

Workgroup to Re-Envision the Jail Status Updates BOS Resolution 02-16

**Board of Supervisors
Public Safety and Neighborhood
Services Committee
October 24, 2018**



Members:
Supervisor Rafael Mandelman, Chair
Supervisor Hillary Ronen
Supervisor Aaron Peskin



Background

- Board of Supervisors Resolution No. 02-16:
"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* (Now Greg Wagner, Interim) (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.

Highlights of Workgroup Recommendations

Funding and implementation of programs that address:

1. Mental Health community alternatives to jail.
2. Substance Abuse community treatment alternatives to jail.
3. Low income housing for homeless, and those exiting mental health/substance abuse residential treatment or those exiting jail.
4. Reduction of racial disparity of individuals in jail.
5. Reduction of Transitional Age Youth (TAY) in jail.
6. More efficient processing of those arrested.
7. Earlier representation by Public Defender prior to defendant's first court appearance.
8. Better staffing for a more robust Pretrial Diversion process.

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Mayor's Budget Investments related to Workgroup Recommendations

Investments made since the FY 2016-17 & 2017-18 budget include the following:
\$18.5 M in diversion program spending (next slide)

Affordable housing

FY 2017-18 & 2018-19: **\$177.0 M** spent on 2,781 units of affordable housing

FY 2018-19 & 2019-20: **\$479.0 M** spent on 1,479 units of affordable housing

Homeless services

FY 2017-18 & 2018-19: **\$39.0 M** for expanded permanent supportive housing, rapid rehousing vouchers, shelter beds, and the Hummingbird Navigation Center

FY 2018-19 & 2019-20: **\$60.0 M** for expanded permanent supportive housing, rapid rehousing vouchers, increased services for current clients, TAY navigation center, and additional access points for service connection

Behavioral health services

FY 2017-18 & 2018-19: **\$20.0 M** for new conservatorships beds, expanded services at harm reduction center, and new outreach services

FY 2018-19 & 2019-20: **\$25.0 M** for expanded street medicine, buprenorphine access, outpatient treatment, and inpatient addiction treatment

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DPH Actions Based on Recommendations from the Workgroup

- Created 15 Behavioral Health beds at **Hummingbird Place** on the ZSFG Campus
 - All beds currently in use
- Created **34 medical respite** beds
 - All 34 beds currently in use
- Worked with **St. Mary's Healing Center** to fund **30+** conservatorship beds
 - 40 beds current in use through DPH referrals
- Funded **5** detox beds at the **Salvation Army**
 - 5 beds in use at Salvation Army
- **Planning for 47-bed Psychiatric Respite Program at ZSFG**
 - Dependent on G.O. bond construction timeline to seismically retrofit and renovate Building 5.

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DPH Challenges Waiting for Mental Health Beds

Impact on Jail Bed Days:

- Metric: Jail bed days occupied by people waiting for transfer to county-funded locked behavioral health facilities
 - Baseline: 35 people, 4,025 bed days
 - FY 17-18: 20 people, 1,743 bed days
- Metric: Jail bed days occupied by people waiting for transfer to residential behavioral health treatment programs
 - Baseline: 276 people, 10,732 bed days
 - FY 17-18: 153 people, 6,523 bed days
- Metric: Jail bed days occupied by people waiting for transfer to State Hospital beds
 - Baseline: 52 people, 3,323 bed days
 - FY 2017-18: 37 people, 3,300 bed days

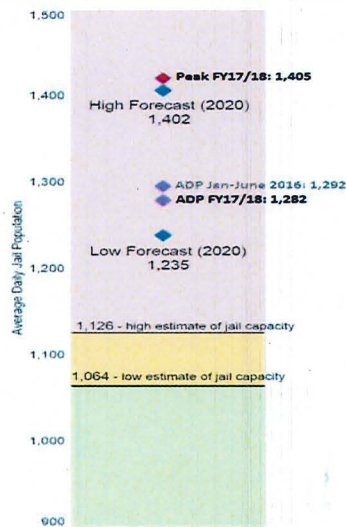
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Controller's Bed Day Analysis

To enable closure of CJ#4,
the count should
reach target
ADP of 1,064

This would be lowest ADP
since 1980 and would need
to be maintained at this
level.



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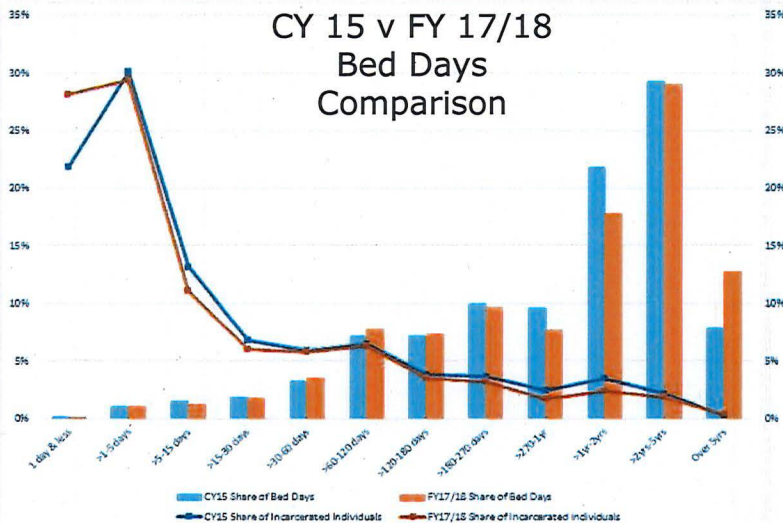
Controller's Take-Away on Bed Day Analysis

FY 2018 Data

- As in 2015, a small proportion of prisoners have long stays in jail, but occupy the majority of bed days
- No meaningful changes detected in the data overall (see next slide)
- Based on ADP of 1,282 in FY 17/18, the City would have to reduce the number of occupied bed days in a given year by 79,570 to eliminate the need to build a new jail.
- FY 17/18 peak jail population (1,405) is in line with 2015 projection



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



HSV(1)



The jail population using the most bed days remains disproportionately young and black

Percentage of Bed Days

Ethnicity	18-25	26-34	35-45	46-64	65+	Grand Total
Black	15.9%	13.3%	11.2%	12.4%	0.2%	53.0%
White	3.4%	6.3%	5.8%	4.5%	0.3%	20.2%
Hispanic	6.0%	4.5%	3.2%	1.6%	0.3%	15.6%
Samoan	1.6%	0.1%	0.3%	0.03%		2.0%
NULL	0.7%	0.6%	0.3%	0.2%	0.01%	1.8%
Other Asian	0.3%	0.5%	0.9%	0.1%	0.001%	1.8%
Filipino	0.4%	0.1%	0.8%	0.1%	0.03%	1.4%
Other	0.3%	0.3%	0.4%	0.2%	0.00%	1.2%
Chinese	0.04%	0.1%	0.1%	0.5%	0.1%	0.8%
Vietnamese	0.003%	0.4%	0.1%	0.1%	0.0%	0.6%
Pacific Islander	0.3%	0.2%	0.1%	0.04%		0.6%
American Indian	0.3%	0.2%	0.0%	0.1%		0.5%
Unknown	0.1%		0.3%			0.4%
Grand Total	29%	26%	23%	20%	1%	100%



Public Defender Update

Since the Workgroup convened in 2016 -

Public Defender Programs

- Bail unit (over 800 motions/year with ~40% release/reduce/settle)
- PRU "Pretrial Release Unit" (~11,200 jail bed days/year)

Other impacts on jail population

- PSA (~32 percent increase in pre-AN release)
- DA rebooking
- Mental Health Diversion
- LEAD
- Prop 47 (~2% decrease in re-arrest rates)
- Prop 57
- Prop 64
- SB-10
- *Humphrey*

So many new things are working and improving

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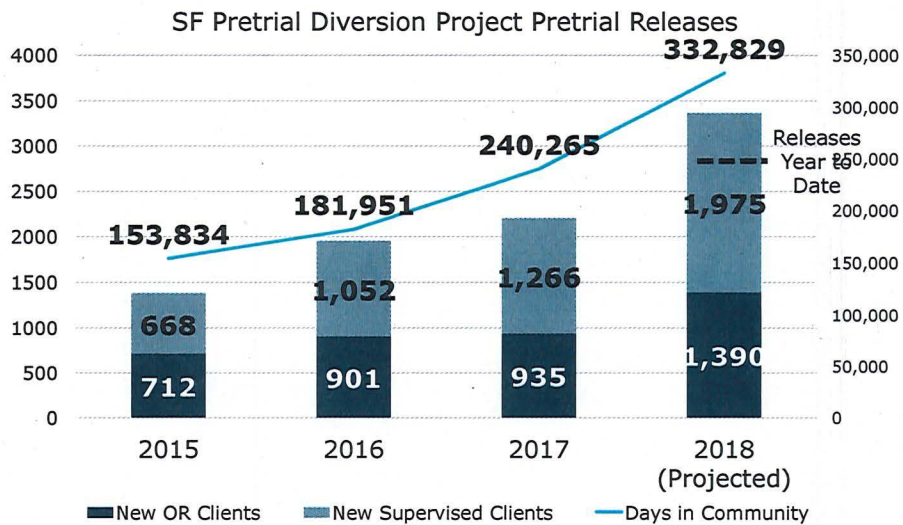


SF Pretrial Accounts for the Most Releases in the last two years

Reason for Release	Booked in 16/17	Booked in 17/18	Difference	Percentage Difference
<i>Pretrial Diversion</i>	3965	4433	+ 468	11%
<i>Local Citation</i>	2419	2414	- 5	0%
<i>Released on Bail</i>	2273	1905	- 368	17%
<i>Delivered to other Jurisdiction</i>	2106	2061	- 45	2%
<i>Charges Discharged or Dismissed</i>	1383	1618	+ 235	16%
<i>Criminal Matters Adjudicated</i>	1579	1113	- 466	35%
<i>Sentenced Served</i>	1133	1017	- 116	11%
<i>Out-of-County Citation Issued</i>	495	585	+ 90	17%
<i>CTS - Credit Time Served</i>	394	395	+ 1	0%
<i>Other</i>	608	592	- 16	3%
TOTAL	16355	16133	- 222	1%

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Use of the Arnold PSA and the result of the Humphrey decision has increased the number of pretrial individuals out of custody



Snapshot data reveals that releases on alternatives have steadily increased between 2016 and 2018

On August 23, 2016:

2,237 Est. jail population without alternatives to incarceration

1,371 Actual jail population

866 Individuals out of custody on pretrial release and sentenced alternatives

39% of total out on alternatives

On August 23, 2018:

2,912 Est. jail population without alternatives to incarceration

1,329 Actual jail population

1,583 Individuals out of custody on pretrial release and sentenced alternatives

53% of total out on alternatives



SFDA Report on Weekend Rebooking

Per the Controller's Office Evaluation:

- SFPD presented 16% of weekend felony bookings to SFDA
- Weekend Rebooking potentially reduced the stay of 4.4 suspects per week, on average
- Assuming a 50% reduction in bed days per suspect, Weekend Rebooking may save 824 bed days annually
- If arresting agencies presented 100% of weekend felony bookings to SFDA, Weekend Rebooking could save 4,358 bed days annually (5% of reduction goal of 83,220)

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SFDA Identified Jail Population Drivers

According to analyses conducted by the Controller (2016) and JFA Institute (June 2018), key drivers of the jail population fall into **2 categories**:

1. Those booked and released more than once in a year;
2. Those who spend months – and years - in custody before their cases are resolved, or jail sentences completed.

Service gaps continue to impact the jail population. For example, individuals in Behavioral Health Court wait in jail an average of 120 days for a bed in the community.

San Francisco's \$2 Million MacArthur Foundation Grant Award seeks to address the drivers identified above.

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SF Taxpayers for Public Safety Recommendations

1. Establish bi-annual report of budget priorities at Neighborhood Committee public hearing at Board of Supervisors for accountability, transparent strategies, measurable timelines & objectives to reduce incarceration.
 2. End increased practice of arresting & incarcerating homeless.
 3. Build strong re-entry option with community-based non-profits & public services to reduce high levels of recidivism.
 4. Develop and monitor system of reporting key indicators of racial and ethnic disparities.
 5. Eliminate inappropriate paths to incarceration and reduce recidivism rates.
-



SF Taxpayers for Public Safety Recommendations

6. Address systemic racial disparities of incarceration rates.
 7. Accept & implement cis/transgender female working group Strategic Plan.
 8. Incorporate priorities of JRP housing group (community-based residential treatment, supportive housing, co-ops).
 9. Preserve the current status of SF Pretrial Diversion Project.
 10. Invest in TAY population to establish specific & measurable strategy & budget to reduce incarceration.
 11. Develop behavioral health services and appropriate housing.
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SUMMARY

Taxpayers for Public Safety

- Suspend timeline implementation of CJ6 at San Bruno & transfers out of county.
- Challenge & invest in relevant community interventions and continue reform of Criminal Justice system to close CJ4.
- Insist on comprehensive overview, specific measurable objectives and timelines of all outcomes with all invested City/County, community partners on a bi-annual basis at Board of Supervisors, Public Safety & Neighborhood Committee.



December 2016 Final Report Excerpt

Next Steps

Previous studies by the Controller's Office project: (June 2015)

- 1) continued population growth in the City
- 2) additional police officers deployed in the city; and,
- 3) projected jail count of 1,235-1,402

The Workgroup co-chairs propose the following steps to monitor the impact of strategy implementation and close the Hall of Justice and its jails by 2019:

1. Report Progress to the BOS by December of 2017
2. BOS to review the ADP in September of 2018
3. Begin planning for the re-opening of County Jail #6 to expedite the closure of County Jail #4 in the event that the implemented strategies do not consistently reduce the daily population by 166-228 people



Sheriff's Proposed Next Steps

Identify options to close County Jail #4 in the event the count is not sufficiently reduced in the next year.

Preferred Option:

- Immediately begin planning for a portion of replacement beds by renovating County Jail #6 at San Bruno
 - Est. planning time prior to construction : 18 months
 - Est. time to begin construction: Late 2020
 - Est. time for completion: 2023
- Not Preferred: Once Hall of Justice is closed to all SF employees and CJ6 has not been renovated – Close CJ4 and send 250 to 300 inmates to Alameda County for several years

Healthy Streets Operation Center Homeless Outreach

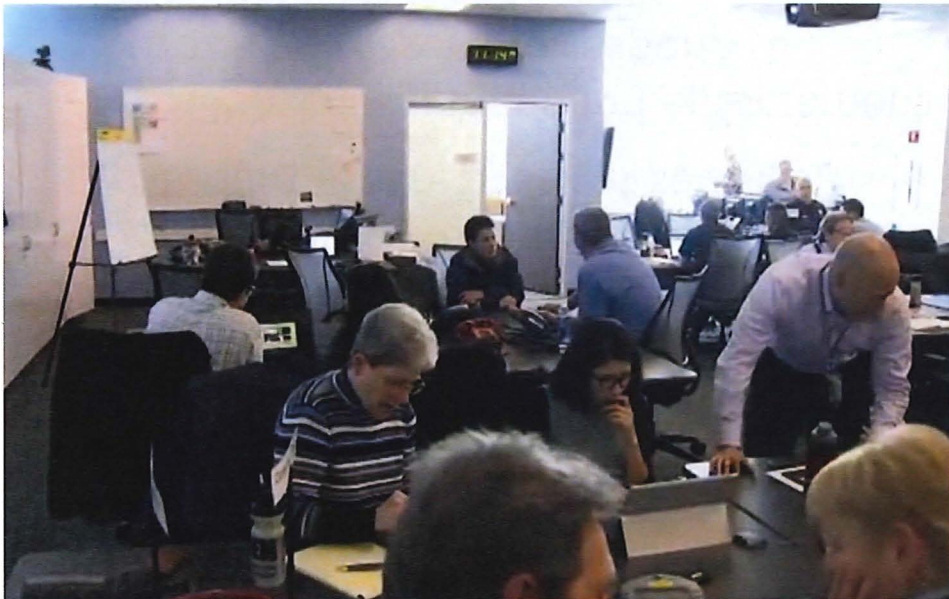


Commander David Lazar

Overview

- The Healthy Street Operations Center(HSOC) has been developed to better coordinate the many city agencies involved in addressing homelessness and unhealthy street behaviors
- HSOC is structured as a unified command with representatives of City departments all in one room which direct, plan, and coordinate responses to street behaviors and homelessness
- HSOC was activated on Tuesday, January 16th, 2018.
- HSOC is an expansion of coordinated efforts that began in San Francisco's Mission District.

HSOC Mission & Values



- HSOC's Mission is to provide unified and coordinated city services and responses to unsheltered persons experiencing homelessness
- HSOC Core Values
 - Lead with compassion and respect
 - Empathize with the whole community
 - Believe that everyone can change and that safe and clean streets can be maintained.

AGENCY ROLES AND RESPONSIBILITIES

- **SF Department of HSH**- Outreach, engagement, and placement of homeless individuals
- **SFDPH**- Outreach, harm reduction strategies, syringe cleanup and engagement, and health treatment homeless and housed individuals requiring care in street settings.
- **SFPD**- Engagement and enforcement (as a last resort) to respond to criminal issues.

- **SF Public Works**- Cleaning and implementation of environmental design changes.
- **SF Controller's Office**- Provides performance tracking of the Healthy Streets Operation center.
- **SF 3-1-1**- Provides non-emergency intake of homeless-related issues from the public
- **SF DEM**- Provides operational and logistical support for HSOC.



DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

San Francisco
Department of Public Health



ICS Roles at HSOC

- Incident Commander- leads efforts in all involved agencies.
- Operations Section Chief- Develops and implements strategies and tactics to carry out the HSOC mission and objectives.
- Section Chief for Admin- Conducts data tracking and dash boarding for HSOC operations including collection of operational data from primary responding HSOC departments to report HSOC actions and impact.
- Planning Section Chief- Responsible for the collection, evaluation and distribution of HSOC information for the IC/Unified Commander. (Breakout meetings at 0930 and 1430 hours)
- Operations Support as Public Safety-File arrest reports from homeless units, track tents seized as evidence and run the day to day operations at HSOC.
- Public Health Rep- Develop understanding and common operating picture of services offered by DPH for homeless individuals including creating/updating summary of these services.
- HSOC Liaison officer- Liaison officer interacts with the city and external partners as well as elected officials and the HSOC Policy Group.

Goals & Objectives/

Strategies & Activities

- Goal 1: SF's Streets are safe and clean
 - Objectives- reduced incidents leading to service requests, reduce drug-related and criminal activity in priority areas, eliminate tents and prevent re-encampment, and reduce environmental hazards.
- Goal 2: Meet the shelter and service needs of individuals on the streets
 - Objectives- connect homeless individuals in priority areas with shelter, supportive services, and increase non-emergency service acceptance by high utilizer of multiple systems within priority areas.

- Strategy 1:
 - Develop zone-based plans to identify key issues impacting each zone, tactics to address the issues, and performance measures to monitor effectiveness.
 - Use proactive team-based approaches and continue to respond to calls or issues based on standard protocols.
- Strategy 2:
 - Focus on addressing needs of the "Top 20" individuals with high needs.
 - Train officers on issues associated with homelessness and substance abuse
 - Continue to outreach, engage and offer treatment or housing.

Goals & Objectives/

Strategies & Activities

- Goal 3: Establish a unified city response to homelessness and street behavior.
 - Objectives: Develop efficient means to manage calls for service and prioritize resources. Effectively share information and coordinate resources across participating City Departments.

- Strategy/Activity 3:
 - Co-located and coordinated dispatch functions to share information and coordinate resources and deployment across departments. (DEM, DPW)
 - Enhance public communication about the City's response to homelessness and street behaviors.
 - Use data to inform operation and policy-level decisions of HSOC.
 - Departments coordinate daily to solve operational challenges associated with HSOC management.
 - streamlined response by utilizing 311 vs. calling the police

Organizational response flow to calls for service

1. City receives 3-1-1 non-emergency and 9-1-1 emergency calls for service



2. HSOC triages and dispatches non-emergency calls to one or more departments based on response criteria



DEPARTMENT OF HOMELESSNESS AND SUPPORTIVE HOUSING

HSH triages to DPH as needed

SFHOT deploys as needed

Community Health Response Team, Street Medicine, Crisis Intervention, and/or Felton Community Engagement Specialists deploy as needed

3. HSOC closes call for service communicating actions and outcomes of the response

Started with

- Hours 07-1500, Mon-Fri
- 1 Lt, 1 Inspector, 2 Officers, 1 non-sworn, 1 cadet, 1 intern.
- Team 1/6 Mon-Thu, 06-1600 supplemented by district 70 units.
- Focused on encampment resolution
- Meeting with officers every Wednesday at 1100
- Triage 3-1-1 calls in the Mission
- Specialized radio channel

Today

- Hours 07-2300, 7 days a week
- 1 Lt, 1 Inspector, 2 Officers, 1 non-sworn, 1 cadet, 1 intern
- Team 4/24 06-1600 or 1400-2400
- Focused on encampment resolution
- Meeting with officers every Wednesday at 1100
- Beginning on 8/8 all 3-1-1 encampment calls triaged and assigned.
- Schedule/calendar 1 large operation per week.
- Specialized radio channel

Homeless Outreach Officers

- Participate in weekly Wednesday training meetings
 - Past topics have included: Training on Shigella, Narcan, Syringe Disposal, Homeward Bound Program, Mental Illness, LEADS presentation, Chronic substance abuse, referrals for navigation center, and street medicine.
- Trained in force de-escalation tactics and Crisis Intervention (CIT).
- Multidisciplinary team concept.
- Calendar for planned operations.
- Maintenance of statistics.
- Conduct customer service call backs.

Why Resolve Large encampments?

PROBLEM

1. Higher levels of substance abuse and communicable disease in large encampments.
2. Increase in public health and public safety concerns in and around the encampment.
3. Public outrage impacts City's ability to address homelessness.
4. Previous attempts to address encampments failed and led to lawsuits, reducing confidence in the city.

GOAL

1. Assist as many people as possible by connecting them to shelter, services and housing.
2. Address quality of life issues for housed and unhoused individuals.
3. Change culture on streets to permanently eliminate large, long term encampments
4. Focus on effectiveness, legality and compassion while not redirecting entire service delivery system.

Preventing Re-Encampment

- Walk through with Public Works to assess safety and access
- Coordinate with neighbors on prevention (fencing, lighting, security)
- Providing neighbors contact information for key city staff
- Ongoing re-encampment prevention team (outreach workers, police and public works)
- Healthy Streets email
- SFPD Department Bulletin 18-137, “Legal Enforcement Options for Addressing Illegal Encampments”.

HEALTHY STREETS

WE VALUE AND RESPECT EACH OTHER AND OUR COMMUNITY

PASSABLE STREETS

- Please do not set up permanent tents or structures
- Please limit your belongings, do not block doorways or driveways
- Please keep streets and sidewalks clear so people, wheelchairs, strollers, bikes and cars may pass

SAFE STREETS

- No fires, candles, stoves or heaters—they are very dangerous! Battery operated lights are safer.
- Safely dispose of used syringes in sharps containers
- Protect your pets, keep them on leash and safe

CLEAN STREETS

- Please keep your surroundings neat and clean
- Please move your belongings when the City comes to clean or make repairs
- Please throw away trash in garbage containers and clean up after pets

IF YOU NEED ASSISTANCE OR A NEIGHBOR NEEDS HELP

- For a medical or mental health emergency, call 911
- For shelter information, call 311
- For information about services, call SF HOT, 415.355.7580
- Be prepared and carry Narcan in case of accidental overdose

RESOURCE CENTERS

MSC South
525 Fifth Street
Open daily, 24 hours
Shelter reservations, showers, information, snacks

United Council of Human Services
2111 Jennings Street
Open daily, 7pm-9am
Shelter reservations, showers, laundry, lockers, breakfast and dinner

MMRC
165 Capp Street
Open Monday-Friday, 7am to 7pm, closed 12pm-2pm
Shelter reservations, showers, laundry, lockers

Glide
330 Ellis Street
Open Monday-Friday, 12pm-9pm
Shelter reservations

A Woman's Place
211 13th Street
Open daily, 24 hours
Showers, laundry

6th Street Harm Reduction Center (welcoming folks who inject)
117 6th Street
Open Monday-Friday 9am-5pm
Saturday 7pm-11pm
Syringe access + disposal, Suboxone bx, narcan, testing, harm reduction groups, counseling, and lounge

Current Status: as of June 30, 2018

- No encampments with more than 15 people remain in San Francisco
- Currently 568 tents/structures city wide (50% reduction citywide)
- 18 large (over 5 tents) encampments remain (50% reduction)
- No encampments of greater than 20 tents/structures (100% reduction)
- 3 encampments 6-19 tents/structures (90% reduction)

QUESTIONS?

Thank you!



Commander David Lazar
Community Engagement Division
David.Lazar@sfgov.org

**San Francisco Adult Probation
Department**

**Re-envisioning the Jail Work Group
Request**

October, 2018

Adult Probation Department (APD) Data for Re-Envisioning the Jail Work Group (October, 2018)

APD Client Population

Offense Level	N	%
Felony	5180	82%
Misdemeanor	1155	18%
Total	6335	100%

APD Demographic Characteristics:

Sex/Gender

	N	%
Female	699	11%
Male	5645	89%
Other	2	0%
Total	6346	100%

Clients Experiencing Homelessness*

	N	%
Yes	612	10%
No	5734	90%
Total	6346	100%

*Conservative estimate based on available address information

Race/Ethnicity*

	N	%
African American	1885	30%
AmerInd/AlaskNative	16	0.3%
Asian	224	4%
Hispanic	637	10%
Other	325	5%
Pacific Islander	53	1%
Unknown	5	0.1%
White	3193	50%
Missing	8	0.1%
Total	6346	100%

*Race/Ethnicity: Asian includes individuals documented as Asian, Cambodian, Chinese, Filipino, Japanese, Korean, Laotian, or Vietnamese;
Pacific Islander includes individuals documented as Guamanian, Pacific Islander, or Samoan

Age Groups

	N	%
18-25	587	9%
26-35	1477	23%
36-45	1452	23%
46-55	1753	28%
56-65	819	13%
66+	258	4%
Total	6346	100%

APD Risk Based Sentencing (RBS) Recommendations in FY 17-18*

	N	%
Eligible clients w/ recommendations for Community Supervision	762	
Clients w/ Recommendations for RBS	588	77%
18-months	79	13%
24-months	164	28%
36-months w/ 24-month review	345	59%

*Clients w/ convictions that require sex offender registration or when state law mandates a 3-year grant (includes domestic violence, driving under the influence, & child endangerment cases) are not eligible. Clients eligible for the RBS, but whose current offense is serious or violent, may be sentenced to 36 months w/ 24-month review. Some clients eligible for RBS may not always receive RBS recommendations due to prior noncompliance or failures on community supervision.

APD Humphrey/Pretrial Referrals Received from the Court

	N
Number of Humphrey referrals received in FY 17-18	75
Number of Humphrey referrals received to date	105

Types of Services available to referrals: see attached list of services

Adult Probation Department (APD) Data for Re-Envisioning the Jail Work Group (October, 2018)

APD Supervision Completions in FY 17-18

	N	%
Successful	983	75%
Unsuccessful*	328	25%
Total completions	1311	100%

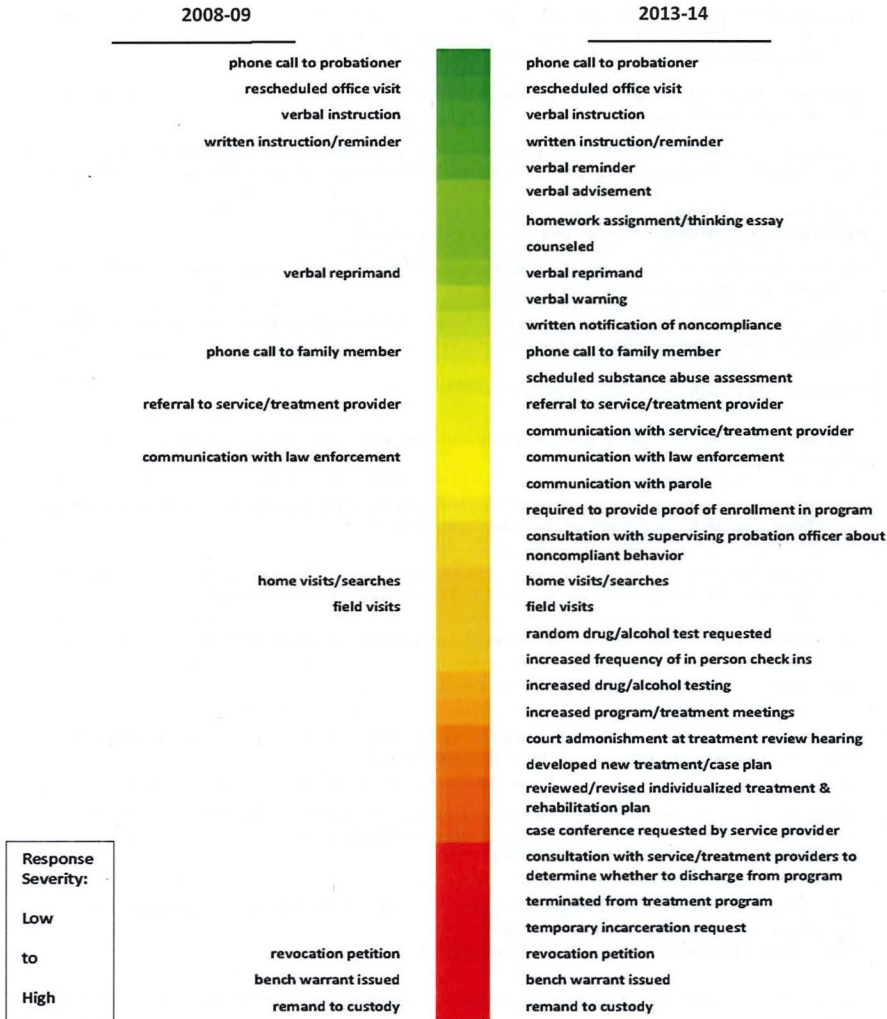
*Unsuccessful terminations include clients revoked and terminated and sentenced to incarceration (jail or prison)

APD Post Release Community Supervision (PRCS) Flash Incarcerations* in FY 17-18

	N
Bookings with charges of 3455 (a) and 3454 (b)	169
People booked with charges of 3455 (a) and 3454 (b)	101

*PC 3455 (a) and 3454 (b) typically appear in tandem, the 3455 charge precedes the 3454 (b) charge

APD: Comparison of Responses to Noncompliant Behavior in 2008/09 & 2013/14*



* The APD has continued to expand upon this list of graduated responses for effectively addressing noncompliant behavior
 Source: The California Risk Assessment Pilot Project: The Use of Risk and Needs Assessment Information in Adult Felony Probation Sentencing and Violation Proceedings, Judicial Council of California, December, 2015; available online: <http://www.courts.ca.gov/documents/cj-CalRAP-FinalReport-2015.pdf>

COMMUNITY ASSESSMENT AND SERVICES CENTER

Table of Services: October 2018

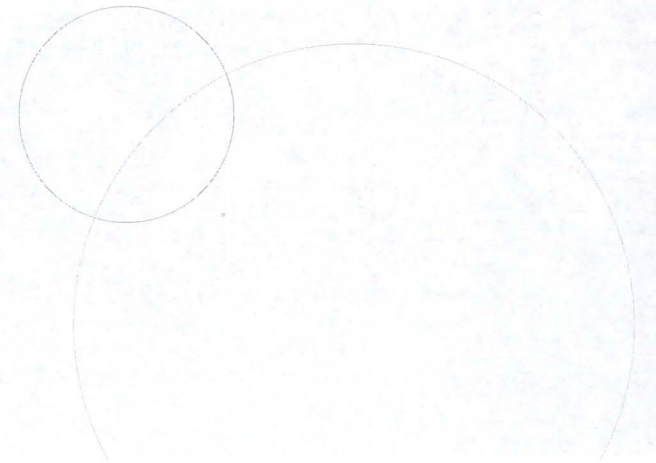
Services for justice involved adults 18 years and older.

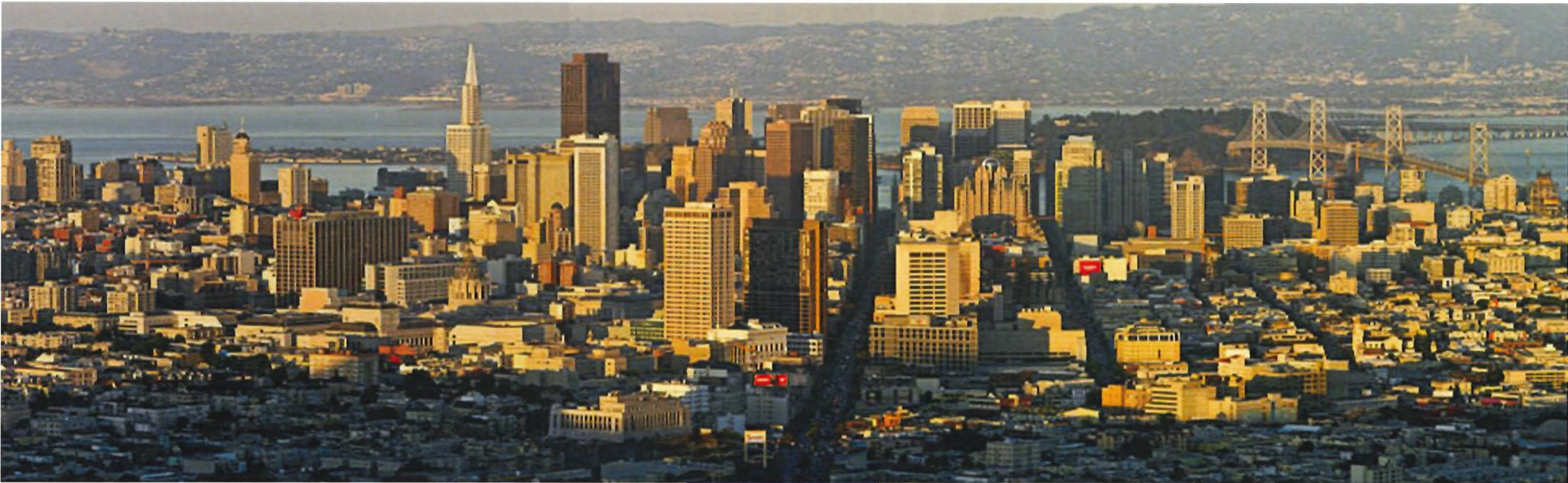
SERVICE	DESCRIPTION
<i>America Works</i>	Job placement and employment services for justice involved individuals.
<i>Anger Management*</i>	Treatment model with a cognitive behavioral therapy approach that employs cognitive, communication, and relaxation skills. *This is available for Adult Probation clients with a referral only. *
<i>Art Club</i>	Art Club is a therapeutic form of expressive therapy that uses the creative process of making art to improve a person's physical, mental, and emotional well-being.
<i>Benefits Assessments</i>	An HSA staff member will assess eligibility and help clients enroll in CAAP, CalFresh, and Medi-Cal.
<i>Breaking Barz</i>	The Breaking Barz Collective is a coed support and performance group focused on addressing the affects incarceration can have on the mental health of formerly and currently incarcerated youth. The group is available to justice involved TAY (ages 18-25).
<i>CASC/Goodwill Employment Services</i>	Employment program inclusive of job-readiness workshops, job search and placement services, and access to vocational training opportunities.
<i>Changing Your Mind*</i>	Changing Your Mind is a cognitive behavioral therapy group for clients with mental health disorders. Clients learn how to work with their thoughts, feelings, and behaviors in ways that can help them change their lives. *This is available for Adult Probation clients with a referral only. *
<i>Client Planning Committee</i>	Clients will take part in a planning committee, which will help oversee the roll out of services, groups, celebrations, and other milieu activities at the new CASC.
<i>Emotion Regulation: A DBT Skills Group</i>	Managing Your Emotions is a skill building group for clients who struggle with mood regulation. Clients learn how to effectively express and manage emotions, build and maintain healthy relationships, and reduce problematic behaviors.
<i>Fathers Matter</i>	Provides support, information, and motivation in life skills, parenthood, relationships, and health. PRIORITIZES SF PROBATIONERS – Case by case basis, any justice-involved
<i>Five Keys Charter School</i>	Classes provided to obtain a GED or high school diploma, as well as in literacy, math, and art. Course available to acquire a Food Handler card required for employment in food services.
<i>Healthy Relationships</i>	Healthy Relationships group focuses on the importance of effective communication, the characteristics of unhealthy relationships, and factors that influence everything in between.
<i>Housing Resource Workshop</i> Tenderloin Housing Clinic	Monthly workshop supplies information on housing resources.
<i>Harm Reduction Group</i>	Clients will be given the opportunity to compassionately explore stages of behavior change as it relates to high risk behaviors and addiction.
<i>Manalive*</i> Community Works West	Three-stage domestic violence curriculum designed to explore roots of violence and provide tools necessary to stop the cycle. *This is available for Adult Probation clients with a referral only. *
<i>Mental Health Process Group</i>	Semi-Structured process group where clients experiencing symptoms of mental illness can speak about their issues in a safe, strengths/recovery focused environment, and get feedback from both clinical staff and peers.
<i>Raw Talk</i>	Series of programs that address overcoming barriers that clients face during post-release transition back into society.
<i>Seeds</i>	A post-release employment workshop hosted by Federal Probation.
<i>Seeking Safety</i>	Seeking Safety is a present-focused therapy that helps clients attain safety from trauma (including PTSD) and substance abuse by emphasizing coping skills, grounding techniques, and education.
<i>Sister's Circle</i>	The program is designed to educate and empower women to move to the next level of Recovery. To overcome the barriers of Homelessness, Domestic Violence, Substance Abuse and chronic illnesses. ANY JUSTICE INVOLVED CIS/TRANS WOMEN, OVER 18
<i>STOP*</i>	STOP (Substance Treatment Outpatient Program) is designed for clients with severe and persisting mental illness. Targeted, structured daily groups as well as 1:1 support available. *This is available for Adult Probation clients with a referral only. *
<i>Stress Reduction</i>	The Stress Reduction group helps clients gain focus in their lives through a variety of techniques including meditation and guided imagery.
<i>TAY Group</i>	A support group for transitional age youth which helps them achieve the tools to succeed in adult hood—life skills, coping tools, healthy communication, and managing emotions. ANY JUSTICE INVOLVED, AGES 18-25
<i>Thinking for a Change (T4C)*</i>	Cognitive behavioral change model to increase awareness that thinking controls behavior. Learning skills to replace past risk thinking with new, pro- social thinking to eliminate or minimize negative consequences. *This is available for Adult Probation clients with a referral only. *
<i>Community Activities Group</i>	Group that engages clients in physical movement and activities in the community such as hiking, basketball, museums, parks, and cultural events.



CRIMINAL JUSTICE SERVICES & UPDATES

DEPARTMENT OF PUBLIC HEALTH





DEPARTMENT OF PUBLIC HEALTH



The Mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans. The San Francisco Department of Public Health shall assess and research the health of the community, develop and enforce healthy policy, prevent disease and injury; educate the public and train healthcare providers, provide quality, comprehensive, culturally-proficient health services; and ensure equal access to all.

YOUR COMPANY NAME

DEPARTMENT OF PUBLIC HEALTH

JAIL RE-ENVISIONING PROJECT: PREVIOUS RECOMMENDATIONS & ACTION ITEMS

DEPARTMENT OF PUBLIC HEALTH

Jail Replacement Project: Final Report Highlights

Recommendation 1. Develop a 47-bed Psychiatric Respite Program located at the ZFGH to provide voluntary mental health and substance use disorder treatment services.

Recommendation 2: Decrease mental health stays in county jail by transferring more quickly to residential treatment.

Action Items:

1. Increase residential treatment beds by funding 116 new placements.
2. Leverage Public Health and Safety Bond funding and identify additional opportunities to support on-going costs for possible program expansion.

Recommendation 3. Develop a 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).

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JAIL RE-ENVISIONING PROJECT: PREVIOUS RECOMMENDATIONS & ACTION ITEMS

Recommendation 4. Create a one-stop-shop triage center to make pre-booking diversion easier for arresting agencies.

Recommendation 5. Expand Crisis Diversion Programs.

Recommendation 6. Establish a joint response team of mental health crisis clinicians and police officers.

Recommendation 7: Increase the number of behavioral health and mental health professionals outside the criminal justice system on the streets.

Action Items:

1. Receive funding from the State Board of Community Corrections (SBCC) to develop SF LEAD,
2. Work with Adult Probation to establish the SF LEAD at the Community Assessment Service Center (CASC) and expand behavioral health services.
3. Work with SFPD to establish a team response approach in crisis situations.

DPH CONTINUUM OF CARE AND SERVICES



DEPARTMENT OF PUBLIC HEALTH

JAIL RE-ENVISIONING PROJECT: FUNDING RECOMMENDATIONS

DEPARTMENT OF PUBLIC HEALTH

Department of Public Health: Public Safety and Violence Intervention FY 2018-19 Investments

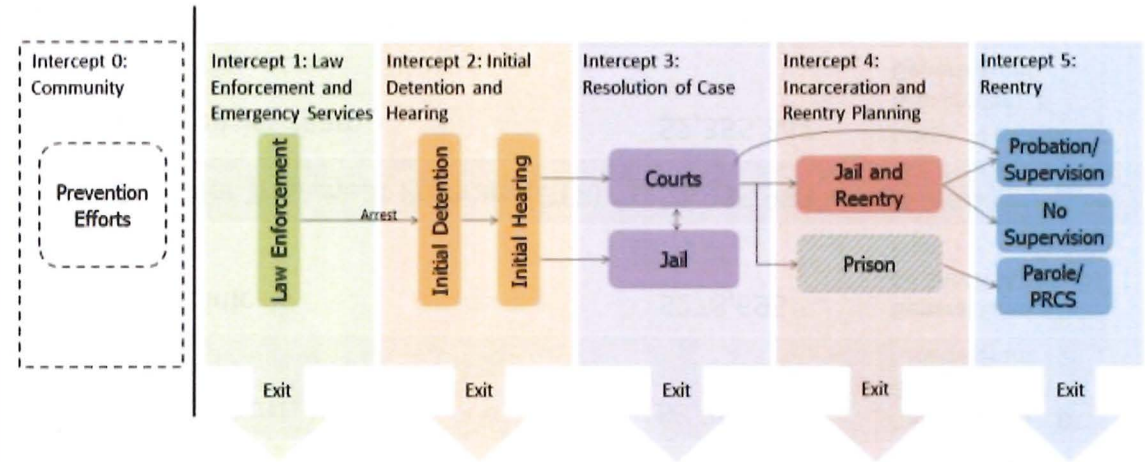
Service or Program	Budgeted Amount	Funding Source
Comprehensive Crisis Services: Crisis Intervention Specialist Team (CIT)	\$760,724	General Fund
LEAD SF	\$230,251	BSCC-State Grant
Prop. 47, PRSPR	\$2,004,456	BSCC-State Grant
Jail Health Services	\$30,274,060	General Fund
Street Violence Intervention Program (SFSVIP)	\$3,550,038	General Fund
Collaborative Courts	\$3,291,158	General Fund, CDCI Grant, SAMHSA Federal Grant
Transitions Clinic	\$278,695	General Fund, CDCI. Ad SAMHSA Federal Frant
BHAC/Offender Treatment Program (OTP)	\$1,955,983	APD WO
Citywide Forensics Team	\$2,355,847	MHSA, FFP Medi-Cal, Realignment, & General Fund
No Violence Alliance (NoVA)	\$218,853	Medi-Cal & SHF WO
ZSFG Forensics	\$3,326,728	General Fund

DEPARTMENT OF PUBLIC HEALTH

SIGNATURE PROGRAMS

DEPARTMENT OF PUBLIC HEALTH

San Francisco Sequential Intercept Model



CCS	LEAD	Behavioral Health Court	Behavioral Health Court	CASC/ Offender Treatment Program	CASC/ Offender Treatment Program
CIT		Drug Court	Drug Court	Jail Health Services	PRSPR
SFSVIP		CJC	CJC		
		Jail Health Services	Jail Health Services		

LEAD SF LAW ENFORCEMENT ASSISTED DIVERSION SAN FRANCISCO

LEAD SF is a community-based diversion approach with the goals of improving public safety and public order, and reducing unnecessary justice system involvement of people who participate in the program.

DEPARTMENT OF PUBLIC HEALTH

Officer has probable cause to place an individual under arrest for a LEAD eligible charge

Officer offers individual an opportunity to participate in the LEAD program

Individual accepts LEAD and or met in the field by an outreach worker or transported to the CASC or an alternative facility (if indicated)

LEAD staff will conduct an intake assessment with individual and link them to Felton or Glide

Individual connected to case manager **within 30 days**

Individual participates in an individualized intervention plan based on principles of harm reduction and recovery and wellness and the original offense is not charged

1

2

3a

3b

4

5a

5b

6

Individual declines and is booked into custody or cited and released

Individual does not participate in treatment and is referred back to District Attorney for a filing decision

LEGEND

Individual
Arresting Officer
LEAD Staff
Program Engagement

LEAD SF PROGRAM ENTRY WORK FLOW



DEPARTMENT OF PUBLIC HEALTH



COMMITMENTS & PROGRESS

- **Funding:** In fiscal year 17-18, the Department of Public Health invested **\$48,246,793** to serve individuals impacted by the criminal justice system.
- **Jail Health Services:** In FY 17-18, 11,117 unduplicated patients enrolled in jail health services and documented 17,050 visits.
- **Collaborative Courts:** # of received services.....
- **LEAD:** As of July 2018, LEAD enrolled a total of 163 referrals.
- **CIT:** # of staff hired and # of crisis encounters.



DEPARTMENT OF PUBLIC HEALTH



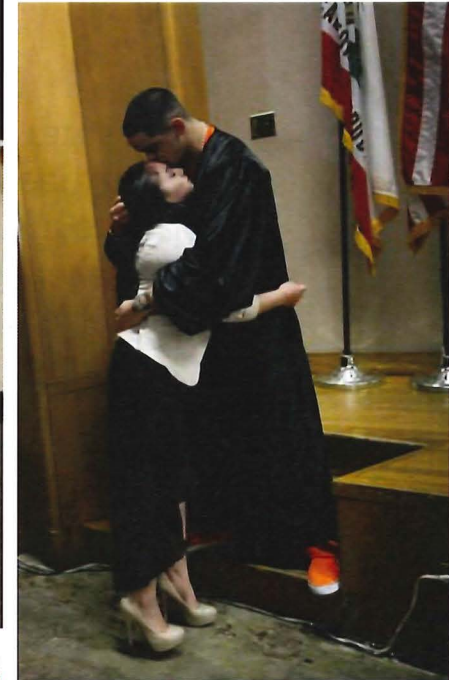
COMMITMENTS & PROGRESS *CONTINUED.....*

- ***Behavioral Health Beds:***
 - PRSPR has enrolled a total of XX clients.
 - Conservatorship has provided XX beds to # individuals interfacing with the criminal justice system.
 - Hummingbird Place is currently establishing a partnership with the Adult Probation Department to enroll reentry clients.
- ***Mental Health Rates:*** The Department of Public Health estimates 30% of incarcerated persons in San Francisco's jail have contact with behavioral health services. In FY 16-17, the rate of serious mental illness (SMI) in San Francisco jail was between 13% versus in FY 17-18, the SMI was 13.2%. The national SMI rates are 14-24%.



FUTURE PRIORITIES

- Creating a stronger partnership with criminal justice agencies and DPH's Psychiatric Respite Centers, such as Hummingbird Place.
- Building stronger partnerships with Adult Probation Department and the Community Assessment and Services Center (CASC) and the Offender Treatment Program (OTP).
- Preparing for AB 1810, a Pre-Trial Mental Health Diversion Bill and SB 1045 Conservatorship: Serious Mental Illness and Substance Use Disorders Bill.





THANK YOU





**JAIL REPLACEMENT PROJECT WORK GROUP:
RECOMMENDATIONS AND STRATEGIES**

When the San Francisco Board of Supervisors voted in December 2015 not to build a new jail to replace 850 Bryant, the “Workgroup to Re-envision the Jail Replacement Project” was initiated. This workgroup brought together City and County department representatives, formerly imprisoned people, health and mental health workers, racial justice researchers, and others with background and experience related to jailing in San Francisco. After studying trends in jailing in San Francisco, the workgroup considered a number of policy proposals, capital investments, and budget allocations which could result in a reduction in the imprisoned population.

The jail at 850 Bryant is decrepit and seismically unfit and must be closed immediately to avoid a catastrophic disaster for imprisoned people and staff in the building. Additionally, City Administrator Naomi Kelly has publicly stated that the jail at 850 Bryant should be closed by 2019. The JRP workgroup also has until 2020 to significantly reduce the jail population before the Sheriff pushes the city again towards jail construction. This creates an urgency for the City and County of San Francisco to reduce the jail population, however we have seen little momentum or investment on this issue.

Below are several proposals reviewed by the Jail Replacement Project work group with suggestions for implementation by the No New SF Jail coalition. Additionally we have provided a recommendation for a Transformative Justice Center that can work to address harm and accountability without reliance on jailing.

CONTACT: nosfjail@curbprisonspending.org

COOPERATIVE HOUSING: 73% APPROVED BY JRP WORKGROUP

Expansion of cooperative housing programs for those exiting custody or residential treatment programs can be a very cost effective way to not only reduce the number of people in jail, but also homelessness in our city.

Currently Conard House, Progress foundation and Baker Places operate coop housing. These programs charge varying rent, from 30% of income at Baker Places, to varying fees depending on the house and room available at Progress, but are affordable for persons on SSI or even General Assistance. These programs require that the residents be engaged in at least 20 hours of productive activity in the community, which can include education and vocational training programs. All of these programs are sober living environments (SLE’s). In addition there are a number of SLE’s in San Francisco that are run

by various private entities, but these facilities charge higher rent fees, and are aimed to meet the needs of persons who have re-entered the work force.

We propose that the city move to open more cooperative housing programs, and that harm reduction principles be applied to at least 50% of the homes, as currently only SLE's exist. Homes should also be created that specifically cater to the needs for safety of cis women, trans women, trans men and queer people. Homes should also be created that provide for the cultural and linguistic specific needs of at a minimum the Chinese and Latino community. Older adults and transitional aged youth are also increasingly represented among the homeless in SF, and have very specific psychosocial and health needs, which need also be addressed by specific housing. Need for other culturally relevant or service specific need homes should continuously be re-evaluated. In order to fulfill the needs of specific populations, BHS should seek to offer contracts to other organizations outside of the current providers who can best serve these populations. This housing should not have time limits to stay, but it should be the goal of those administering the programs to support persons through their self-directed recovery and transition to independent housing in the community.

Currently as mentioned above, there are three city behavioral health service (BHS) contractors who run cooperatives. The benefit of this is that we already have models of this type of housing in existence in San Francisco. However, all of these programs are SLE's. In Vancouver, Toronto Rain City Housing has already been providing harm reduction housing programs for some time, and we would encourage BHS to utilize their model. Rain City Housing makes their curriculum available to any entity who requests their support. We would add to this proposal that persons who are homeless in the community and are seeking outpatient treatment should get priority for the coops, and this time counts toward any requirements for productive activity in the community. As is well known, when one is homeless it is extremely difficult to make appointments and maintain a structure that will allow for one to participate consistently in outpatient treatment or any other program that will support one to get back on their feet. Providing coop housing will allow for the city to provide a greater array of services that meet people where they are at, and what will work best for them.

We propose that the city look to utilize properties that come in their possession, for example when someone does not pay property taxes, or when the deceased owner has no heirs. The city should also increase funding for agencies to master lease houses to create coops. This not only is a cost effective way of acquiring property, it also helps to integrate our neighborhoods, and puts persons that are in recovery into neighborhoods that are safe; not continuously cycling people back in to the Tenderloin or other areas that they are trying to get away from. It also serves to appropriate land for those most in need in our city. Coops provide a simpler solution to get some people off the street, however they will not come close to solving the housing needs of the poor in SF. We continue to demand that the city work on larger projects to house homeless people in San Francisco.

BRING MULTIPLE CO-LOCATED SERVICES INTO NEIGHBORHOODS VIA COMMUNITY BASED CENTERS: 50% APPROVED BY JRP WORKGROUP

In the JRP workgroup a number of recommendations were proposed that involve expansion of services to reach persons that are justice system involved and those at risk, and many that were approved overlap. **All of these services would need to operate out of service agencies, and the needs of individuals would best be met in community based organizations in their neighborhoods, rather than through the probation department.** This is evidenced by the fact that since its opening, the Community Assessment Services Center (CASC) has been consistently underutilized. In addition community based clinics already are established in some high needs neighborhoods, such as Bayview Hunter's Point Foundation or Instituto Familiar de la Raza. The city should provide the needed technical support, resources and funding to expand the services provided by these centers.

We also point to the findings of the behavioral health services audit released in April 2018. The audit found that referrals to Intensive Case Management programs (ICM) exceeded the available openings by a margin of 2 to 1, with program wait lists ranging from 2 to 10 months. Clinicians are under pressure to transition client's to a lower level of care to create openings for others in need of ICM, but the audit found that of those discharged to a lower level of care, only 16% engaged in outpatient services within the first 4 months, and at a year only 10% remain engaged in care. This indicates that there are actually a large number of consumers for whom ICM is the only indicated level of care. The audit also found, that 38% of persons discharged from Psychiatric Emergency Services (PES) are discharged without either a referral or linkage to care, and 35% of persons are discharged with a referral but no linkage. This is the vast majority of patients seen, and there must be a correlation between lack of linkage to care and recidivism that costs San Francisco millions in monetary and human costs every year. **Community based centers with robust community outreach components can dramatically increase the rates of linkage to care and decrease recidivism, saving our community immeasurable costs.**

1. Embed wrap around services in the community. 85% JRP approval

Since its opening the CASC has been under-utilized. Individuals are better served by community organizations in their neighborhoods run by persons they trust rather than by the probation department. They are also more easily accessed if they are located near to where one lives. Community based centers could provide wrap around services, and receive direct referrals from probation, the courts, and jail re-entry services. The centers can also serve anyone who voluntarily seeks services, and also work with families who have a loved one who needs to be linked to care.

2. Create more small, community based residential behavioral health treatment centers. 92% JRP approval

In San Francisco, we offer more residential behavioral health and substance use treatment options than most counties, however we do not currently offer sufficient treatment to meet the demand. While this proposal called for the expansion of residential treatment, we can increase the number of people the city serves, and accommodate diverse life needs by utilizing an intensive outpatient

treatment model. Persons who are in jail but have housing, or have a family member they could live with can more quickly be accommodated by outpatient programs, rather than waiting for placement at dual diagnosis programs or HR360. Evening/night clinic hours can be offered so that persons with jobs, or who find work can take advantage of employment opportunities and still attend treatment. Henry Ohloff, a private pay outpatient program is one example in San Francisco that offers evening intensive outpatient treatment. It also offers an option to those who do not feel comfortable in residential settings, or do not want to go to residential treatment but do so because they are forced to by the court.

These programs can be tailored to meet the needs of those who are not mandated to attend, and those that are by for instance requiring attendance daily, more frequent utox.screens, or directly observed therapy (DOT) of medication. While there are some persons who will definitely be best served by dual diagnosis residential treatment, we believe that many persons that are in the jail and do not necessarily meet the Serious Mental Illness (SMI) criteria can instead be served by intensive outpatient treatment, particularly those whose cases fall within any of the collaborative courts, other than BHC (behavioral health court). In addition there are many individuals in the jail that are identified by jail health services as having mental illness, and needing medication who are likely not getting routine care, probably in large part due to homelessness, these individuals can leave jail linked to care.

3. Expand the work of the Homeless Outreach Team (HOT) and case managers to provide wrap around services. 62%

HOT could work more effectively if they were co-located in each of the neighborhood centers. The team could provide direct linkage to case managers and treatment at the centers, and could coordinate joint street outreach with the person who would be the long term case manager at the center to build rapport with clients toward getting them engaged in services. Currently ICM programs do not get reimbursed for case manager time to do outreach and engagement.

4. Increase the number of behavioral health and mental health professionals outside the criminal justice system on the streets. 58% JRP approval

We propose that the street based mental health workers/clinicians be based out of the neighborhood community clinics, and clients that are engaged on the streets be served at the community clinic their clinician is based at. The clinicians can work in collaboration with the HOT team to outreach to persons that have been identified in need of mental health services. The worker should spend a percentage of time doing street outreach, and street based care; and hold consistent office hours so that their client's can know when and where to find them. These clinicians can also outreach to persons at PES in order to provide the linkage many of these individuals need to care.

Outreach teams that consist of clinicians who will actually be the persons to serve the individual long term, rather than developing a relationship with a street outreach worker who will then link you to someone else, is a novel approach to how most street outreach currently operates. If appropriate

the clinicians can also engage in mental health care on the spot, and conduct crisis interventions if needed on the street.

Currently ICM programs are not reimbursed for street outreach to engage individuals in services, only after someone has formally signed up for services can community outreach be conducted for an individual. Full Service Partnership programs can bill for outreach to engage a person in services, but only for those that have been referred to their programs.

5. Reinvest in community based organizations that hold local knowledge but face limited resources.

85% JRP approval

The overwhelming majority of representatives on the JRP workgroup voted for investment in community based organizations that can most effectively respond to the needs of San Francisco's residents and workers. Many San Francisco agencies are reliant on city and county resources as well as outside funding in order to meet a broad range of community needs. Each year, there is a struggle for these public investments as they are not guaranteed, and often we are faced with reduction in community organization budgets. Currently, Capital Planning Committee proposes millions of dollars for jail construction if the population cannot be significantly reduced. This would undoubtedly come with additional operational costs. Currently the City is maintaining the status quo rather than proactively taking action. The coalition proposes that those budgetary amounts be invested upfront in community resources to avoid failure in our attempts to reduce the jail population.

TRANSFORMATIVE JUSTICE CONFLICT MEDIATION CENTER

This is a proposal for the construction of a Transformative Justice Conflict Mediation Center or centers located in either the Tenderloin district (11.8% of imprisoned population), the Bayview district 11.5% (of imprisoned population), or both. The reason for this placement is because people who live in these neighborhoods are being disproportionately targeted with incarceration. With the creation and funding of a Transformative Justice Conflict Mediation Center, San Francisco could reduce rates of imprisonment and policing, as well as the associated budgets of these departments, while simultaneously meeting community needs for addressing harm and accountability.

According to the Bay Area Transformative Justice Collective, “Transformative Justice and Community Accountability” are responses to violence which:

- Do not create more harm/violence (e.g. prisons, the police, the criminal legal system) and that do not perpetuate systemic violence (e.g. oppression, harmful societal norms, vigilantism, criminalization).
- Work to meet immediate needs for justice (e.g. safety, healing, connection, accountability); while also working towards a long-term vision of liberation (e.g. a world without prisons and oppression where sexual violence doesn't exist.)
- Work to address current incidences of violence in ways that will shift the conditions that allowed that violence to happen, in ways that prevent future incidences of violence and ultimately end violence.
- Understand that individual acts of harm do not only have individual impact, but also have collective impact and therefore need to be solved collectively.

The TJ center will work to address:

- Conflict between people where the police and the criminal legal system would otherwise be used. For example – physical, sexual or emotional assault, burglary and robbery, murder, threats, extortion, child endangerment, kidnapping.
- Conflict between people or criminalization by state regarding substances. Ex. drug possession or sales.
- Conflict between people and institutions. For example - vandalism, burglary, disobeying court orders, disturbing the peace, disorderly conduct, etc.
- Conflict between housed people and houseless people where the issue is not the result of harm but the result of houseless people's presence or engagement in their basic life sustaining activities.

The TJ center will not address:

- Conflict between people where key people involved in a conflict do not wish to be held accountable for their actions.
- Police officers seeking to address conflict. Police officers and other law enforcement will be strictly forbidden from entering the Transformative Justice Conflict Mediation Center under any circumstances.

The TJ center will work by:

- Being staffed by people of different racial, classed, gendered, age, ability identities and life experiences, with a centering of those most impacted by policing and imprisonment, who are skilled

facilitators grounded in principles of transformative justice and collective liberation. The center is available to train those who don't already have these skills and wish to work at the center.

- Staff will include those focused on public education and skilled in community organizing and anti-oppressive facilitation, staff with deep knowledge and experience supporting people in accessing housing, mental health and substance use services to provide initial assessments, many staff with the ability to be a buddy for those who do not have one including those who feel comfort being a buddy for people who have caused harm or who have been harmed, staff with the ability to hold transformative justice circles meaning staff with deep understandings of oppression, power, trauma and collective liberation.
- To access support at the Transformative Justice Conflict Mediation center you can self-refer by calling the front desk to schedule an appointment for an assessment, you can be referred by a social worker or community member or police officer (as long as the police officer does not enter the building), you can be referred by a judge. If the conflict is an emergency you can call the center and access referral to immediate shelter until an assessment appointment is available.
- The city of San Francisco will fund or find funding for this center, without political compromise, out of its commitment to end its racist, classist and violent practice of policing and imprisonment.

The TJ center will offer to the general public:

- Political education on the violence of policing, imprisonment and the criminal legal system.
- Political education on the uses and principles of transformative justice.
- Anti-oppression workshops.

The TJ center will center the principles of:

- Collective liberation in conjunction with individual mediation. Meaning that the goal of the resolution is not only to mediate the conflict that occurred but to do so in a way that makes it more possible for liberatory struggle to grow. This principle also understands that harm between two people also impacts people's communities. An example: the outcome of a transformative justice process will never result in a person who committed harm to endure slavery or imprisonment because slavery and imprisonment harm collective liberation.
- The root causes of violence must be addressed through the process. Meaning that if a conflict occurs between a housed person and an unhoused person – work must be put in to support the unhoused person in accessing housing to engage with the process. Political education must happen for the housed person to understand why an unhoused person might behave differently than a housed person as a result of the physical, emotional and spiritual stress endured by being unhoused.
- A commitment to both immediate safety and long-term healing. Meaning that it is not enough to only resolve a conflict in a way that provides immediate relief (sending a person away, short-term remedies, etc.) but also involves a commitment and plan to ensure that harm never happens again and that healing is accessible.

The TJ center will work to address direct conflict by:

- Ensuring that each person involved in a transformative justice mediation has a buddy to support them through the process. This is a person that a participant has already built trust with. If no such person exists, a buddy will be provided through the TJ center.

- Involve an assessment of each person involved in the process to address if people's basic needs are being met. If they are not, the process is paused and the people are supported in getting their basic needs met (housing, food, water, access to medications, etc.).
- Holding circles facilitated by a facilitator provided through the TJ center. Circles are comprised of the people involved in a conflict, people in those people's communities (which could include neighbors, coworkers, friends, family or other intimate networks), and each person's buddy. The requirement to be involved in a circle is a commitment to hold the people involved accountable to their part in the conflict, their commitment to end harm and any required outcomes of the process.
- Circles are scheduled to ensure that the majority of people can be present. Stipends are offered for people who have to lose wages as a result of a process.

Conflict resolutions will be based on the specific conditions of the conflict but may include:

- Apologies, demonstration of understanding of the harm that took place and commitment, with a plan and benchmarks, to not engage in harmful behaviors again.
- Political education.
- Emotional support, therapy, and other mental health care.
- Labor for work related to collective liberation and the conflict at hand.
- Exchange of resources.

The TJ center will work to address conflict between people and the state relating to drugs by:

- Referring participants to drug treatment including abstinence only programs and harm reduction programs.
- Referring participants to employment opportunities.
- Providing political education.

The TJ center will work to address conflict between people and institutions by:

- Referring participants to drug treatment and/or mental health treatment programs.
- Referring participants to employment opportunities.
- Providing political education.
- Working to provide a commitment that a person will stop their behavior.
- If direct harm happened to another person in addition to the institution see direct harm guidelines.

The TJ center will work to address conflict between housed people and the presence of unhoused people by:

- Ensuring housing for unhoused people, if possible. If not possible, part of the conflict resolution may include the housed person lobbying the city of San Francisco to increase housing for houseless people, paying or fundraising for an unhoused person's housing, allowing the housed person to sleep in a tent or other structure on the housed person's property, etc.
- Providing political education to housed people.
- If a housed person has called the police on unhoused people see direct harm guidelines.

FINAL REPORT
Taxpayers for Public Safety
Co-Chair Roma Guy, MSW

Mandate from Board of Supervisors:

Resolution No.02-1, January 2016, mandated to identify strategies, identify effective human investments in behavioral health, and identify new and/or renovate facilities as determined.

I. Strategies to close the Hall of Justice Jails

To date: one jail, CJ3, 6th floor was closed in 2014. The 7th floor, with 402 cell beds is open, and is seismically unsafe with other untenable and structural conditions. To complete the mandate of Resolution No.02-1, JRP made recommendations to establish priorities and invest in appropriate community-based behavioral health strategies, Criminal Justice efficiencies, policies, and legislation regarding bail, diversion, and supportive reentry.

In January 2016, the Board of Supervisors, led by President of the Board of Supervisors, London Breed, voted to form the Jail Replacement Project (JRP). Thirty-eight representatives joined together from City/County departments, Criminal Justice system departments, Pretrial, former inmates, formerly incarcerated, community advocates and non-profit organizations.

Based on data, JRP revealed that 65% of the jail population is jailed for 7 days or less, 18% for 7-30 days; 16% for 30 days or more. This significant data point impacted the JRP framing, and approach to diversion, practices, and programs within the Criminal Justice system, post-release priorities to community programs, appropriate housing, mental health placements and understanding the human and budget costs of incarceration. Many San Franciscans are repeatedly in and out of jail (recidivism) at unacceptably high rates, well over 50%. This indicates that many justice-involved people are simply being recycled, similarly to high users in the medical system.

Alternatives to incarceration were first recommended by the Board of Supervisors following two hearings beginning in June 2017: community-based prevention for high risk population susceptible to incarceration, especially in behavioral health; racial disparities, unhoused; and those who are at high risk to recidivism; programs inside jail such as Five Keys education program which over the years has demonstrated success and reduction of recidivism. Behavioral Health Court and Youth Court also have positive results which would improve significantly with expanded treatment

options and appropriate housing referrals. The strong relationship between the non-profit Swords to Plowshares to Criminal Justice has evidenced with veterans, especially following their advocacy, led to the Sheriff's administrative decision to cohort veterans at San Bruno (CJ5) which has resulted in a very successful reduction of veteran jail population and recidivism within the last two years. This model is currently being implemented for 55 years and older incarcerated whose length of stay is longer experience disabling health risk factors and have lower recidivism rates than younger prisoners.

People of Color (POC) are overrepresented in the SF Criminal Justice System. For the past four plus decades justice-involved African Americans represented 50 to 60% of the Criminal Justice System. This remains a fact despite who was elected or appointed, Mayor, Board of Supervisors, District Attorney, Public Defender, Adult Probation, Courts, Police Chief or Sheriff. The E. Hayward Burns Institute Report, June 23, 2015, confirmed its history and verified its ongoing reality. The Report describes how racial bias, both implicit and explicit, is an integral part of the Criminal Justice system. To successfully close the 7th floor, Hall of Justice, this demographic factor must be part of our conscious intention in order to achieve our mandate.

Examples of new program and policy interventions 2018-19:

1) Sheriff:

- Reduced the jail population and recidivism of veterans by cohort in their own pod at CJ5.
- Based on the veteran model Sheriff is implementing Swords to Plowshare model with older (55 years plus) at San Bruno.
- Opened an improved release function opened to facilitate efficiency, providing support for the release of justice-involved individuals for transportation to safe sites, approved medical referrals sites, etc.

2) Public Defender:

- Launched the Pre-arraignment project, at bookings, (Pre-Trial Release Unit) at CJ1 to provide the first opportunity for the accused to provide information to a Public Defender and prepare for charges from District Attorney. "Reduced the likelihood of release arraignment from 14% to 28%", reducing bed days by about 11,220 annually. For prisoners on probation pretrial incarceration was reduced by 44%, average of 9.5 days.

3) District Attorney:

- Staffing on weekends to immediately and efficiently assess bookings and determine same day release or assess charges for those booked.

4) Pretrial Diversion:

- Transition of leadership and reorganization, led by Board of Directors; doubling budget by Board of Supervisors with support of Sheriff; provided increased possibilities to releasing unsentenced individuals awaiting trial and providing appropriate access to health and social support, and appropriate housing. Testing Public Safety Assessment (PSA) tool to decrease implicit and explicit bias, particularly racial bias.

5) Adult Probation:

- Hired a Gender Responsive Position responsible for creating a website and updated information regarding beds and services available to justice-involved cis/transgendered females, ensuring services and placements are trauma-centered. This includes reducing administrative segregation while incarcerated. Upon release, provide needed resources and transportation, timely advance notice of a safe release time and date and appropriate behavioral health and medical placements.

6) Department of Public Health

- Law Enforcement Assisted Diversion (LEAD) launched.
- Opened Hummingbird Respite Center.
- Committed to 47 beds for incarcerated severely mentally ill (SMI) at ZSFGH by 2021-22.

II. Effective human investments in behavioral health programs for those who would otherwise find themselves incarcerated

- Safe (consumption) and injection sites which have currently been delayed to 2019.
- Committed to opening 37 beds SMI beds at ZSFGH—scheduled to open 2021-22.

Projected increase in older population by Office of Controller (report 2013) is factual: aging is the fastest growing population. This represents an increase of 100,000 from 2010-2030. For the poorest, displaced by eviction or income is clear. Homeless shelters are experiencing high rates of older population in shelters which is an indicator that more aging people will experience incarceration.

The most entrenched and unchanged negative demographic trend in San Francisco is that by 2030 the projected census of the black population will continue to decrease to 3-4% while justice involved percentage remains over 50% as it has for over four decades. Other San Francisco populations of color will also decrease including Asians and Latinos. The white population is projected to increase.

Black transitional age youth (TAY) represent the highest percentage of the incarcerated youth ages 18-25. As E. Hayward Institute report of 2015 stated, the over representation of POC, especially black was verified: cis/transgender, the older population and homeless. People who are unhoused were at least 30-40% of jail population as reported in 2017 and well over 50% identify that they have been homeless within the last few years. The 2018 increase in arrests of homeless in SF have increased the jail population.

Cis/Transgendered female Working Group: Cis/transgendered females are "only" 10% of total inmate population. This is a major rationale used to lessen them as a priority. Two-thirds are of color, poor and most have experienced homelessness, serve shorter time in jail than men and are arrested, held and charged for less violent classifications, experience important administrative segregation, are key in breaking the cycle of intergenerational incarceration and need significant trauma-centered services to reduce high recidivism. Despite the claim that they are not arrested for prostitution/sex work/trafficking do get cited and arrested. Findings from Elise D. Riley, UC, Department of Medicine, "When the outcome is incarceration in the past year, several factors were significantly associated, including long term homelessness (90 days in the past year), stimulant use and heroin use.....it is valid to say that the odds of incarceration among women are Three times higher among those who experienced long term homelessness. At the International AIDS 2018 Conference it was reported that, compared to the rate of unsuppressed viral load among all HIV+ people living in San Francisco, which is 28%, over 60% of HIV+ homeless women had at least one unsuppressed viral load over three years. Predicators of unsuppressed viral load reported that compared to the rate of unsuppressed viral load among all HIV+ people living in San Francisco,

which is 28%, over 60% of HIV+ homeless women had a least one unsuppressed viral load over three years. Predictors of unsuppressed viral load were incarceration, homelessness and sexual violence.

Investments by JRP have not reduced the black population significantly. Clearly, in order to close the 7th floor and not replace 7th floor cell beds, the most essential priority is to reduce POC especially black San Franciscans. This is a civil rights issue and opportunity to change our direction. We must diligently resolve ourselves, challenge our leaders, the general populations and you, our elected and appointed representatives, to change this trend structurally and programmatically to close the Hall of Justice. To accomplish the goal to close CJ4 and not replace those beds with a new jail, we must as a city/county persist with evidence as we have done with the public commitment to end preventable pedestrian deaths and Getting to Zero, to end 90% of new HIV infections. Then we will be the humane, safe and caring San Francisco we think and advertise that we are.

Post Jail Replacement Project Mandate: Next Steps and Recommendations 2018-2020 to close CJ7 (7th floor), Hall of Justice.

- Support the City/County's plan to move Criminal Justice Offices out of Hall of Justice by summer of 2019. This is a major step to close the Hall of Justice.
- End increased practice of arresting and incarcerating the homeless. Living on the streets is harmful as is incarceration---all because we have not yet provided adequate and appropriate health treatment and supportive housing. Incarceration is not an acceptable "solution" to homelessness. While such arrests do make the unhoused invisible, it creates a false impression that people are safer, it is well documented that increasing incarceration of the homeless for illegally living on the street as a housing and shelter strategy, does not increase safety and is costly. The JRP and new alternative priorities especially community-based housing, subsidies and behavioral treatment is most effective and over time, less costly.
- Link and build strong reentry options with community-based non-profits, public services and appropriate housing including coops. Engage and contract with community and public agencies that have competencies, commitments and measurable outcomes serving the populations at risk.
- Advocate legislation and funding locally, regionally and statewide.

While there is not 100% consensus to fully renovate CJ2, next to the Hall of Justice, it needs to be discussed further. To close the Hall of Justice, the Sheriff will need a new administrative office, kitchen, meeting rooms, some disability cells and holding cells for the daytime court appearance of prisoners who are transported from CJ5, San Bruno.

- Develop and monitor system of reporting key indicators of racial and ethnic disparities (as recommended by E. Hayward Institute).
- Accept and implement Cis/transgendered female working group Strategic Plan to reduce the justice-involved females, reduce administrative segregation, improve relevant community-based placement and housing relationships and referrals and other measurable objectives.
- Incorporate the top community based residential treatment and supportive housing priorities of JRP housing working group. It is critical to engage and partner with outcome driven-community-based organizations such as Swords to Plowshares to reduce criminalizing people who need services and housing before they are arrested, pretrial diversion and reentry. The Swords to Plowshares model prevents incarceration and provides supportive reentry with documented outcomes that reduces harm and recidivism.
- Structure quarterly updates to Board of Supervisors, Public Safety and Neighborhood Committee, and include accountability for established priorities, measurable objectives, investments and changes to reduce general population of justice-involved individuals especially among POC. The criteria for measurable success must include bookings reports by classification (type of felony, misdemeanors and outstanding warrants) and by high, medium, or low risk assessment.
- Preserve the nonprofit San Francisco Pretrial Diversion Project (SFPDP) rather than turn the assessment and case supervision functions into an Adult Probation Department program as written into the recently enacted SB10, amended to SB 1054, legislation. The Pretrial mission is to facilitate positive and effective alternatives to fines, criminal prosecution, and detention through alternatives to incarceration, fine and fee alternatives and diversion and deflection. For over 40 years, SFPDP has played the role of a neutral party advising the Courts with outcomes, exceeding industry standards. Taxpayers for Public Safety strongly opposes the SFPDP's transfer to the Probation Department. SFPDP is a neutral body, not part of law enforcement with a long-

standing history and current success. Their success includes hiring and promoting formerly incarcerated people. Taxpayers for Public Safety supports a state legislative amendment (carve-out) that Pretrial remain a nonprofit retaining is contract with the Superior Court of San Francisco or incorporate, as did Santa Clara, as a San Francisco General Services Agency.

- Address and eliminate systemic racial disparities of incarceration rates central to permanent closure of seismically unsafe CJ4. Reduce the POC incarcerated population 50% by 2022. For the past four decades or more, City/County 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 (over 50% of total cell beds). This is true throughout the Criminal Justice System not only jail---arrest, arraignment, pretrial, conviction, as the Burns report of June 2017 documented. To date, investments by JRP have not reduced the black population significantly; at-least not yet. This is long overdue trend to end. As San Franciscans we must honestly and publicly task ourselves and commit our leadership to this mission.
- Non-Criminal Justice City/County functions and programs are a significant factor in order to eliminate inappropriate paths to incarceration and to reduce SF 45-80% recidivism rates.
- Continued renovation of CJ2 (built as work furlough function, 1994), not to increase the number of cells but to repair aging problems (leaky roof other repairs and upgrades, adding family meeting rooms, disability cells, administrative offices, kitchen, holding cells for CJ5 prisoners who have court dates). This will permit the Sheriff's Department administrative and support functions to move out of Hall of Justice.
- Invest in TAY population (youth ages 18-25) who are 12% of general San Francisco population and 26% of the female and male inmates, mostly POC. Establish a specific strategy and investment to reduce the TAY incarcerated by 50% by 2025, as recommended by Youth Commission.
- Expand and develop behavioral health services and appropriate housing for mentally ill and substance abuse disorders, including severely mentally ill (SMI) who are 14-17% of the incarcerated. Residential treatment, assisted living, and co-ops have shown these are the housing options that create safety and reduce recidivism.

- Recommend that Board of Supervisors, Public Safety and Neighborhood Committee, establish a written policy to conduct a bi-annual comprehensive Criminal Justice System and Office of the Controller, report and hearing as one of its functions and responsibilities. The intent of report is to hold all functions of Criminal Justice System publicly accountable, transparent, written with measurable priorities and timelines, to reduce and end inappropriate and biased incarceration.
- Prioritize diversion and at every exit, with partners such as the Departments of Public Health and Department Homelessness and Supportive Housing, not only ancillary service providers to Criminal Justice System. This includes ongoing partnerships with the courts, the Pretrial program with Police, Public Defender, Probation, District Attorney and the Sheriff. Evaluate impact on rates of incarceration and recidivism.
- Stop the increased arrest for “illegally living on the street” which negates significant investments to close the jail and criminalizes people who have been evicted, disabled and living on the street, and those without inadequate resources to pay rent.
- Consider that the City/County pedestrian safety project goals have significantly decreased pedestrian deaths. Yet more needs to be accomplished and the Board of Supervisors and Mayor continue to evaluate, and pursue the stated commitment. Getting to Zero for new infection of HIV/AIDS by 2020 made more than significant progress, the best ever, this past year, but not yet a 100% success because of lack of housing. We appreciate the work that has been accomplished thus far and be mindful of what creates true public safety and healthy communities. Strategies may need revisions but the measurable objectives must be maintained with specific and public accountability, and scheduled reports to Board of Supervisors. The closure of CJ4 (7th floor of Hall of Justice) by investing in relevant community interventions and reform of Criminal Justice System remains critical. Public accountability and transparency are key next steps. The City/County’s growing commitment to community-based investment in particular to modifications to bail, community health, and appropriate supportive housing are of highest priority.

In summary:

Implementation and investment in renovation of CJ6 is premature. Maintain closure of CJ6 at San Bruno. JRP investments to divert and establish effective reentry interventions have only been implemented for a year or

less. For instance, Hummingbird Respite Center has opened, but ZSFGH (37 beds for SMI, 14-17% of the jail population) is scheduled to open 2020-21. Safe consumption/injection site has been delayed. Some interventions need to change, others eliminated, other expanded.

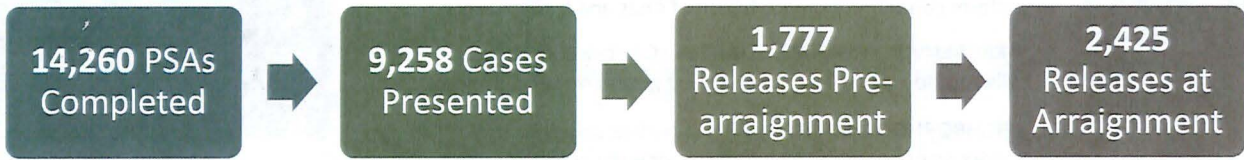
Attachments:

- San Francisco No new jail coalition document
- Behavioral Health Justice Center proposal critique
- Transgender Bill of Rights
- Cis/transgendered women's group goals and objectives

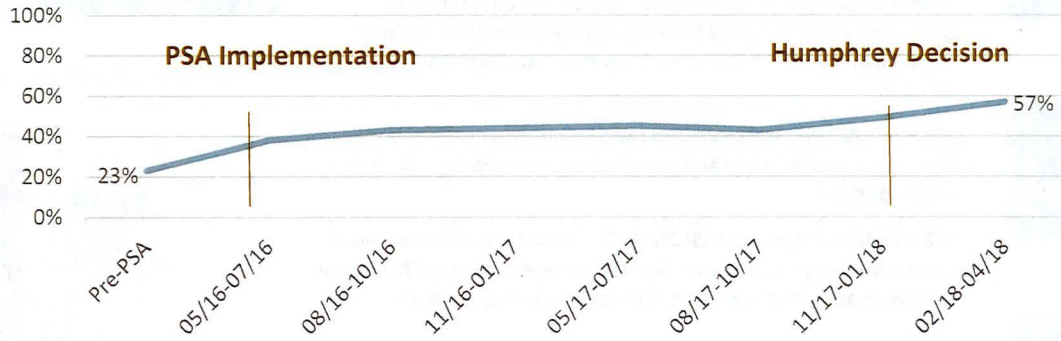


SAN FRANCISCO PRETRIAL DIVERSION PROJECT

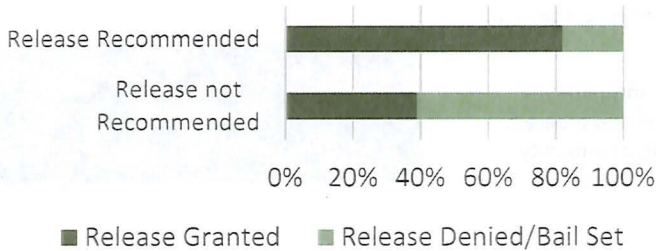
Own Recognizance Program May 2016 - April 2018



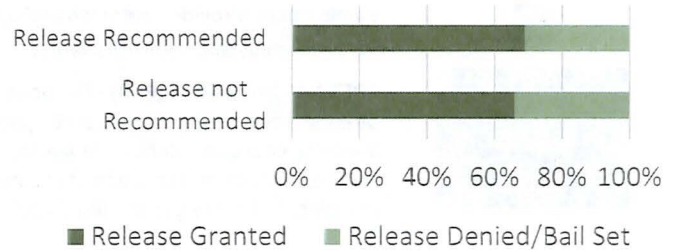
Pretrial Release Decision Rate



Pre-Arraignment Q2 2018

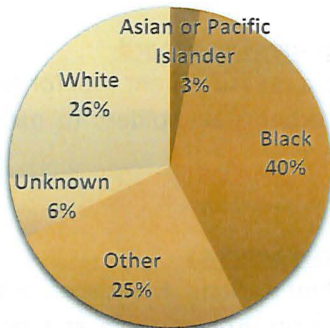


Arraignment Q2 2018

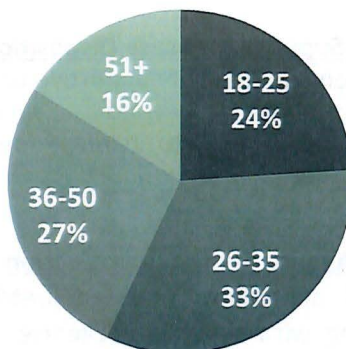


Assertive Case Management Caseload Distribution

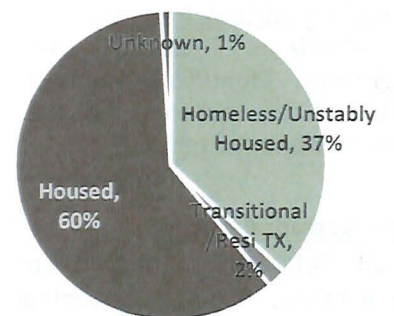
Race/Ethnicity



Age Range



Housing Status





SAN FRANCISCO PRETRIAL DIVERSION PROJECT

Traditional Case Trajectory



PROJECTS 20/22 - For cases referred from Traffic Court to perform community service in lieu of fines and traffic tickets.

STREET ENVIRONMENTAL SERVICES - City beautification in collaboration with DPW, emphasizing graffiti removal projects

NEIGHBORHOOD COURT (NCT) - In partnership with the District Attorney's Office and the community, a program that utilizes a restorative justice model to give residents the opportunity to resolve non-violent and misdemeanor crimes in their neighborhood.

OWN RECOGNIZANCE PROJECT - Facilitates Probable Cause review within 48 hours of arrest AND facilitates pretrial release by collecting and presenting criminal history summaries, incident reports, and a PSA at the pre-arraignment and arraignment stages of case.

OR - NO ACTIVE SUPERVISION (NAS) - Individuals are released on their own recognizance and provided court reminder calls before each court date.

OR - MINIMUM SUPERVISION (MS) - Individuals are released on their own recognizance and required to report to our office twice per week and are given court reminder calls prior to each court date.

ASSERTIVE CASE MANAGEMENT (ACM) - Program for intensive needs clients with selected felony and misdemeanor cases referred by the Courts. Connects clients with long-term community-based resources for substance use, mental health, education and employment. Provides outreach and appointment escort services for high-needs and high-risk clients.

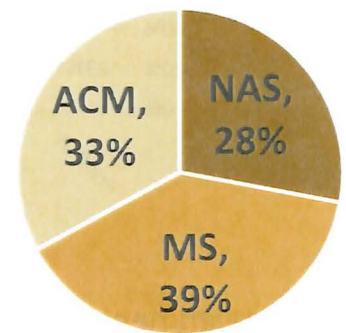
PRETRIAL DIVERSION (PTD) - Provides first-time misdemeanor offenders the opportunity to participate in a diversion program involving education, substance abuse, counseling, community service, and victim restitution. If the program is successfully completed, the charges are dismissed.

Since January 2016, 834 clients have had their cases successfully adjudicated through NCT

88%
appearance rate

90%
safety rate

Release Program Distribution



Since May 2016, 566 clients have had their cases dismissed through PTD

Building on 42 Years of Experience

Decrease Jail Population

Expand Second Look Program

For defendants in-custody past arraignment, identify & connect individuals to services in the community prior to release

Bench Warrant Returns

For all defendants arrested for pretrial failure to appear, criminal history information to the Courts to provide expanded information to inform release decision

Decrease Recidivism

Client Support Post-case Disposition

For clients in need of supportive case management beyond court mandated services to increase long-term success

Local Agency Service Coordination

For all defendants released pretrial, working with other city agencies to remove barriers to services, reduce service duplication, and track outcomes for all defendants released pretrial

Partnership Development

Outcomes Dashboard

Build a measurement tool for Judges and other stakeholders to measure impact

Pretrial Services

Continue San Francisco Pretrial Diversion Project's role as a neutral non-profit service provider, content and implementation expert

Alisha Alcantar Tomovic
10/24/18

Proposition 172 Facts

A Primer on the Public Safety Augmentation Fund

Background: A Sales Tax for Public Safety Born Out of ERAF

In 1992, facing serious budget deficits, the California Legislature and Governor Wilson instructed county auditors to shift the allocation of local property tax revenues from local government to “educational revenue augmentation funds” (ERAFs), directing that specified amounts of city, county and other local agency property taxes be deposited into these funds to support schools. School funding from the state general fund was reduced by a commensurate amount. To cushion the impact of the ERAF shifts, the California Legislature and Governor Wilson submitted to the voters a proposal for a new half cent sales tax to be dedicated to local public safety including sheriff, police, fire, county district attorneys, and corrections. Proposition 172, the Local Public Safety Protection and Improvement Act of 1993, was approved by 58% of the voters.

The Proposition 172 half-cent sales tax actually replaced a prior half-cent sales tax for public safety imposed by the Legislature and Governor Wilson for the 2003 year. That sales tax, also intended as a mitigation for ERAF, replaced a half-cent state sales tax for earthquake insurance. Consequently, taxpayers saw no net increase in their overall tax burden from Proposition 172.

What Public Safety Services Can Proposition 172 Be Spent On?

A city or county that receives Proposition 172 funds must place the revenues in a special revenue fund to be expended only on public safety services as defined in Government Code Section 30052. Eligible services include sheriffs, police, fire, county district attorneys, corrections and ocean lifeguards.¹ Government Code Section 30056 contains “maintenance of effort” provisions concerning Proposition 172 funds requiring cities and counties to maintain funding levels to public safety functions which receive Proposition 172 funds. These provisions ensure that Proposition 172 funds are spent on public safety services as defined.

Allocation of Proposition 172²

The one-half cent sales tax imposed by Proposition 172 is collected by the State Board of Equalization and apportioned to each county based on its proportionate share of statewide taxable sales. Each county is required to deposit this revenue in a Public Safety Augmentation Fund to be allocated by the County Auditor to the county and cities within the county.

Mindful of the substantially larger proportion of ERAF paid statewide by counties than by cities or special districts, legislative leaders initially considered allocating all Proposition 172 proceeds to counties only. But they realized the success of Proposition 172 with the voters would be enhanced with the support of city officials, police and fire chiefs, police officers and city firefighters, so a portion was allocated to cities.

Government Code Section 30051 requires each County Auditor to allocate the revenues in the county Public Safety Augmentation Fund (PSAF) to the county and each city in that county based on their proportionate share of net property tax loss due to ERAF as defined. For the purposes of allocating PSAF revenue, an agency’s “net property tax loss” is defined as the that agency’s 1993-94 property tax loss due to phase II of ERAF, reduced by that agency’s 1993-94 one-time receipt of funds from the Transportation Planning and Development Account.

¹ Government Code Section 30052

² Government Code Section 30051 et seq.

Phase II of ERAF³, which began in 1993-94 is based on each agency's estimated receipt of property tax revenues under AB8 of 1980. Cities that received no property tax or that did not exist in 1980 are not affected by this phase of ERAF and consequently are ineligible for Proposition 172 revenues.

The law provides nine counties with unique allocation formulas. These unique formulas are the result of special circumstances and negotiated compromises. These exception counties are:

- Fresno, Kings, Merced, San Bernardino, San Joaquin, Solano, Yolo (Gov Code Sec 30055(b))
- Alameda (Gov Code Sec 30055(c))
- San Diego (Gov Code Sec 30055(d))

Cities in San Diego County initially had their allocation capped at 5% under the same provision that still affects cities in Fresno, Kings, Merced, San Bernardino, San Joaquin, Solano, and Yolo counties. In 1996, cities in the San Diego County sought to get out from this cap. Under a compromise solution, reluctantly supported by the County of San Diego, the cities and the professional firefighters,⁴ a new, special code section was adopted with allocation factors for San Diego County and cities that were calculated to match the factors that would apply under the section that applies to most other counties.⁵ Thus, the Proposition 172 allocations in San Diego County today effectively treat the county and cities the same as most others in the state.

How Much Mitigation Does Proposition 172 Provide For ERAF?

Cities contribute 14% of ERAF funds, counties 77%, and special districts 7% annually (see Chart 2A). Proposition 172 mitigates about 19% of the annual statewide ERAF property tax loss for cities, about 61% of the statewide ERAF losses of counties (see Chart 2B). But Proposition 172 allocations do not mirror ERAF property tax shifts. Local agencies vary in the degree to which Proposition 172 compensates for ERAF property tax loss.

Individual agency losses to the ERAF property tax shifts are primarily related to property tax revenues received by each agency in the post-Proposition 13 property tax shift often referred to as the "AB8 bailout."⁶ Proposition 172 allocations depend primarily on the volume of taxable sales occurring in each county. Within each county Proposition 172 allocations are allocated to cities and the county based on a part of the ERAF shift. Because the intent of Proposition 172 has always been to mitigate the impacts of the ERAF property tax shifts on public safety services, cities that were not impacted by this phase of the shift do not receive Proposition 172 revenues.

For a complete listing of Proposition 172 allocations for all cities and counties see "Net Impact of ERAF, Prop 172 and COPs" at <http://www.californiacityfinance.com/ERAFbyCity06.pdf>

mjgc

³ Revenue and Taxation Code Section 97.3

⁴ The policy committee analyses of SB8 (1996) lists all these as supporters.

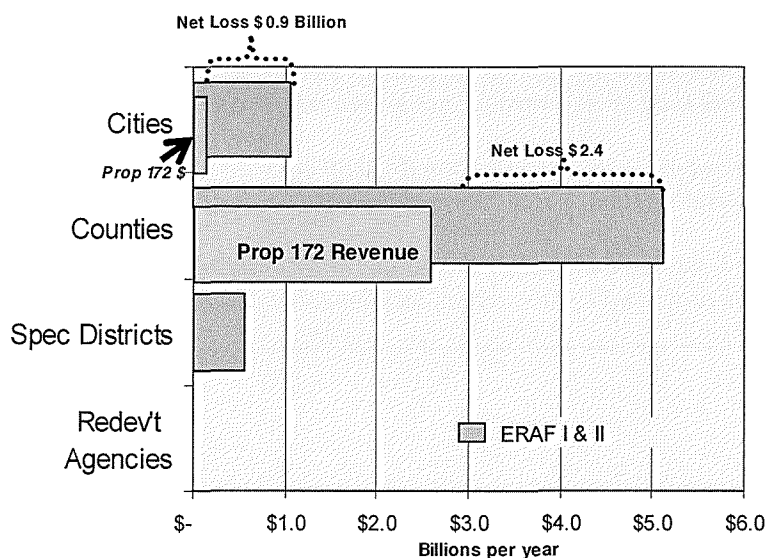
⁵ This reduced the county's share from 95% to 94.35% and adjusted the collective share to cities from 5% to 5.65%. The San Diego County Auditor estimated this change cost the county \$848,000 in 1996-97. In FY05-06 the effect is roughly \$1.5 million.

⁶ AB8 (Greene) Statutes of 1980

Fast Facts on Proposition 172

- The purpose of Proposition 172 was not necessarily to increase public safety funding, but to maintain public safety funding levels in spite of ERAF property tax shifts.
- Counties, the primary losers under ERAF, were the primary recipients of Proposition 172.
- Fire and police special districts receive no Proposition 172 funding because they are virtually exempt from ERAF.
- Proposition 172 funds go to many cities and some counties that don't provide or fund fire service.⁷ The purpose of Proposition 172 is to mitigate the impact of ERAF on public safety – but not just fire and regardless of what specific levels of service or responsibility a particular agency might have.
- Phase II ERAF did not affect cities that got no post-Proposition 13 AB8 benefit, such as no property tax cities or those that incorporated after 1980. These cities have substantially lower ERAF impacts than others. Consequently, they don't get a share of Proposition 172.

Chart 1: Net Loss E.R.A.F. & Prop172 FY06-07



	ERAF	Prop172	Net
Cities	-1,058	163	-895
Counties	-5,109	2,707	-2,402
Spec Distri	-556	0	-556
Redev't Ag	0	0	0
TOTAL	-6,723	2,871	-3,853

⁷ 72 cities and over 20 counties do not fund or provide fire protection services. In these jurisdictions the services are funded and provided by special districts. Fire protection services are completely exempt from ERAF II.

Proposition 172: California Constitution Article XIII Section 35

SEC. 35. (a) The people of the State of California find and declare all of the following: L (1) Public safety services are critically important to the security and well-being of the State's citizens and to the growth and revitalization of the State's economic base. L (2) The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.

(3) In order to assist local government in maintaining a sufficient level of public safety services, the proceeds of the tax enacted pursuant to this section shall be designated exclusively for public safety.

(b) In addition to any sales and use taxes imposed by the Legislature, the following sales and use taxes are hereby imposed:

(1) For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this State on and after January 1, 1994.

(2) An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on and after January 1, 1994, for storage, use, or other consumption in this State at the rate of percent of the sales price of the property.

(c) The Sales and Use Tax Law, including any amendments made thereto on or after the effective date of this section, shall be applicable to the taxes imposed by subdivision (b).

(d) (1) All revenues, less refunds, derived from the taxes imposed pursuant to subdivision (b) shall be transferred to the Local Public Safety Fund for allocation by the Legislature, as prescribed by statute, to counties in which either of the following occurs:

(A) The board of supervisors, by a majority vote of its membership, requests an allocation from the Local Public Safety Fund in a manner prescribed by statute.

(B) A majority of the county's voters voting thereon approve the addition of this section.

(2) Moneys in the Local Public Safety Fund shall be allocated for use exclusively for public safety services of local agencies.

(e) Revenues derived from the taxes imposed pursuant to subdivision (b) shall not be considered proceeds of taxes for purposes of Article XIII B or state General Fund proceeds of taxes within the meaning of Article XVI.

(f) Except for the provisions of Section 34, this section shall supersede any other provisions of this Constitution that are in conflict with the provisions of this section, including, but not limited to, Section 9 of Article II.

Proposition 172. Local Public Safety Protection and Improvement Act of 1992.

Analysis by the Legislative Analyst

Background

A sales tax is imposed on most goods purchased in California. This tax consists of statewide uniform sales taxes and optional local sales taxes.

Uniform Sales Taxes. These taxes include both state and local government components. The state sales tax rate is currently 6 percent. Since 1967, a statewide local sales tax of 1.25 percent also has been imposed in all counties. Thus, the uniform statewide sales tax rate is 7.25 percent. Under current law, the state rate will decrease by one-half percent on January 1, 1994, thus reducing the uniform rate by a similar amount.

Optional Local Sales Taxes. Counties also have the option of levying additional sales taxes, not to exceed 1.5 percent, to pay for local programs, such as transportation and education. At the present time, 21 of the state's 58 counties levy at least one of these optional taxes. As a result, the total sales tax rate varies from county to county, but averages approximately 8 percent statewide. Figure 1 shows the current total sales tax rate in each of California's counties.

Proposal

This measure places a one-half percent state sales tax rate in the state's Constitution, effective January 1, 1994. As a result, the state's portion of the sales tax rate would remain at its current 6 percent level.

The measure requires that the revenues from the additional one-half percent sales tax be used only for local public safety activities, which include police and sheriffs' departments, fire protection, county district attorneys, county probation, and county jail operations. The amendment adds to the Constitution a statement that declares that public safety is the first responsibility of local government, and that local government officials have an obligation to give priority to the provision of public safety services.

The additional sales tax revenues resulting from this measure are intended to offset part of the \$2.3 billion in county and city revenue losses that resulted from adoption of the state's 1993-94 budget. Specifically, \$2.3 billion in annual property tax revenues were shifted from counties and cities to the schools, thereby reducing the state's funding obligations to public schools. [Emphasis added] Revenue generated from this addition to the sales tax rate would be allocated to counties whose board of supervisors had adopted a resolution in support of this measure by August 1, 1993. Alternatively, if no resolution had been adopted, a county would receive the funds only if a majority of its voters approve this measure.

Fiscal Effect

For fiscal year 1993-94, passage of this measure is projected to generate approximately \$714 million in additional revenue for counties and cities. On a full-year basis (beginning in 1994-95), this measure raises approximately \$1.5 billion in revenue. **These annual revenues would offset, on a permanent basis, about 65 percent of the statewide property tax loss to counties and cities resulting from the 1993 state budget actions. [Emphasis added]**

Date of Hearing: April 20, 1994

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Mike Gotch, Chair

AB 2788 (Epple) - As Amended: April 18, 1994

ASSEMBLY ACTIONS:

COMMITTEE L. GOV. VOTE> COMMITTEE W. & M. VOTE>

SUBJECT: Revises the conditions under which local entities in a certain
§ county may be eligible for an allocation from that county's
Public Safety Augmentation Fund.

DIGEST

Existing law:

- 1) Pursuant to Article XIII, Section 35 of the California Constitution:
 - a) Imposes a sales and use tax at the rate of 0.5% (1/2-cent) effective January 1, 1994, and specifies that revenues from this tax shall not be considered proceeds of taxes for purposes of the state constitutional appropriations limit (pursuant to Article XIII B of the California Constitution) or state General Fund proceeds of taxes for purposes of Article XVI of the California Constitution (Proposition 98 school funding guarantee).
 - b) Requires all proceeds from the 1/2-cent sales tax imposed pursuant to a) above to be deposited into the Local Public Safety Fund for allocation to counties by the Legislature, as prescribed by statute, exclusively for public safety services of local agencies.
 - c) Requires, in order for a county to receive revenues attributable to the 1/2-cent sales tax, that either of the following occur:
 - o A majority of the board of supervisors of the county must pass a resolution requesting an allocation of proceeds of the tax in a manner specified by the Legislature; or
 - o A majority of voters of the county voting in the November 2, 1993, election on the state constitutional amendment imposing the sales tax must vote in favor of the measure.
 - d) Provides that the 1/2-cent sales tax must conform to the Sales and Use Tax Law.

- continued -

AB 2788
Page 1

AB 2788

- e) Provides that the provisions imposing the 1/2-cent sales tax supersedes any provision of the California Constitution in effect as of November 2, 1993, which is in conflict with these provisions.

2) Pursuant to statutory law:

- a) Defines "public safety services" as including, but not limited to, sheriffs, police, fire protection, county district attorneys, county corrections, and ocean lifeguards. "Public safety services" does not include courts.
- b) Requires each county which is qualified to receive revenues from the 1/2-cent sales tax to establish a Public Safety Augmentation Fund (PSAF) for receipt of its share of the revenues.
- c) Requires amounts deposited into the PSAF to be allocated back to the county and each city within the county in proportion to the net amount of property taxes each of those entities lost in the 1993-94 fiscal year to the Educational Revenue Augmentation Fund (ERAF) for allocation to school entities. In no event may a city receive a sales tax allocation which exceeds 50% of its net property tax reduction. Sales tax amounts in excess of this 50% cap would be allocated to the county.
- d) Creates an exemption to the formula specified in c) above for Fresno, Kings, Merced, San Bernardino, San Diego, San Joaquin, Solano, and Yolo counties. In these counties, the total proportional allocation of sales tax proceeds to cities is limited to 5% of the sales tax amounts deposited in the county's PSAF. Additionally, the allocation of revenues to cities in Alameda County is limited to 6.1% of the funds in the county's PSAF.
- e) Provides that an allocation factor, rather than a computation of an actual amount, must be used for allocating the sales tax proceeds within each county in the 1993-94 fiscal year and each fiscal year thereafter. The factor assigns each local jurisdiction a share of the revenues in the county's PSAF, whereby in future years, the proceeds of the PSAF are allocated in the same proportion.

This bill:

- 1) For a county of the first class (i.e., Los Angeles County), limits the § definition of "public safety services" to include only sheriffs, police, fire protection, county district attorneys, county corrections, county probation officers, and ocean lifeguards.
- 2) As a condition of receiving an allocation from the county's PSAF, § requires Los Angeles County or any city within the county, including any charter city, that provides public safety services to demonstrate to the state Controller that it has allocated existing resources for each of the local public safety services (see #1 above) at either the 1991-92 or

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1992-93

fiscal year funding level, whichever fiscal year the local entity had the highest budget for all combined public safety services, including any staffing for capital facility projects, additional public safety service responsibilities mandated by the Legislature subsequent to the 1991-92 fiscal year, or any salary increases mandated by pre-existing labor contracts.

- 3) Requires the Controller to notify the county auditor of those local § entities that have met the requirement in #2 above.
- 4) Specifies that if Los Angeles County or any city within the county fails § to meet the requirement in #2 above, the county auditor must allocate that entity's share of the revenues in the PSAF proportionately among

those other local entities in the county that qualify for an allocation of those revenues.

- 5) Specifies that the provisions of this act must become operative on July 1 following the effective date of this act.
- 6) Contains legislative findings and declarations relating to the need for special legislation.

FISCAL EFFECT

State-mandated local program; contains a general disclaimer.

COMMENTS

- 1) Background.

To partially address an \$11.2 billion budget gap, the 1992-93 state budget included a shift of \$1.3 billion in property tax revenues from local governments to the Educational Revenue Augmentation Fund (ERAF) established in each county for allocation to school districts, county offices of education, and community college districts (i.e., school entities), in order to relieve a portion of the state General Fund's obligation to fund K-14 education, as follows:

Counties	\$ 525 million
Cities	200 million
Special Districts	375 million
Redevelopment Agencies (one-year only)	200 million
TOTAL:	\$1,300 million

No new revenues or revenue authority were provided to local agencies to offset their 1992-93 property tax revenue losses.

To partially address an \$8.0 billion budget gap, the 1993-94 state budget included a further shift of \$2.595 billion in property taxes from local governments to the ERAF, as follows:

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Counties	\$1,998 million
Cities	288 million
Special Districts	244 million
Redevelopment Agencies	65 million
TOTAL:	\$2,595 million

To partially offset the 1993-94 property tax revenue losses of counties and cities, the Legislature and the Governor provided a one-time allocation of vehicle license fee revenues (from a redirection of state transportation funds) totaling \$130 million to be disbursed in proportion to their respective shares of the total property tax revenue reduction.

The Legislature and the Governor also agreed to extend the then-temporary 1/2-cent sales tax (due to expire June 30, 1993) through December 1, 1993, and dedicated the revenue generated for local public safety. Proceeds from this extension of the 1/2-cent sales tax must be deposited into the Local Public Safety Fund and distributed to certain counties (i.e., counties that adopt a specified resolution) based on a county's proportionate share of statewide taxable sales (on a "situs" basis).

Additionally, the Legislature and the Governor agreed to submit SCA 1 (Committee on Budget and Fiscal Review) Resolution Chapter 41, Statutes of 1993, to the voters on November 2, 1993 (the ballot measure was Proposition 172). SCA 1 imposes a permanent 1/2-cent sales tax effective January 1, 1994, to provide a dedicated revenue source for public safety purposes.

Proposition 172 was approved by 57.8% of the voters.

2) Intent of Proposition 172.

This bill establishes a maintenance-of-effort (MOE) level of funding for Los Angeles County and cities within that county before they are eligible to receive any allocation of the Proposition 172 funds.

Proposition 172 and SB 509 (Committee on Budget and Fiscal Review) Chapter 73, Statutes of 1993, which provides for allocation of the proceeds from the permanent 1/2-cent sales tax, reflect the agreement reached by the Governor and the legislative leadership relating to the provision of a dedicated revenue source for public safety purposes. Although a MOE requirement was considered by the Governor and the legislative leadership, it was rejected. Consequently, neither measure makes reference to a MOE requirement.

In fact, the analysis of the ballot measure prepared by the Legislative Analyst states:

"The measure requires that the revenues from the additional one-half percent sales tax be used only for local public safety activities, which include police and sheriffs' departments, fire protection, county district attorneys, county probation, and county jail

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operations. The amendment adds to the Constitution a statement that declares that public safety is the first responsibility of local government, and that local government officials have an obligation to give priority to the provision of public safety services.

The additional sales tax revenues resulting from this measure are intended to offset part of the \$2.3 billion in county and city revenue losses that resulted from adoption of the state's 1993-94 budget. Specifically, \$2.3 billion in annual property tax revenues were shifted from counties and cities to schools, thereby reducing the state's funding obligations to public schools. Revenue generated from this addition to the sales tax rate would be allocated to counties whose board of supervisors had adopted a resolution in support of this measure by August 1, 1993. Alternatively, if no resolution had been adopted, a county would receive the funds only if a majority of its voters approve this measure.

For fiscal year 1993-94, passage of this measure is projected to generate approximately \$714 million in additional revenue for counties and cities. On a full-year basis (beginning in 1994-95), this measure raises approximately \$1.5 billion in revenue. These annual revenues would offset, on a permanent basis, about 65 percent of the statewide property tax loss to counties and cities resulting from the 1993 state budget actions."

Furthermore, public safety representatives recognized that Proposition 172 was intended to backfill the 1993-94 property tax losses of counties and cities; some of these representatives even signed a ballot argument

supporting the measure stating that deep cuts in public safety programs would occur without the sales tax proceeds resulting from this measure.

Proposition 172 was endorsed by the California State Sheriffs' Association, California District Attorneys' Association, California Fire Chiefs' Association, California Police Chiefs' Association, Association of Los Angeles Deputy Sheriffs, California Organization of Police and Sheriffs, California Professional Firefighters, California Peace Officers Association, Los Angeles Police Protective League, Association of Orange County Deputy Sheriffs, and the Los Angeles County Professional Peace Officers' Association.

On July 22, 1993, Attorney General Dan Lungren, in a letter addressed to all California district attorneys, acknowledged that Proposition 172 funds were not required to be used to supplement existing law enforcement budgets.

3) Potential Concerns.

This bill is similar to AB 3746 (Mountjoy), which is also scheduled to be heard by the Committee today.

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Opponents of AB 3746 have similar concerns with this bill, which include the following:

- a) This bill sets an unrealistic requirement that may be difficult for Los Angeles County to meet, as it fails to recognize the property tax shifts enacted via state budget actions over the last two years. Consequently, this bill would impact Los Angeles County public safety entities negatively, whereby they would not receive any of the proceeds from the permanent 1/2-cent sales tax.
- b) This bill guarantees a level of funding for public safety entities in Los Angeles County regardless of the needs of those entities. By not allowing the county board of supervisors to allocate moneys from the PSAF as it sees fit, this bill reduces local flexibility and eliminates incentives for cost reductions and program innovation.
- c) This bill will severely limit the ability of the Los Angeles County board of supervisors to address the diverse needs of its constituents, as it essentially holds public safety services harmless from funding cuts and diverts the focus of county budget cuts to non-public safety program areas (e.g., parks, recreation programs, libraries). Local officials note that these non-public safety program areas are necessary preventative programs that ultimately could reduce the funding required for public safety expenditures in the future.
- d) This bill changes the terms of the measure that the voters approved and may be unconstitutional.

4) Implementation Problems.

This bill will likely cause confusion since it revises the allocation of the Proposition 172 funds without repealing the existing provisions prescribing that allocation, and contains undefined terms.

5) Purpose of AB 2788.

According to the author, although this bill currently addresses the

distribution of the Proposition 172 funds among public safety entities in Los Angeles County only, it is intended to be a measure also to address revisions in the allocation of those funds among public safety entities in other counties as more information becomes available and agreement is reached by the affected parties in those counties.

The author states that in Los Angeles County, the District Attorney's office and the board of supervisors have reached agreement on revising the PSAF allocation to that office, but notes that the Sheriff's office still is negotiating with the board over its PSAF allocation.

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SUPPORT

OPPOSITION

Assoc. for Los Angeles Deputy Sheriffs Los Angeles County Probation Union, AFSCME, Local 685	None on file.
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