

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY



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.

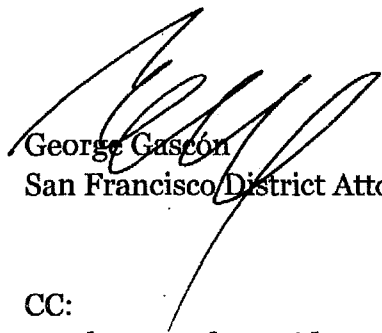
As indicated, our jails are at roughly 50 percent capacity, and accordingly there is more than enough room to house the 344 inmates currently located at CJ-4. The disagreement is not around capacity; it revolves around the classification of inmates and how they may be housed together in order to ensure 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