

File No. 151177

Committee Item No. 42

Board Item No. 41

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance

Date December 2, 2015

Board of Supervisors Meeting

Date DECEMBER 15, 2015

### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date November 23, 2015

Completed by: L.W. Date 12/10/15

[Appropriation and De-Appropriation - Expenditures for Mental Health Services - \$1,483,000 - FY2015-2016]

**Ordinance appropriating \$1,483,000 for capital construction for the renovation of San Francisco General Hospital to accommodate mental health services in the Department of Public Health and de-appropriating \$1,483,000 in FY2015-2016.**

Note: Additions are single-underline italics Times New Roman;  
 deletions are ~~strikethrough italics Times New Roman~~.  
 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The uses of funding outlined below are herein de-appropriated to reflect the projected sources of funding for FY2015-2016.

**Uses De-Appropriation**

Fund	Index/Project Code	Subsubject	Description	Amount
1G AGF AAA	HCHSFHPADMGF	02700	THIRD PARTY	(\$1,483,000)
GF – NON PROJECT			ADMINISTRATOR	
CONTROLLED			PAYMENTS	
<b>Total USES De-Appropriation</b>				<b>(\$1,483,000)</b>

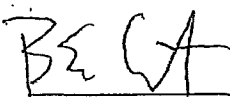
1 Section 2. The uses of funding outlined below are herein appropriated to reflect the  
2 projected funding available for FY2015-2016.

3  
4 **Uses Appropriation**

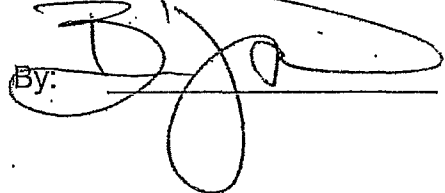
5 Fund	Index/Project Code	Subobject	Description	Amount
6 5H AAA ACP	HGH1HUN70011/	06700	SAN FRANCISCO	\$1,483,000
7 SFGH - CONTINUING	CHGW7A 02		GENERAL HOSPITAL	
8 PROJECT OPERATING			RENOVATION OF	
9 FUND			WARD 7A IN BUILDING	
10			5	
11				
12				
13				
14 <b>Total USES Appropriation</b>				<u>\$1,483,000</u>

15  
16 Section 3. The Controller is authorized to record transfers between funds and adjust  
17 the accounting treatment of sources and uses appropriated in this Ordinance as necessary to  
18 conform with Generally Accepted Accounting Principles.

19  
20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By:   
24 THOMAS OWEN  
25 Deputy City Attorney

FUNDS AVAILABLE:  
BEN ROSENFELD, Controller

By: 



<b>Item 42</b> <b>File 15-1177</b>	<b>Department:</b> Department of Public Health (DPH)
<b>EXECUTIVE SUMMARY</b>	
<b>Legislative Objectives</b>	
<ul style="list-style-type: none"> <li>• The proposed ordinance de-appropriates \$1,483,000 in General Fund monies, previously appropriated to Third Party Administrator payments, and re-appropriates \$1,483,000 to pay for the renovation costs related to the relocation of the Mental Health Rehabilitation Center from the third floor of 888 Potrero Avenue to Ward 7A of San Francisco General Hospital (SFGH).</li> </ul>	
<b>Key Points</b>	
<ul style="list-style-type: none"> <li>• The Mental Health Rehabilitation Center is a 24 bed mental health facility located on the third floor of the Behavioral Health Center at 888 Potrero Avenue. According to Ms. Jenny Louie, DPH Budget Manager, DPH proposes to relocate the Mental Health Rehabilitation Center to SFGH Ward 7A in order to free up the third floor of the Behavioral Health Center for a future Re-entry Respite Center. The renovation of Ward 7A for the relocation of the Mental Health Rehabilitation Center is expected to take 18 to 24 months.</li> <li>• The future Re-entry Respite Center will provide transitional housing and comprehensive mental health and substance abuse services for individuals being discharged from jail and collaborative court programs. According to Ms. Louie, DPH is currently developing the program model for the implementation of the new Re-entry Respite Center following the relocation of the Mental Health Rehabilitation Center.</li> </ul>	
<b>Fiscal Impact</b>	
<ul style="list-style-type: none"> <li>• The proposed ordinance de-appropriates \$1,483,000 in General Fund savings previously appropriated in FY 2014-15 to pay prior year health services claims and fees from third party administrators. According to Ms. Jenny Louie, DPH Budget Manager, the \$1,483,000 is not needed because these claims and fees were less than budgeted.</li> </ul>	
<b>Recommendation</b>	
<ul style="list-style-type: none"> <li>• Approve the proposed ordinance</li> </ul>	

**MANDATE STATEMENT**

City Charter Section 9.105 states that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

**DETAILS OF PROPOSED LEGISLATION**

The proposed ordinance de-appropriates \$1,483,000 in General Fund monies, previously appropriated to Third Party Administrator payments, and re-appropriates \$1,483,000 to pay for the renovation costs related to the relocation of the Mental Health Rehabilitation Center from the third floor of 888 Potrero Avenue to Ward 7A of San Francisco General Hospital (SFGH).

The Mental Health Rehabilitation Center is a 24 bed mental health facility located on the third floor of the Behavioral Health Center at 888 Potrero Avenue. According to Ms. Jenny Louie, DPH Budget Manager, DPH proposes to relocate the Mental Health Rehabilitation Center to SFGH Ward 7A in order to free up the third floor of the Behavioral Health Center for a future Re-entry Respite Center.

The future Re-entry Respite Center will provide transitional housing and comprehensive mental health and substance abuse services for individuals being discharged from jail and collaborative court programs. Clients will be provided case management, medications, outpatient services, and counseling. The estimated length of stay for each of these clients is approximately 6 to 9 months. The goal is to stabilize the clients for re-entry into permanent supportive housing.

In order to develop the Re-entry Respite Center, the Department of Public Health (DPH) will relocate the existing Mental Health Rehabilitation Center from its current location on the third floor of 888 Potrero Avenue to SFGH Ward 7A. The renovation of Ward 7A for the relocation of the Mental Health Rehabilitation Center is expected to take 18 to 24 months. According to Ms. Louie, DPH is currently developing the program model for the implementation of the new Re-entry Respite Center following the relocation of the Mental Health Rehabilitation Center.

**FISCAL IMPACT**

The proposed ordinance de-appropriates \$1,483,000 in General Fund savings previously appropriated in FY 2014-15 to pay prior year health services claims and fees from third party administrators. According to Ms. Jenny Louie, DPH Budget Manager, the \$1,483,000 is not needed because these claims and fees were less than budgeted.

The budget for the \$1,483,000 appropriation to relocate the Mental Health Rehabilitation Center to SFGH Ward 7A is shown in the Table below.

**Table: Construction Budget for New Re-entry Respite Center**

<b>Expenditures</b>	<b>Amount</b>
General contractor	\$175,000
Design contract	175,000
Permits and inspections	60,000
Hazardous material removal	34,000
Infection control	25,000
Demolition	25,000
Building and systems construction	648,730
American with Disabilities Act improvements	150,000
<b>Subtotal Construction</b>	<b>1,292,730</b>
Contingency (approximately 12%)	152,343
Insurance and bonds	37,927
<b>Total</b>	<b>\$1,483,000</b>

Source: DPH

**RECOMMENDATION**

Approve the proposed ordinance.





OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *EW* Mayor Edwin M. Lee *EW*  
RE: Appropriation and De-Appropriation - Expenditures of \$1,483,000 for  
mental health services - FY2015-2016  
DATE: November 17, 2015

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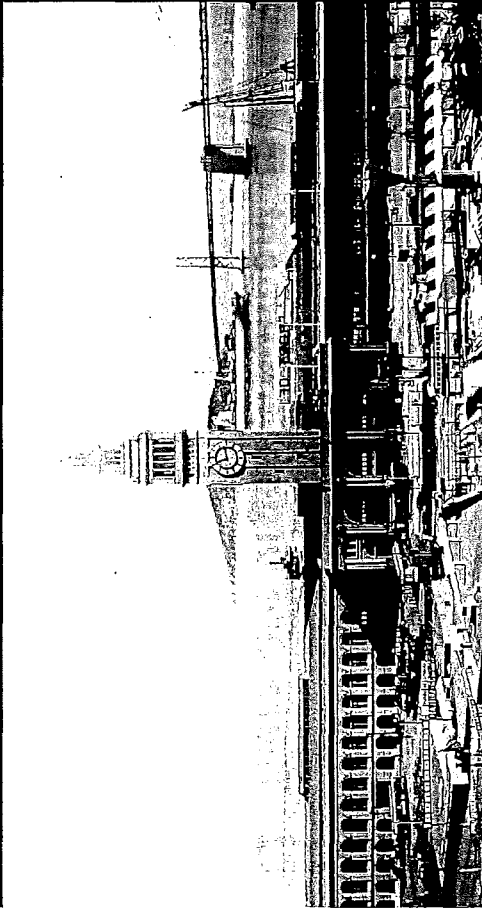
Attached for introduction to the Board of Supervisors is an Ordinance appropriating \$1,483,000 for capital construction for the renovation of San Francisco General Hospital to accommodate mental health services in the Department of Public Health and de-appropriating \$1,483,000 in FY2015-2016.

I respectfully request a waiver of the 30-day hold on this legislation.

Should you have any questions, please contact Nicole Elliott (415) 554-7940.

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# SF

Building Our Future

[onesanfrancisco.org](http://onesanfrancisco.org)



There's only one San Francisco. Let's take care of it.

## San Francisco Rehabilitation Detention Facility SB 863 Award and Project Financing

Board of Supervisors, Budget and Finance Committee

December 2, 2015

# Rehabilitation Detention Facility

## Current Risks and Needs

2

The HOJ is **seismically deficient and dangerous**

- Poses appreciable life hazards to inmates and staff
- Uninhabitable after a major earthquake
- Highly vulnerable to structural and non-structural damage
- Outdated, unsafe linear housing units
- Poor visibility and indirect supervision due to linear design increase risk of suicide and assault

San Francisco region				
Magnitude (greater than or equal to)	Average repeat time (years)	30-year likelihood of one or more events	Readiness	
5	1.2 (0.7)	100% (1.0)	1.0	1.0
6	8.9 (1.0)	98% (1.0)	1.0	1.0
6.7	29 (1.1)	72% (1.1)	1.1	1.1
7	48 (0.9)	51% (1.2)	1.1	1.1
7.5	125 (0.7)	20% (1.6)	0.9	0.9
8	825 (0.7)	4% (1.9)	1.0	1.0

United States Geological Survey Fact Sheet 2015-3009, March 2015

There are **urgent treatment and service needs** for the HOJ inmate population

- Inadequate access to treatment and support programs
- Insufficient confidential interview and group treatment rooms
- Shortage of treatment beds for persons with severe mental illness

*Up to 3,000 people use the Hall of Justice on a given day, making it the 2<sup>nd</sup> most used City building*



Photo: San Francisco Chronicle

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# Rehabilitation Detention Facility

## Costs of “No Jail”

3

- Failing to advance the RDF project comes at a heavy price to San Francisco

Loss of \$80M in State revenue to advance one of San Francisco’s most pressing capital and public safety needs

No savings to fund new psychiatric respite program

Out-of-county placements for inmates, creating distance from support networks

Prolonged structural safety risk to staff, inmates, and the public at the HOJ

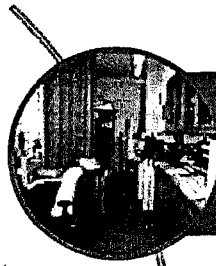
Correctional and rehabilitative staff unable to properly do their jobs due to poor building design and lack of space

Risk of court order or other action requiring construction of a replacement jail

# Rehabilitation Detention Facility Objectives

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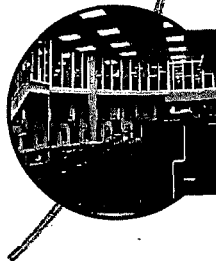
- The RDF project addresses several urgent needs for San Francisco



**Better Treatment & Outcomes**



**Safety for Inmates, Staff & Visitors**



**Finding the Best, Most Cost-Effective  
Option**

# Rehabilitation Detention Facility

## RDF Design for Improved Service Delivery

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- Pod-based design of RDF would mean greater access to successful in-house and nearby transitional support programs

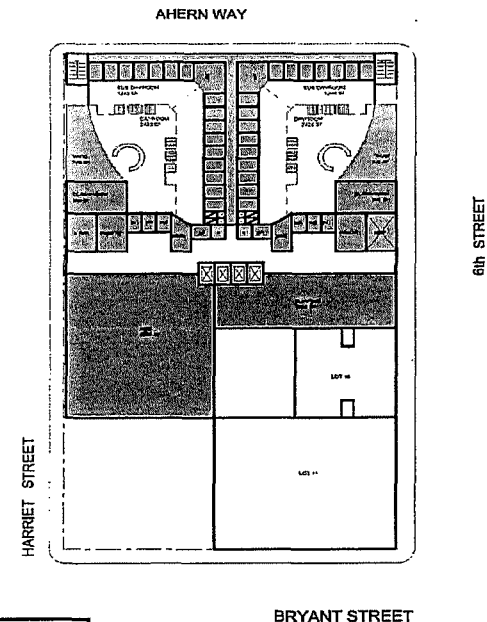
### Percentage of Population in Programs

CJ #5  
80%

HOJ  
20%

### HOJ vs RDF Building Areas Comparison (square feet)

Space Type	CJs #3 & #4	RDF	Difference Increase (Decrease)
Beds	905	384	(57)%
Housing	41,300	15,000	(64)%
Dayroom	22,200	50,000	125%
Classrooms - Program Areas	680	9,000	1,224%
Exercise Yard	5,900	5,100	52% per inmate
Medical/Health Services	1,200	7,000	483%



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# Rehabilitation Detention Facility

## Programmatic Need – HOJ Public Health Issues

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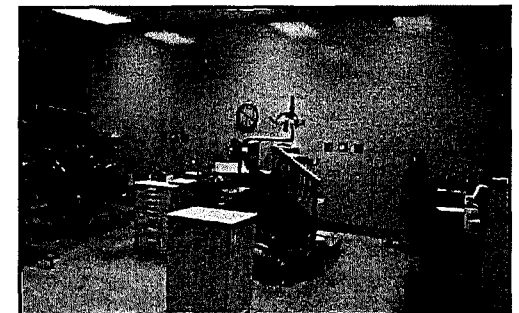
- Insufficient confidential interview, group treatment, and staff office space
  - Compromises patient confidentiality law compliance
  - Reduces treatment efficiency and effectiveness
  - Hampers placement upon release
- Poor visibility and indirect supervision increase risk of suicide and assault
- Limited access to gym area
  - Impacts health, wellness and recovery

### Treatment Space

County Jails 3 & 4  
(Current HOJ Facility)



County Jail 5  
(Vision for RDF)





# Rehabilitation Detention Facility

## Who Do We Serve?

7

Top ten diagnoses are primarily substance use, mental illness, and chronic diseases

1. Substance use
2. Asthma, lung diseases
3. Hypertension
4. Fractures and orthopedic problems
5. Psychosis
6. Skin disorders
7. HIV and AIDS
8. Hepatitis and liver disease
9. Chronic pain
10. Diabetes

# Rehabilitation Detention Facility

## Behavioral Health in the Jails

8

- 36% of inmates had contacts with Behavioral Health (BH) staff:  
4,918 in FY14-15
- 6.2%** of inmates were diagnosed with **serious mental illness (SMI)**:  
839 total unduplicated in FY14-15 (vs. 11-17% national average)
  - 80% had Substance Use Disorder co-morbidities
  - Each SMI inmate had an average of 62 contacts per year with BH staff due to higher medical needs and longer length of stay
- As we have seen at County Jail #5, improved jail housing design has the potential to:
  - Reduce inmate and staff stress
  - Positively impact inmate behavior and safety
  - Improve staff morale
  - Facilitate treatment

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# Rehabilitation Detention Facility

## Additional Psych Respite Program

9

- Acceptance of SB 863 financing allows for reallocation of funds to another pressing concern for San Franciscans: **addressing the needs of justice-involved persons with mental illness in the community**
- Enables creation of a **new Psychiatric Respite Program** run by the Department of Public Health (DPH)
  - Program will provide transitional housing and comprehensive mental health and substance abuse services for individuals being discharged from jail and collaborative court programs
  - Annual \$4M operational cost made possible by the SB 863 award
  - San Francisco to invest \$1.5M to assist with upfront capital development of the new voluntary Psychiatric Respite Program
  - Program projected to be operational by FY 17-18

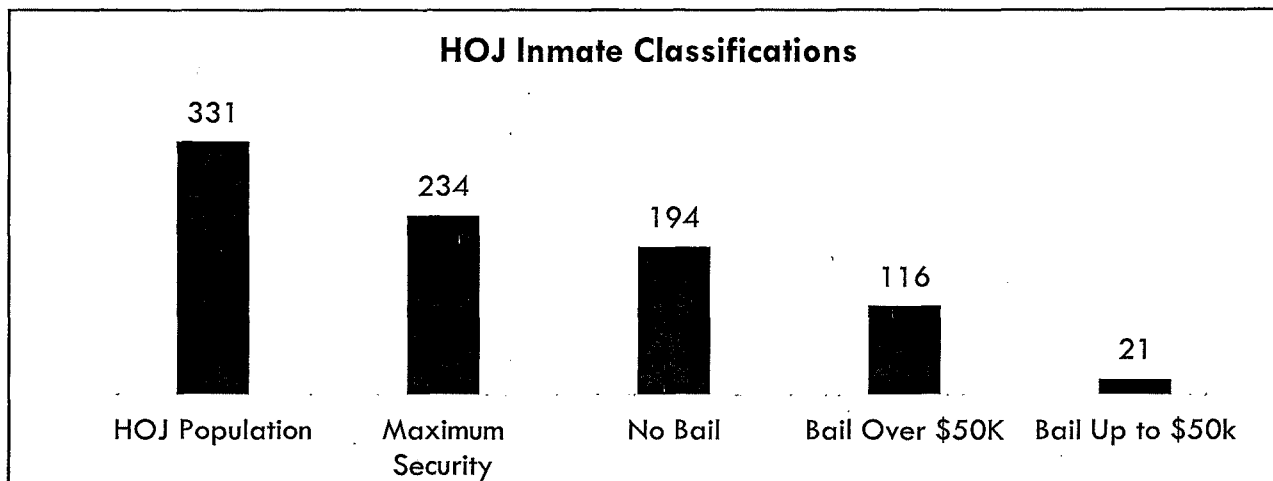
# Rehabilitation Detention Facility

## SF County Jail Population

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- Total booked (daily figure): 58
- Total number of inmates: 1270
  - Percentage with “no bail” status: 43.9%
  - Percentage with felony charges: 89.9%
- SVP and Gang classification factors
- Total in Alternative Sentencing Programs (daily figure): 112
- Total in Community-Based and Contracted Programs: 840
- Total Out-of-Custody Program Participants: 952

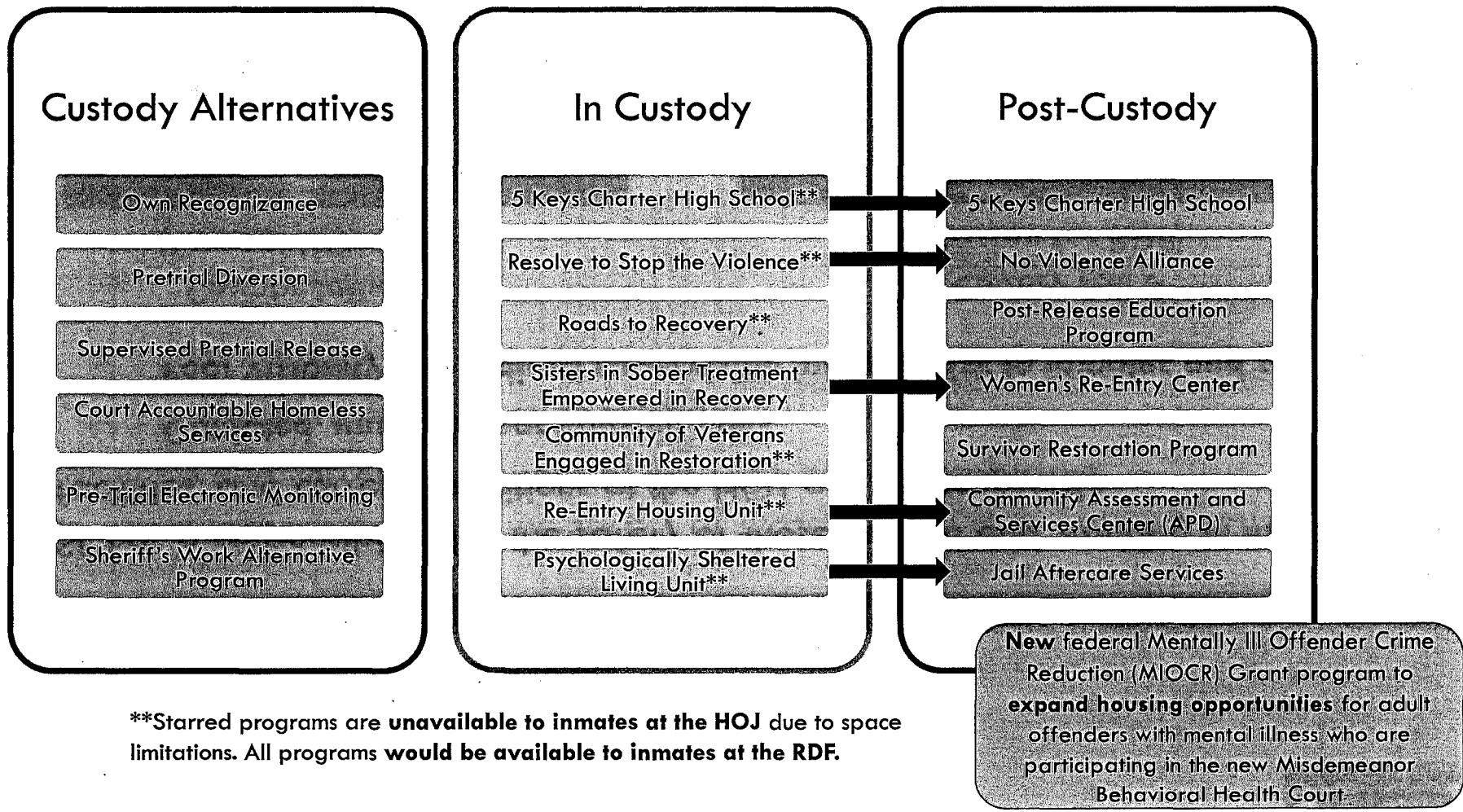
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# Rehabilitation Detention Facility

## Existing SHF Programs

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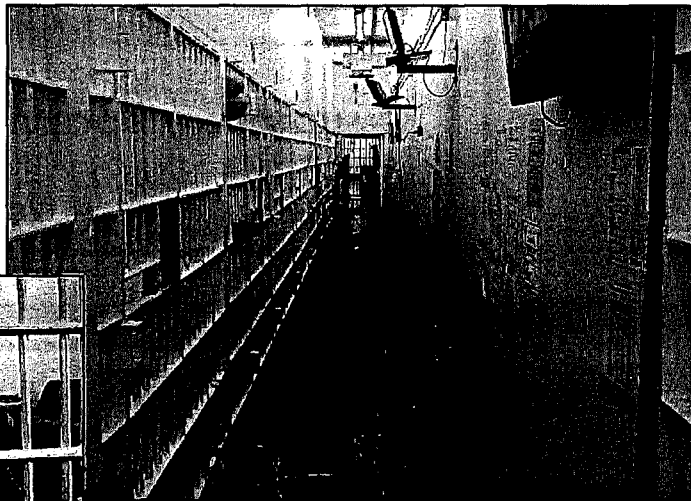
# Rehabilitation Detention Facility

## Safety – Linear Layout

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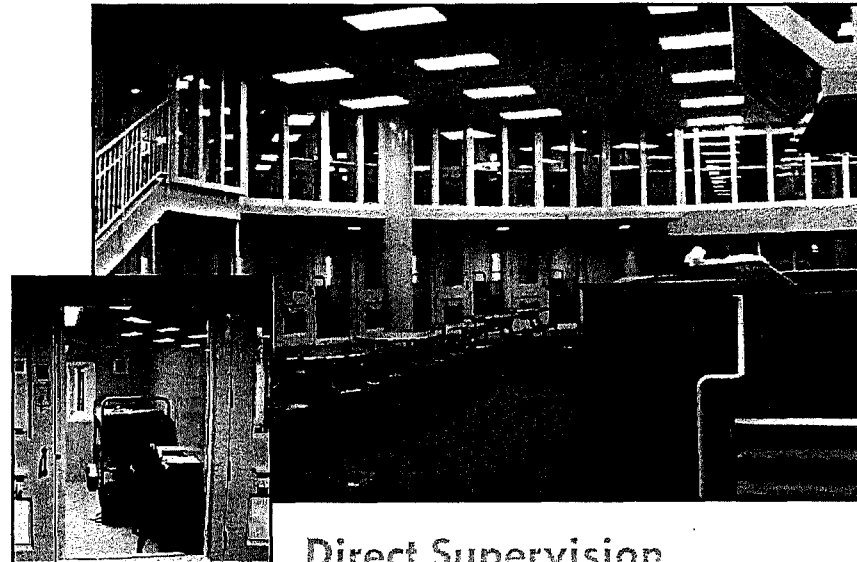
- ❑ SF has a responsibility for the safety of those housed and working in its facilities, and current conditions at the HOJ are unacceptable
  - ❑ **Outdated, unsafe linear housing units**
  - ❑ **Poor visibility and indirect supervision increase risk to inmates and staff**

County Jails 3 & 4  
(Current HOJ Facility)



Indirect Supervision

County Jail 5  
(Vision for RDF)



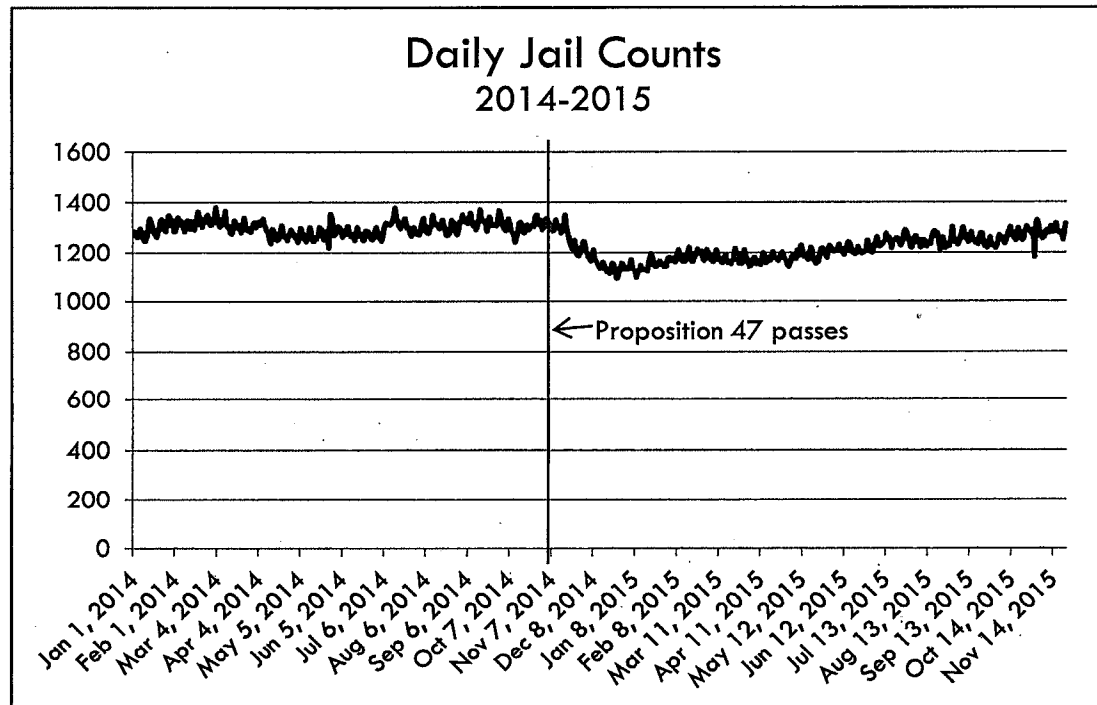
Direct Supervision

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# Rehabilitation Detention Facility Controller's Jail Population Forecast

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- Large drop in jail population from 2009-2014
- Population flat in 2014 except for decline after Prop 47
- Population trending upward in 2015



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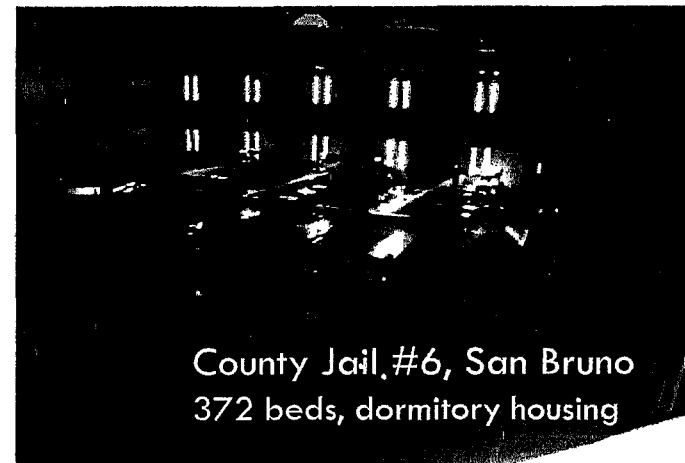
# Rehabilitation Detention Facility Controller's Population-Based Analysis

14

- Forecast suggests need for RDF unless CJ #6 can be used at full capacity

	Forecasted Replacement Jail Bed Need
Option 1: <del>County Jail 6 can be used</del>	<del>252 to 21 beds</del>
Option 2: County Jail 6 cannot be used	120 to 393 beds

- Significant issues with CJ #6
  - Low security
  - Insufficient program/treatment space
  - High costs associated with use



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# Rehabilitation Detention Facility Jail Housing Options Assessment

15

- City sought contractor to analyze whether CJ#6 could be used instead of constructing new facility
- Controller hired Dr. James Austin of JFA Institute for analysis
  - Dr. Austin recommended by Adult Probation Department and Office of the District Attorney

**Conclusion:**

***“Existing facilities not sufficient to meet programmatic and security needs.”***

# Rehabilitation Detention Facility Jail #6 Alternative – Cost Analysis

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County Jail #6 is not a cost effective alternative

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*RDF size  
reduced from  
640 beds*

*RDF scope  
reduced from  
\$290M*

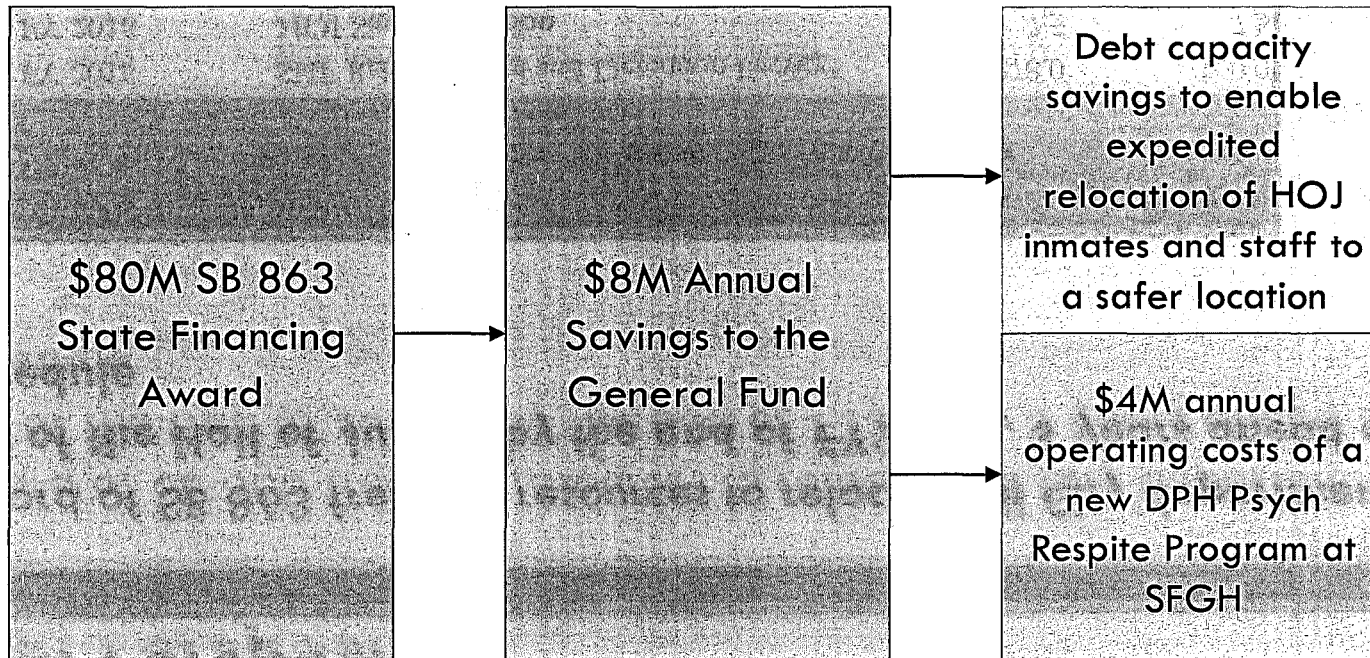
	SCENARIO 1 San Francisco RDF	SCENARIO 2 San Mateo CJ #6 Reconfigured
<b>Project Description</b>	New pod-based single facility in SF PLUS new Psych Respite Program and expedited relocation from HOJ	Retrofit of CJ #6 to pod-based design PLUS annex facility for additional beds and required modifications to CJs #1 and #2
<b>Facility Beds</b>	384	384
<b>Operational Considerations</b>	Self-contained design with proximity to courts, family, Public Defender, and local support services  No transportation costs required  Enables urgently needed housing support program and earthquake safety preparedness	Insufficient space to retrofit existing structure for the number of beds needed  Pod-based design in remote location requires transportation  CEQA approval still needed
<b>Total Project Budget</b>	\$240,000,000 RDF component w/ SB 863 award: \$160,000,000	\$305,000,000*

\*Scenario 2 does not include cost of replacing CJ #6 in ~25 years or transportation operations

# Rehabilitation Detention Facility Application of Award Savings

17

4101



# Rehabilitation Detention Facility Capital Perspective

- Award of SB 863 frees up resources to **relocate all City departments out of the Hall of Justice by the end of FY20-21, 3 years ahead of schedule**

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<b>General Fund Debt Program</b>			
<b>(Dollars in Millions)</b>			
	<i>Proposed Debt Issuance</i>	<i>Current As Amended</i>	
FY 2016	SHF Rehabilitation and Detention Facility*	278.0	160.0
FY 2016	HOJ Site Acquisition	7.5	7.5
FY 2019 2018	Adult Probation Relocation from HOJ	59.3	59.3
FY 2019	DPH Admin Building Relocation	59.5	59.5
FY 2024 2018	DA and SFPD Relocation from HOJ	227.0	227.0
FY 2022	HOJ Land Purchase, Demolition & Enclosure	48.0	48.0
FY 2024	JUV Admin Building Replacement	106.6	106.6
FY 2025	Yard Consolidation	100.0	100.0
<b>General Fund Debt Total</b>		<b>\$886</b>	<b>\$768</b>
* Note the RDF budget was reduced by \$38M prior to submission of the SB 863 application.			

# Rehabilitation Detention Facility

## Conclusion

19

San Francisco was awarded **\$80M and the top score** of all counties by the California Board of State & Community Corrections for its Rehabilitation Detention Facility (RDF) project to **reduce recidivism while protecting public safety**.

This award is the **last foreseeable opportunity to use State funds** to:

- Provide safer and more suitable conditions** for the inmates and staff currently at risk at the Hall of Justice (HOJ)
- Reduce the number of beds** to 384 at the RDF, down 57% from the total at the HOJ, a 19% system-wide reduction
- Vastly improve access to treatment and successful programs**
- Create and fund a new DPH Psych Respite Program** to address the health and housing needs of justice-involved persons with severe mental illness
- Build the most cost-effective, rehabilitation-minded option**
- Uphold a fundamental capital and public safety responsibility**

# Questions & Comments

20

Naomi Kelly, City Administrator

Brian Strong, Capital Planning Program

Chief Deputy Sheriff Matt Freeman and Kevin Lyons, Sheriff's Office

Barbara Garcia, Jo Robinson and Albert Yu, Public Health

Ben Rosenfield, Jessie Rubin and Kyle Patterson, Controller's Office

Jumoke Akin-Taylor and Charles Higuera, Public Works

John Updike, Real Estate



George Gascón  
District Attorney

December 2, 2015

The Honorable Edwin Lee  
Mayor, City and County of San Francisco  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, Ca 94102

Dear Mayor Lee,

As the chief law enforcement official for the City and County of San Francisco, I write today with serious concerns regarding plans to construct another jail. As you know, San Francisco is a national leader in developing alternatives to incarceration, and due to the excellent work of individuals across the public safety spectrum our jail is 50 percent empty. Meanwhile, we continue to experience historically low crime rates. With this backdrop building a new jail at a cost of at least \$240,000,000 in finite taxpayer resources would be taking a cue from history and from our nation's sordid past of mass incarceration. I ask that you join me, the Public Defender, and former Adult Probation Chief Wendy Still - your partners in the criminal justice system - in taking a step forward as we implement a modern approach to public safety that meets San Francisco's current needs. As cities and states across the country look to the models developed and implemented in San Francisco to reduce their reliance on jails and prisons, the construction of a new detention facility would be a giant step backward and would send the wrong message from a city that has taken so many innovative strides forward.

A more accurate depiction of our current needs can be deduced by an assessment of those individuals currently in-custody, or by simply looking at street corners across San Francisco. With as many as 40 percent of our in-custody population suffering from some degree of mental illness, it is clear that San Francisco has a mental health treatment problem, not a jail capacity problem. We do not need any more jail beds - we need mental health beds.

Many individuals with mental illness have committed low-level crimes that may not warrant ongoing incarceration. Additionally, the bench will generally not keep such offenders in-custody if we lack inpatient facility space to get them treatment. This is unfortunate, as prosecutors in my office recommend treatment for offenders every day

who, with limited exception, must get help in order to reduce their likelihood of recidivating. The need for these services cannot be overstated, as we are currently running a 90-day average wait time for mental health beds through our Behavioral Health Court (BHC), so only those offenders who commit more serious crimes will be in-custody long enough to receive a referral to an inpatient treatment facility. The result is that individuals with mental illness are released back onto our streets without receiving the treatment they need, and they often reoffend only to be re-released under the same circumstances. This is unsustainable, and it is a primary cause of both homelessness and the quality of life crimes that San Franciscans endure without relief.

Many contend that the jail must be built in order to accommodate the 344 inmates at CJ-4 who need to be moved from that aging facility. While I completely agree that these inmates need to be moved, I disagree with the assertion that the only answer for housing them is to build a new \$240,000,000 facility. I understand that this project has been in the works for years, but this is a massive infrastructure investment that was developed in another era, and it does not meet our current needs.

As indicated, our jails are at roughly 50 percent capacity, and accordingly there is more than enough room to house the 344 inmates currently located at CJ-4. The disagreement is not around capacity; it revolves around the classification of inmates and how they may be housed together in order to ensure their safety. I ask that you take into consideration the fact that there is currently an entire pod that remains vacant at CJ-2, that a recent study released by the Controller found that the Sheriff's classification system is over classifying many inmates, and the fact that no study has ever adequately investigated the prospect of renovating CJ-6 with the \$80 million grant from the state to house medium-risk inmates and additional programming space. Moreover, we continue to lease approximately 45 jail beds to the federal government at the seismically vulnerable Hall of Justice. The Sheriff's Department entered into this agreement a year ago in order to increase revenues, but such an agreement should be terminated and alternatives must be considered before we make such a massive infrastructure investment. Above all, however, it is imperative to consider the fact that roughly 40 percent of our entire in-custody jail population suffers from some level of mental illness. Our current strategy of warehousing these offenders with the general population ignores the findings of leading researchers which indicate that these individuals cannot get the treatment they need in our jails. If even a fraction of the 40 percent of our in-custody population that suffers from some level of mental illness had their cases handled through a mental health treatment facility, instead of through the traditional criminal justice process, we would have more than ample space to house the 344 inmates currently located at CJ-4, we would reduce recidivism among individuals with mental illness, and could avoid building a \$240,000,000 jail.




The decision before the board is a value judgment that weighs a project originally envisioned when our jail population was nearly twice what it is today - and a huge expenditure in support of the project - versus our current needs. This is a significant sum of taxpayer resources that should be focused where currently needed: San Francisco should invest in mental health treatment services.

In closing, I believe San Francisco is on the cusp of making a terrible mistake that we will look back on as wasteful and out of touch for years to come. San Franciscans expect us to make sound investments for their public safety. Rushing to build a new jail at a cost of \$240,000,000, without considering alternatives that address current trends in the criminal justice system is irresponsible. I strongly urge the Board to direct the Controller to conduct a comprehensive assessment of alternatives to a new jail in partnership with your public safety leaders. We have a rare opportunity to invest in mental health treatment services, thereby meeting current public safety needs which will bring relief to the citizens of San Francisco.

Thank you for your time and consideration.

Sincerely,



George Gascon  
San Francisco District Attorney

CC:

London Breed, President, SF Board of Supervisors  
Eric Mar, SF Board of Supervisors  
Mark Farrell, SF Board of Supervisors  
Julie Christensen, SF Board of Supervisors  
Katy Tang, SF Board of Supervisors  
Jane Kim, SF Board of Supervisors  
Norman Yee, SF Board of Supervisors  
Scott Weiner, SF Board of Supervisors  
David Campos, SF Board of Supervisors  
Malia Cohen, SF Board of Supervisors  
John Avalos, SF Board of Supervisors  
Angela Calvillo, SF Board of Supervisors, Clerk of Board

Causes and Consequences (2014)].

I have been studying the effects of various conditions of confinement for many decades and often have testified in state and federal courts in cases challenging the constitutionality of various prison conditions and practices, especially those that affect mentally ill inmates. My research and testimony has been cited by many courts, including the United States Supreme Court in the landmark case that required a significant reduction in the size of the overall California prison population [Brown v. Plata/Coleman, 131 S.Ct. 1910 (2011)] and precipitated the "realignment" of responsibilities between the state prisons and county jails.

With that background and experience in mind, I write as a long-time "veteran" of the attempt to provide constitutionally adequate mental health care to California jail inmates and state prisoners. Indeed, I began working on the Coleman case (that led to the ruling in Brown v. Plata/Coleman) more than 20 years ago, and I have I watched (and often participated in) the process by which the California Department of Corrections and Rehabilitation has struggled to address the myriad failures and flaws in its mental health care delivery system. Indeed, in part because of my early involvement in Coleman, I have studied this process in many other states as well. I have become very mindful of both the extraordinary expense involved and nearly insurmountable hurdles that prison and jail systems face when they try to effectively and humanely address the needs of this vulnerable population of prisoners inside the walls of a correctional institution.

Jails and prisons are fundamentally places of punishment and control, not treatment and caring. I intend this statement less as a criticism than an observation about their essential nature, design, and purpose. But it is an observation that is critically important for understanding why it is so difficult to create and maintain an effective system of mental health care inside a jail or prison. All of the momentum inside such institutions—from their architecture to ideology—presses in the opposite direction. Moreover, because of the way they are run and the assumptions by which they operate, ultimate decision-making authority is virtually always vested in the hands of correctional staff, not treatment personnel.

My own view—based on many years of experience studying these issues in California and elsewhere—and confirmed by every study I know of that has been done on the topic, is that it is extraordinarily difficult to provide even minimally adequate mental health treatment and care inside jails and prisons. Mentally ill prisoners are especially vulnerable to a wide range of potential harms in correctional facilities. Thus, they are more likely to incur disciplinary infractions, are more likely to be victimized by other prisoners, and are more likely to be the targets of use of force by correctional staff. In fact, they often find themselves mired in

a vicious cycle in which their disciplinary infractions lead to sanctions that include isolation or solitary confinement, where their mental health further deteriorates and the likelihood of future infractions increases, and their psychiatric condition continues to spiral downward.

It is essential that San Francisco's decision-makers recognize that these intrinsic problems are not born of bricks and mortar, and the construction of a cleaner, more modern and very expensive jail will *not* solve them.

The extraordinary expense and enormous hurdles involved in trying to surmount these myriad problems could not have been more clearly demonstrated than in the Coleman litigation itself, where hundreds of millions of dollars and two decades of hard work were still not sufficient to create a constitutionally adequate mental health delivery system for thousands of California prisoners. I urge you not to make the same mistake as some other California counties have, by trying to "build your way out of" the crisis of mental health care in the county's jails, or assume that a massive new treatment jail, and an additional measure of training and influx of personnel (both of which can be salutary) will come close to solving the problem.

Instead, I would urge you to abandon plans to build a new jail, plans first developed roughly a decade ago. A lot has changed in the past nine years, as San Francisco's in-custody needs have been reduced drastically, while the city's mental health treatment needs continue to rise. With your leadership San Francisco should develop a significant program of diversion for people with mental illness who are arrested and charged with non-violent offenses. Failing to do so would be a disservice to the progress made by San Francisco's criminal justice entities. Indeed, the most recent figures I am aware of indicate that as many as 40% of the individuals currently in-custody in San Francisco's jails have some degree of mental illness. Their very significant needs can be better addressed in community-based treatment programs.

In addition, the cost of building and operating a "treatment" or "mental health" jail will be far higher than community treatment and an aggressively pursued program of diversion.

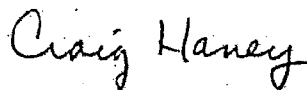
I recognize that many inmates with mental illness are not suitable candidates for diversion, and that the Board may need to consider some new construction of mental health beds for that population. But the number of new beds should be kept at an absolute minimum and only after a strong and effective diversion program has been implemented and expanded. New construction should be calculated as necessary only after the effects of an expanded program of diversion are taken into account.

In a certain sense, diversion embodies the logic of "realignment" but extends it from the jail system into the surrounding community. That is, in the same way that realignment envisions local jails as places that are better able to anticipate and respond to the needs of local residents, and to draw on community resources in order to do so, the current Motion recognizes that community mental health agencies and programs are even better positioned to respond with even more sensitivity to the specialized needs, problems, and issues of local residents. In the same way that realignment was designed to alleviate prison overcrowding and ensure that it would no longer stand as an insurmountable barrier to the delivery of adequate mental health care in prison, diversion into community mental health agencies and programs alleviates overcrowding in the jails, thus allowing those jail inmates who cannot be placed in the community for safety-related reasons to receive adequate mental health care that is not impeded by serious levels of jail overcrowding. It also has the great advantage of providing those persons who can be more appropriately treated in the community with the opportunity to receive more appropriate, specialized treatment that is tailored to their individual needs. In addition, they can avoid the negative dynamics and effects of being housed in a harsh correctional setting, and be spared the kind of victimization that too often occurs there.

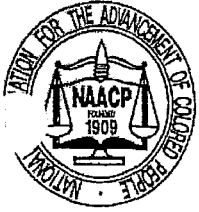
From my perspective, and for the aforementioned reasons, a community diversion and alternative community treatment model promises to be a far more cost-efficient and humane approach to addressing the needs of the mentally ill in the criminal justice system than the construction of a large "mental health jail." I sincerely hope that you will seriously consider the negative legal and humanitarian consequences that will almost invariably follow from the construction of an expensive "mental health jail."

Thank you for considering my comments.

Sincerely,



Craig Haney, Ph.D., J.D.  
Distinguished Professor of Psychology,  
Director, Program in Legal Studies,  
and UC Presidential Chair, 2015-2018



SAN FRANCISCO BRANCH **NAACP**

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Many African Americans who haven't been forced from their San Francisco homes following decades of unjust city policies have been herded into the city's jails. Now an effort is underway to keep them locked up.

San Francisco was just awarded an \$80 million state grant that it intends to use to build a brand new \$240 million jail to replace its current facility at 850 Bryant St.

As the lack of emphasis on education, jobs and affordable housing continue to decimate the city's African American population, the city is considering spending hundreds of millions of dollars on the kind of housing that leads to despair instead of hope.

Our people helped build this city as a technology powerhouse. During WWII, we traveled here from around the country to work in the shipyards. When the war and shipbuilding ended, we were passed over for whatever jobs remained and our once thriving communities became ghettos. That led to so-called "urban renewal," which did nothing more than displace our merchants and slash the African American population of this city in half over the course of a few decades.

Today, with the city economically thriving, instead of investing in plans to boost our most vulnerable communities in terms of education, jobs, affordable housing and health care, we are considering spending hundreds of millions of dollars on a new jail. The plan would effectively withhold investment in our communities until after our most at-risk members become desperate enough to break the law. It makes no sense. This city should celebrate the innovative community programs and legislation that helped reduce San Francisco's jail capacity by increasing its contributions to them. We should be building forward-thinking job-training programs, not fancy warehouses for inmates. This jail plan goes against everything this city stands for in terms of tolerance and innovation.

Some people are apparently so earnest to jail us, they'll have the city go into debt. A large chunk of the funds to build the new jail facility would be loaned. A report stated payments will cost taxpayers about \$600 million for the project.

As Andrew Szeto of Critical Resistance Oakland has said, imagine what a fraction of that money could do to help solve San Francisco's affordable housing crisis.

We vow to fight any plan that attempts to incarcerate rather than celebrate African Americans who have spilled the blood, sweat and tears to make this city great.

Dr. Amos C. Brown, President  
NAACP Branch, San Francisco

(December 2, 2015)



name: Steve Lerner  
#2 Perme Pl.  
SF, CA 94115

district: Pacific  
Heights  
#2

organization: Resident  
→ property  
tax payer.

# SF should spend \$215 million on:

- (1) smaller jail for violent felons.
- (2) Mental health services in non-jail environment
- (3) low income housing subsidies for the poorest residents.
- (4) Jail diversion programs such as drug treatment, anger management, job training etc.

Finally, financially paying ~~\$6,000,000~~ <sup>\$6,000,000</sup> (six hundred million) in long term costs is fiscally irresponsible.  
for the proposed new jail

## We demand funding for community based alternatives to incarceration

# No New Jail in San Francisco

My family/community/neighborhood will be harmed if SF builds this jail because \_\_\_\_\_.  
We need the City to spend our funds on \_\_\_\_\_ (resources and services) instead.

**Don't push this jail plan forward without hearing from the community and budget analysts on possible alternatives to creating more cages.**

## 1. The state financing is not free money.

- The jail will cost the City at least \$216 million from our own budget. It will create 30 years of debt for our taxpayers.
- This is money that could be used for mental health services (tell the Board of Supervisors what you think our money should be used for and why).

## 2. Jail capacity is already low. We don't need more beds.

- **As of June 11, 2015, SF jail capacity was at 50%. With simple bail reform and expansion of diversion programs, that number will continue to drop, making a new jail even more unnecessary than it already is.**
- Over 85% of the county's jail population is pre-trial. ***These are primarily people locked up simply for not being able to afford bail.*** We must stop punishing people for being poor.
- The City of SF and State of CA have just been sued for bail reform. If successful, bail reform would dramatically reduce the number of people in SF's jail system, possibly even before the proposed ground breaking date.

## 3. We need Mental Health in Communities not Cages

- At least one in five people in the SF jail system is in need of mental health support.
- ***Jails are not and will never be adequate places to provide for people with mental health needs because \_\_\_\_\_*** (tell the Supervisors why).
- SF needs to expand out of custody programs where people with mental health needs have access to healthcare within their communities.

## 4. San Francisco can be Safer and Stronger without the Proposed New Jail.

- African Americans are approximately of 5% of SF's population and 56% of SF jail population. **San Francisco must stand against this kind of racism.**
- About 25% of those in jail were homeless before being imprisoned and many more may be homeless upon release. A new jail will worsen homelessness in SF.
- There are currently more than 2.7 million children in the United States with a parent who is incarcerated. Jails do not make cities safer or communities stronger. Jails tear families apart. They take parents away from their children.



**Oppose the Proposed Costly and Unnecessary New San Francisco Jail**

*Whereas*, while San Francisco is in critical need of funding for public education, affordable housing, social services and health care, the Sheriff proposes to spend \$240 million [up to \$465 million including financing; 30 years of debt] of taxpayer dollars to build an unnecessary new 384 bed jail in downtown San Francisco; and

*Whereas*, the reality is that San Francisco already has *too much* jail space. There are approximately 1,000 empty beds every single day in S.F. county jails. Jail population has been declining steadily, remaining at 62-65% of its total jail capacity for almost four years [50% capacity of current buildings with the entire CJ#6 sitting empty]. In other words, over 35% of the city's jail system is unused and 85% of the S.F. jail population is simply awaiting trial; and

*Whereas*, proponents of the plan say we need their new jail to replace the old one at 850 Bryant Street because the building is seismically unsound. However, there is already an excess of empty jail beds and no need to increase jail capacity. The jail at 850 Bryant can be closed immediately without building a replacement; and

*Whereas*, this controversial jail construction plan is opposed by S.F. District Attorney Gascon, the teachers' union (United Educators of San Francisco), National Lawyers Guild, Coalition on Homelessness, Community United Against Violence, S.F. Human Services Network, People Organized to Win Employment Rights, S.F. Tenants Union, Critical Resistance, and Western Regional Advocacy Project, among many others; and

*Whereas*, San Francisco can expand its prevention, pretrial alternatives and diversion programs and promote bail and sentencing reform – and thereby reduce the jail population for a fraction of the cost of building a new jail and paying huge interest and annual General Fund operating expenses over many years. These alternatives to incarceration have proven to be best for keeping families together, stabilizing communities, and preparing prisoners for a productive life on the outside; and

*Whereas*, 42 California counties are currently choosing the dangerous path of jail construction and expansion instead of community-based alternatives to incarceration. Prison and jail expansion has had a particularly devastating effect on poor and working people of color. San Francisco has an opportunity to act against this destructive trend of unrestrained prison and jail growth.

*Therefore be it resolved*, that Golden Gate Branch 214 of the National Association of Letter Carriers formally oppose the costly and unnecessary San Francisco Jail Replacement Project, and urge others, including the San Francisco Labor Council, to do the same.

