



Brooke Jenkins
District Attorney

June 15, 2026

Hon. Rochelle C. East
Presiding Judge of the Superior Court
400 McAllister Street
San Francisco, CA 94102

**RE: Response to the 2025-2026 San Francisco Civil Grand Jury Report:
"When Making Do Doesn't Work: San Francisco Jails in Crisis"**

Dear Presiding Judge East:

Pursuant to Penal Code section 933.05, the San Francisco District Attorney respectfully submits the following response to the findings and recommendations directed to the Office in the 2025-2026 San Francisco Civil Grand Jury Report, "When Making Do Doesn't Work: San Francisco Jails in Crisis."

FINDING F1

"The City and County leadership would benefit from first-hand knowledge obtained through inspection of the jail facilities and operations to enable them to better understand how policy changes affecting budget and operations for the Jails impact the operation of the Jails."

Response to F1:

The District Attorney partially disagrees with Finding F1.

The District Attorney agrees that familiarity with the operation of the county jail system is beneficial to public officials who have authority to direct funding to the Jails or who otherwise have oversight of the Sheriff's Department.

While the District Attorney recognizes the importance of understanding the conditions under which incarcerated persons and Sheriff's personnel operate, the finding does not properly apply to the District Attorney because it overstates the relationship between jail inspections and the ability of the District Attorney to address the challenges identified throughout the report. The District Attorney does not control jail facilities, jail staffing, jail operations, inmate classification, facility maintenance, transportation systems, treatment capacity, capital planning, or funding decisions. Nor does the District Attorney control judicial detention decisions, court calendars, trial scheduling, or sentencing.

Accordingly, while site visits may provide additional context, they do not expand the District Attorney's authority to address the infrastructure, staffing, operational, and funding challenges identified in the report.

RECOMMENDATION R1-A(iv)

"The District Attorney should inspect the San Francisco and San Bruno Jails by March 1, 2027, and at least once every two years thereafter."

Response to R1-A(iv):

The recommendation will not be implemented because it is not warranted.

While the District Attorney may elect to participate in future jail tours or inspections as circumstances warrant, the report does not establish that a mandatory recurring inspection by the District Attorney would address the principal concerns identified in the report or could be addressed through the District Attorney's statutory duties and authority.

The report identifies deficiencies relating primarily to infrastructure, capital planning, staffing, technology systems, facility maintenance, transportation resources, and treatment capacity. These are matters outside the authority of the District Attorney's Office and the report does not explain how recurring inspections by the District Attorney would correct the principal causes of the current challenges. Accordingly, a mandatory inspection schedule is not warranted as a corrective measure.

FINDING F3

"The Jails are dangerously close to capacity, and SFSO has not convened the Crowding Committee despite meeting the capacity triggers outlined in the SFSO Custody and Court Operations Manual, Policy 511.2."

Response to F3:

The District Attorney partially disagrees with Finding F3.

The District Attorney agrees that the Sheriff did not convene a Crowding Committee. However, it is unclear whether the factual and policy prerequisites for convening such a committee were met, either at the time of the report's publication or presently. Sheriff's Policy 511.2 provides that "[i]n the event that the incarcerated person population remains over capacity or continues to increase, a crowding committee will be formed at the direction of the Sheriff . . .". Whether those conditions have been satisfied is a determination committed in the first instance to the Sheriff's Department.

Further, publicly available Sheriff's Department data suggests that current population levels may differ materially from those discussed in the report. As of June 9, 2026, the reported jail population was 1,157, with a 30-day average daily population of 1,177 and a median population of 1,173. Those figures are substantially below the levels cited in the report and represent less than 80 percent of the rated jail capacity. Accordingly, the District Attorney lacks sufficient information to conclude that the conditions contemplated by Policy 511.2 have been satisfied.

Additionally, it is unclear that convening a Crowding Committee would materially address the underlying causes identified in the report. The report recognizes that the current jail population largely reflects individuals charged with felony offenses, including a substantial number charged with serious or violent crimes, and that misdemeanor-only arrestees generally do not become part of the long-term housed population. The report also notes that current jail populations are simply approaching levels previously experienced by the system prior to the extraordinary reductions associated with the COVID-19 pandemic.

To the extent the finding suggests that jail capacity concerns can be materially addressed through actions within the authority of the District Attorney's Office, the District Attorney disagrees. The District Attorney does not determine jail capacity, control facility operations, manage detention resources, or possess unilateral authority to release incarcerated individuals whose continued detention has been ordered by the court pursuant to statutory and constitutional standards designed to protect public safety.

While the report expresses concern regarding available capacity, tellingly it does not identify specific categories of incarcerated individuals who could be safely released in a manner that would materially reduce population pressures while remaining consistent with public-safety considerations, statutory requirements, and judicial detention orders. Indeed, because detention decisions are ultimately made by the courts under constitutional and statutory standards that include public-safety considerations, many of the individuals contributing to the housed population are already subject to judicial determinations that continued detention is warranted.

While the District Attorney agrees that jail population trends and available capacity warrant continued attention, the report itself identifies a complex set of contributing factors—none of which is controlled by the District Attorney. To the extent the report suggests that jail population reductions are readily achievable through actions of criminal justice stakeholders after a convening of the Crowding Committee, the District Attorney respectfully disagrees.

RECOMMENDATION R3-A

"SFSO should convene the Crowding Committee. In addition to the persons specified in Policy 511.2(a)-(g), representatives of the District Attorney, San Francisco Sheriff's Department Oversight Board, and the Board of Supervisors should also be invited."

Response to R3-A:

The recommendation is directed primarily at the Sheriff's Department, however, given current data the recommendation does not appear warranted.

If the recommendation is implemented, and to the extent that it contemplates participation by the District Attorney's Office, the District Attorney may elect to participate in discussions concerning jail population trends and criminal justice system operations if invited. However, such participation by the District Attorney would not materially expand the authority of the District Attorney's Office to address the primary infrastructure, staffing, and funding challenges identified in the report because the District Attorney's role within the criminal justice system is simply to institute criminal proceedings for public offenses when supported by the evidence and the law.

The District Attorney notes that the report itself identifies numerous structural causes of the current challenges, including historical facility decisions, deferred capital investments, aging facilities, staffing shortages, treatment resource limitations, operational demands, and funding constraints. While participation in a Crowding Committee may facilitate communication among stakeholders, the report identifies few issues that fall within the authority of the District Attorney to remedy.

The report assumes that meaningful reductions in the jail population are both available and advisable, yet it acknowledges that the overwhelming majority of housed inmates are charged with felony offenses and that more than half are charged with serious or violent crimes. The report does not identify any specific population that could be safely released in sufficient numbers to materially reduce crowding while remaining consistent with the public-safety considerations, risk assessments, statutory requirements, and judicial findings that govern detention decisions. At the same time, the report expresses concern that some individuals are released from custody too quickly to receive meaningful treatment or stabilization services. These observations appear difficult to reconcile and, in the District Attorney's view, demonstrate that the challenges identified in the report are more complex than can be addressed through generalized population-reduction measures alone. Absent the identification of a specific, lawful, and publicly safe means of materially reducing the jail population, it is also unclear what actions a Crowding Committee could recommend that would address the root causes identified by the report.

The District Attorney remains willing to engage in good-faith discussions with criminal justice partners regarding public safety, lawful detention practices, and the efficient operation of the criminal justice system. However, the Office will continue to advocate for detention where warranted by law and public-safety considerations and will not alter those assessments, or advocate for the release of otherwise lawfully detained individuals, solely to address longstanding infrastructure, staffing, or funding deficiencies within the jail system. Meaningful resolution of the challenges identified in the report will ultimately require action by those entities with responsibility for jail operations, facilities, treatment resources, staffing, and funding, rather than adjustments to detention positions that are otherwise supported by law and public-safety considerations.

Respectfully submitted,



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For:
Brooke Jenkins
San Francisco District Attorney