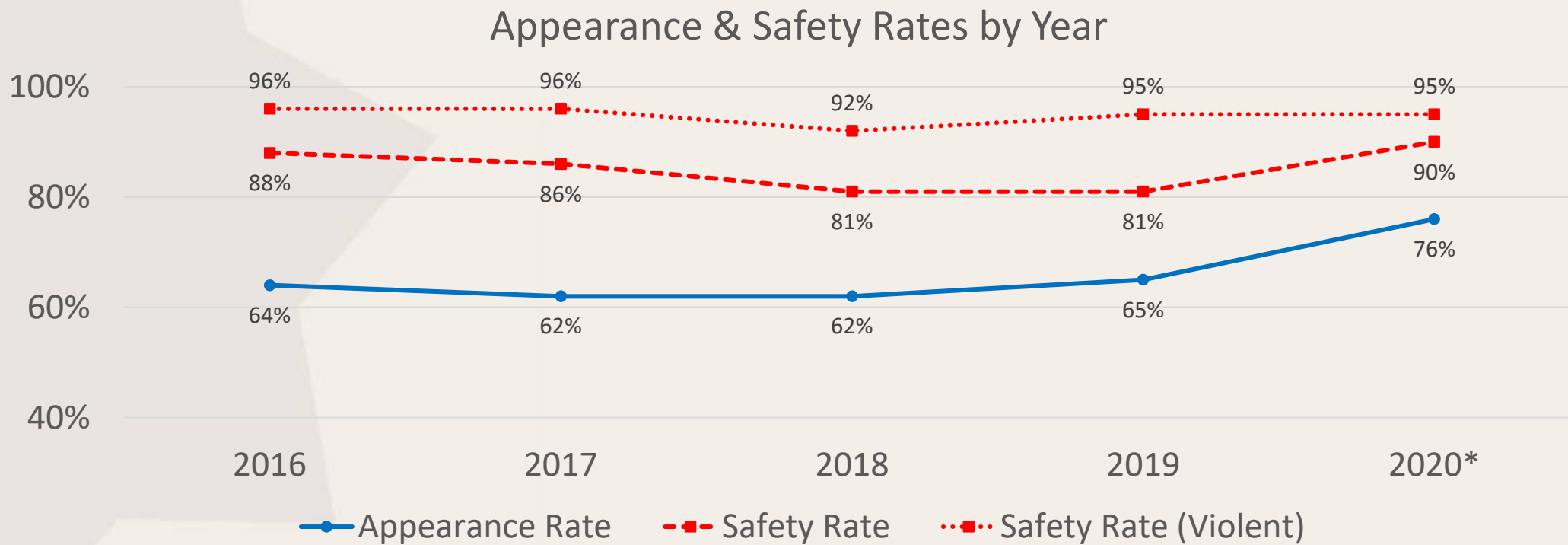
Orange: SFPDP - Assertive Case Management

Red: Release Not Recommended





# Appearance & Safety Rates



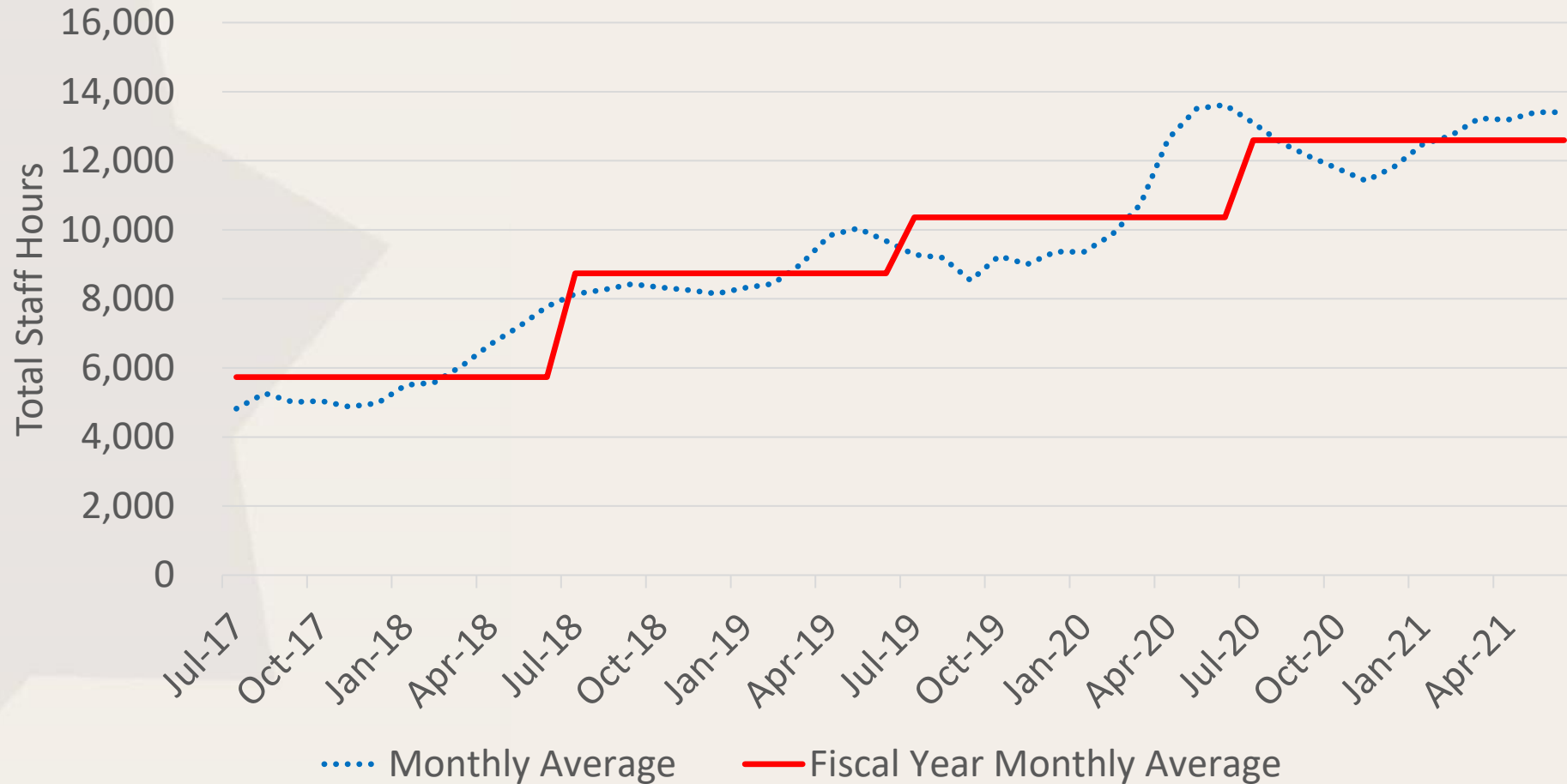
**Appearance Rate:** Share of cases where individual appears at all hearings while under SFPDP supervision. Any case with an FTA in the SFPDP data is not counted as appearing at all hearings

**Safety Rates:** Share of cases without a new filed charge in San Francisco while under SFPDP supervision

**\*2020 Rates:** Likely to be over-estimates because data has not yet updated for failures to appear and arrests from first quarter 2021



# Pretrial Workload\*



\* Monthly aggregate based on OR Assessments and Presentations as well as Caseload for NAS, Minimum and Assertive Case Management



# Progression of Pretrial Custodial/Non-Custodial Decisions

June 1, 2016

**2,147** Est. jail population  
without alternatives  
to incarceration

**1,351** Actual jail population

**796** Individuals out of custody  
on pretrial release and  
sentenced to alternatives

37% of total on alternatives

June 1, 2021

**2,634** Est. jail population  
without alternatives  
to incarceration

**805** Actual jail population

**1,829** Individuals out of custody  
on pretrial release and  
sentenced to alternatives

69% of total on alternatives