

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET AND LEGISLATIVE ANALYST

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April 24, 2020

TO: Government Audit and Oversight Committee

FROM: Budget and Legislative Analyst



SUBJECT: April 30, 2020 Special Government Audit and Oversight Committee Meeting

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<p>Item 1 Files 20-0372</p>	<p>Department: Sheriff</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed ordinance amends the Administrative Code to require the City to close County Jail #4 by November 1, 2020. The proposed ordinance further requires the Sentencing Commission to establish a Safety and Justice Challenge Subcommittee to plan for the reduction of the City’s daily jail population and closure of County Jail #4. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • The proposed ordinance requires certain conditions to be met prior to closing County Jail #4: (1) The Department of Human Resources must notify the unions whose members are impacted by the jail closure, and by October 1, 2020 meet and confer with the respective unions over the jail closure; (2) The Department of Real Estate will comply with the terms of the Joint Occupancy Agreement and Transfer Agreement between the City and the Judicial Council of California, Administrative Office of the Courts; and (3) The Sentencing Commission reports on the impact of the jail closure, or the jail population has remained below 1,044 for 60 consecutive days. • The proposed ordinance adds a new Administrative Code Section 5.25-4 to establish the Sentencing Commission’s Safety and Justice Challenge Subcommittee. The Subcommittee would be required to report on measures to reduce the jail population to no more than 1,044; and requires a progress report from the Subcommittee by August 1, 2020 and a final report by October 1, 2020. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • FY 2019-20 costs to operate County Jail #4 are \$24.7 million. We estimate cost reductions of approximately \$1.4 million for equipment and maintenance, and between \$14.4 million and \$17.4 million for salaries and fringe benefits due to the reduction in budgeted positions for County Jail #4. • Closing of County Jail #4 would result in added costs for electronic monitoring, pretrial diversion, and other community alternatives. The Sheriff’s Department could also have added costs from transporting inmates from County Jail #5 in San Bruno to the Hall of Justice for court dates. <p style="text-align: center;">Policy Consideration</p> <ul style="list-style-type: none"> • The Sheriff’s Department has 85 positions allocated to County Jail #4 in FY 2019-20. How many of these position could be reassigned to other functions in the Sheriff’s Department would depend on the number of currently-filled positions that will become vacant prior to November 2020. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> • Approval of the proposed ordinance is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

City Administrative Code Section 2.6-3 states that legislation resulting in a substantial reduction of expenditures of City money by reducing, transferring, or eliminating any existing services or functions of any City department has fiscal impact and must be considered by a fiscal committee of the Board of Supervisors.

BACKGROUND

The San Francisco Sheriff's Department maintains four County jails, able to house 1,545 inmates. County Jail #1, located at 425 7th Street, is for intake and release. County Jail #2, also located at 425 7th Street, has 392 beds designated for women. County Jail #4, located in the Hall of Justice, has 385 beds designated by the Sheriff's Department for maximum security. County Jail #5, located in San Bruno, has 768 beds, and is the main jail providing programs.

According to the City Performance Scorecard, the average daily jail population in March 2020 was 1,006, or approximately 65 percent of jail capacity.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance amends the Administrative Code to require the City to close County Jail #4 by November 1, 2020. The proposed ordinance further requires the Sentencing Commission to establish a Safety and Justice Challenge Subcommittee to plan for the reduction of the City's daily jail population and closure of County Jail #4.

Closure of County Jail #4

The proposed ordinance requires certain conditions to be met prior to closing County Jail #4:

- The Department of Human Resources must notify the unions whose members are impacted by the jail closure, and by October 1, 2020 meet and confer with the respective unions over the jail closure.
- The Department of Real Estate will comply with the terms of the Joint Occupancy Agreement and Transfer Agreement between the City and the Judicial Council of California, Administrative Office of the Courts.
- The Sentencing Commission reports on the impact of the jail closure¹, or the jail population has remained below 1,044 for 60 consecutive days.

¹ Administrative Code Section 5.25 established the Sentencing Commission to develop "criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices, and efficiently utilize San Francisco's criminal justice resource".

Sentencing Commission

The proposed ordinance adds a new Administrative Code Section 5.25-4 to establish the Sentencing Commission’s Safety and Justice Challenge Subcommittee, made up of representatives from the District Attorney, Sheriff, Public Defender, Adult Probation, Department of Public Health, Re-entry Council, and community based organizations working with victims of crime and with ex-offenders. The Subcommittee would be required to report on measures to reduce the jail population to no more than 1,044. These measures would include expansion of pretrial diversion, community courts referrals, electronic monitoring, and other alternatives to incarceration. The proposed ordinance requires a progress report from the Subcommittee by August 1, 2020 and a final report by October 1, 2020.

California Environmental Quality Act

According to the Planning Department, the closing of County Jail #4 is not a project under CEQA.

FISCAL IMPACT

Existing Operational Costs for County Jail #4

FY 2019-20 costs to operate County Jail #4 are \$24.7 million, as shown in Table 1 below.

Table 1: FY 2019-20 County Jail #4 Operating Costs

	FY 2019-20
Sheriff	\$19,944,533
Real Estate	755,036
Public Health	4,023,301
Total	\$24,722,870

Source: Budget and Legislative Analyst’s October 2019 Memorandum

Cost Impact of County Jail #4 Closure

Cost Reductions

Of the \$24.7 million budgeted for County Jail #4 operations, we estimate cost reductions of approximately \$1.4 million for equipment and maintenance, and between \$14.4 million and \$17.4 million for salaries and fringe benefits due to the reduction in budgeted positions for County Jail #4.²

² This estimate includes \$1.25 million in Sheriff’s Department maintenance and equipment costs and an estimated \$0.15 million in Real Estate Division maintenance and utility costs. Because the Real Estate Division incurs maintenance, utility, and other operating costs for the Hall of Justice as a whole, some of which would be ongoing after the closure of County Jail #4, only a portion of the costs attributable to County Jail #4 would be reduced. Estimated Sheriff’s Department salary reductions ranging from \$14.4 million to \$17.4 million are based on 70 to 85 uniform positions being eliminated in the Sheriff’s Department’s budget.

Reallocation of Public Health Positions

According to discussions with Department of Public Health staff, the Department would continue to incur costs for health practitioners, psychiatry, medical supplies, and pharmaceuticals for inmates relocated within the jail system or released to community programs with the closing of County Jail #4. The Department does not anticipate cost reductions at this time.

Potential New Costs

Closing of County Jail #4 would result in added costs for electronic monitoring, pretrial diversion, and other community alternatives. The Sheriff's Department could also have added costs from transporting inmates from County Jail #5 in San Bruno to the Hall of Justice for court dates.

POLICY CONSIDERATION*Reassignment of Sheriff's Department Positions*

The Sheriff's Department has 85 positions allocated to County Jail #4 in FY 2019-20. How many of these position could be reassigned to other functions in the Sheriff's Department would depend on the number of currently-filled positions that will become vacant prior to November 2020.³

RECOMMENDATION

Approval of the proposed ordinance is a policy decision for the Board of Supervisors.

³ Based on payroll data from the end of March 2020, we estimate that 806 of 820 budgeted uniform positions are currently filled, with 14 current vacancies.