

File No. 231277

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date January 17, 2024

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Brent Jalipa Date January 11, 2024

Completed by: Brent Jalipa Date _____

1 [Accept and Expend Grant - Retroactive - John D. and Catherine T. MacArthur Foundation -
Safety and Justice Challenge - \$1,200,000]

2
3 **Resolution retroactively authorizing the Office of the District Attorney of the City and**
4 **County of San Francisco to accept and expend a grant in the amount of \$1,200,000**
5 **from the John D. and Catherine T. MacArthur Foundation, for the grant period of**
6 **January 1, 2023, through December 31, 2025, to support and sustain the City and**
7 **County of San Francisco's comprehensive efforts to reduce jail incarceration and**
8 **racial and ethnic disparities in jail usage as a site in the Safety and Justice**
9 **Challenge.**

10
11 WHEREAS, The Office of the District Attorney, in partnership with San Francisco
12 Superior Court, Sheriff's Office, Adult Probation Department, Public Defender's Office,
13 Department of Public Health, Police Department, Department of Homelessness and
14 Supportive Housing and Department of Children, Youth, and Their Families, for the "Safety
15 and Justice Challenge" applied for and was awarded \$1,200,000 by the John D. and
16 Catherine T. MacArthur Foundation (hereafter "MacArthur Foundation"); and

17 WHEREAS, Funds received hereunder shall be used to sustain the following five
18 strategies to address racial disparities and maintain reduction in the jail population: 1) lead
19 with race by ongoing activities centering on strategies around disparities reduction; 2)
20 sustain a shared focus on the in-custody population through enhancement to the Jail
21 Population Review; 3) improve case processing; 4) increase healthy connections; and 5)
22 drive with data using tools that enhance partners' ability to sustain jail reductions; and

23 WHEREAS, The MacArthur Foundation requests that whenever feasible grant funds
24 will be deposited in an interest-bearing account. As such, any income earned will be
25

1 appropriated and expended in accordance with the terms under which the principal is
2 received and appropriated; and

3 WHEREAS, The grant does not require an ASO amendment; and

4 WHEREAS, No indirect costs are included by the Department to maximize the value
5 of the service; now, therefore, be it

6 RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs
7 in the grant budget; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the Office of the
9 District Attorney, on behalf of the City and County of San Francisco, to accept and expend
10 funds from the MacArthur Foundation for the grant period from January 1, 2023, through
11 December 31, 2025, to continue to implement the five strategies to address persistent,
12 staggering racial disparities while maintaining reductions in the jail population; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Office of the
14 District Attorney to execute the grant award agreement, included in Board File No. 231277,
15 with the John D. and Catherine T. MacArthur Foundation, effective May 25, 2023, covering
16 the grant period from January 1, 2023, through December 31, 2025, including any
17 extensions or amendments to that agreement.

18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Recommended:

_____/s/_____

Eugene Clendinen
Chief, Finance & Administration
for District Attorney Brooke Jenkins

Approved: _____/s/_____

London N. Breed
Mayor

Approved: _____/s/_____

Ben Rosenfield
Controller

File Number: 231277
(Provided by Clerk of Board of Supervisors)

Grant Resolution Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Safety and Justice Challenge**
2. Department: **Office of the District Attorney**
3. Contact Person: **Lorna Garrido** Telephone: **(628) 652-4035**
4. Grant Approval Status (check one):
 Approved by funding agency Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$\$1,200,000.00**
6. a. Matching Funds Required: **n/a**
b. Source(s) of matching funds (if applicable): **n/a**
7. a. Grant Source Agency: **The John D. and Catherine T. MacArthur Foundation**
b. Grant Pass-Through Agency (if applicable): **n/a**

8. Proposed Grant Project Summary:
To support and sustain San Francisco's participation as an implementation site in the Safety and Justice Challenge, the John D. and Catherine T. MacArthur Foundation's criminal justice reform initiative to reduce over-incarceration by changing the way America thinks about and uses jails. The Office of the District Attorney in collaboration with the San Francisco Superior Court, Sheriff's Office, Adult Probation Department, Public Defender's Office, Department of Public Health, Police Department, Department of Homelessness and Supportive Housing and Department of Children, Youth, and Their Families to implement five refined strategies to address racial disparities and maintain reduction in the jail population: 1) lead with race by ongoing activities centering on strategies around disparities reduction; 2) sustain a shared focus on the in-custody population through enhancement to the Jail Population Review; 3) improve case processing; 4) increase healthy connections; and 5) drive with data using tools that enhance partners' ability to sustain jail reductions.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: **January 1, 2023** End-Date: **December 31, 2025**

10. a. Amount budgeted for contractual services: **\$567,500**
b. Will contractual services be put out to bid? **Yes**
c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **Yes**
d. Is this likely to be a one-time or ongoing request for contracting out? **one-time request**
11. a. Does the budget include indirect costs?

- Yes No
- b. 1. If yes, how much? \$
- b. 2. How was the amount calculated?
- c. 1. If no, why are indirect costs not included?
- Not allowed by granting agency To maximize use of grant funds on direct services
- Other (please explain):
- c. 2. If no indirect costs are included, what would have been the indirect costs? **If calculated at 10% of the personnel costs, the indirect cost for this program would have been \$60,572.**

12. Any other significant grant requirements or comments:

****Disability Access Checklist***(Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Existing Site(s) | <input type="checkbox"/> Existing Structure(s) | <input checked="" type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s) | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s) |
| <input type="checkbox"/> New Site(s) | <input type="checkbox"/> New Structure(s) | |

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Jessica Geiger
(Name)

Facilities Manager
(Title)

Date Reviewed: 11/30/2023

Jessica Geiger
Jessica Geiger (Nov 30, 2023 11:58 PST)
(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Eugene Clendinen
(Name)

Chief Administrative & Financial Officer
(Title)

Date Reviewed: 11/30/2023

Eugene Clendinen
(Signature Required)


DAT - SJC Sustainability Grant Resolution Information Form

Final Audit Report

2023-11-30

Created:	2023-11-30
By:	Lorna Garrido (lorna.garrido@sfgov.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIn_m5IBHgAmHRyXHo5qFhqj9mzDxe2qp

"DAT - SJC Sustainability Grant Resolution Information Form" History

-  Document created by Lorna Garrido (lorna.garrido@sfgov.org)
2023-11-30 - 7:45:50 PM GMT- IP address: 208.121.5.37
-  Document emailed to jessica.geiger@sfgov.org for signature
2023-11-30 - 7:48:22 PM GMT
-  Email viewed by jessica.geiger@sfgov.org
2023-11-30 - 7:58:28 PM GMT- IP address: 104.47.65.254
-  Signer jessica.geiger@sfgov.org entered name at signing as Jessica Geiger
2023-11-30 - 7:58:56 PM GMT- IP address: 208.121.6.37
-  Document e-signed by Jessica Geiger (jessica.geiger@sfgov.org)
Signature Date: 2023-11-30 - 7:58:58 PM GMT - Time Source: server- IP address: 208.121.6.37
-  Document emailed to Eugene Clendinen (eugene.clendinen@sfgov.org) for signature
2023-11-30 - 7:58:59 PM GMT
-  Email viewed by Eugene Clendinen (eugene.clendinen@sfgov.org)
2023-11-30 - 8:46:54 PM GMT- IP address: 104.47.65.254
-  Document e-signed by Eugene Clendinen (eugene.clendinen@sfgov.org)
Signature Date: 2023-11-30 - 8:47:13 PM GMT - Time Source: server- IP address: 208.121.33.97
-  Agreement completed.
2023-11-30 - 8:47:13 PM GMT



Budget Term	
01/01/23	12/31/24

Budget: City and County of San Francisco Sustainability Application

Strategy	Cost Category		Year 1	Year 2	Total	Sustainability Award Adjustment	Sustainability Award Amended Budget
	I. Personnel		\$203,038	\$402,685	\$605,724		
All	DAT	1824 Principal Administrative Analyst- SJC Project Director 1.0 FTE*	\$38,916	\$79,777	\$118,692		
All	DAT	1824 Principal Administrative Analyst- Fringe Benefits	\$16,665	\$35,329	\$51,994		
1, 2, 4	DAT	8133 Victim/Witness Investigator III-Mental Health Diversion Planner 1.0 FTE*	\$31,157	\$62,314	\$93,471		
1, 2, 4	DAT	8133 Victim/Witness Investigator III-Fringe Benefits	\$12,538	\$25,076	\$37,614		
1, 2, 5	SHF	1824 Principal Administrative Analyst- Jail Population Analyst 1.0 FTE*	\$38,916	\$79,777	\$118,692		
1, 2, 5	SHF	1824 Principal Administrative Analyst- Fringe Benefits	\$16,665	\$35,329	\$51,994		
1, 3, 5	COURT	Administrative Analyst III- Criminal Case Analyst 1.0 FTE*	\$27,825	\$55,650	\$83,475		
1, 3, 5	COURT	Administrative Analyst III- Fringe Benefits	\$8,348	\$16,695	\$25,043		
All	PDR	8177 Criminal Defense Attorney 0.25 FTE	\$8,187	\$8,684	\$16,871		
All	PDR	8177 Criminal Defense Attorney-Fringe Benefits	\$3,824	\$4,055	\$7,879		
	II. Professional Services		\$359,000	\$214,500	\$573,500		\$573,500
All	CCSF	SJC Fellowship Program	\$200,000	\$75,000	\$275,000		
1, 2, 5	CCSF	Criminal Justice Racial Equity Workgroup Training	\$8,000	\$4,500	\$12,500		
2, 3, 5	CCSF	Case Processing Training and TA	\$20,000	\$10,000	\$30,000		
All	CCSF	Graduate Student Intern	\$6,000	\$0	\$6,000		
1, 2, 5	CCSF	Racial Disparity Decision Point Analysis	\$100,000	\$100,000	\$200,000		
All	CCSF	Community Action Fund	\$25,000	\$25,000	\$50,000		
	III. Data Enhancements (e.g., IT system improvements, technology, staff)						
All	CCSF	None	\$0	\$0	\$0		
	IV. Equipment and Hardware						
All	CCSF	Computers and Software for Staff	\$0	\$0	\$0		
	V. Travel (e.g., airfare, hotel accommodations, food and incidentals)		\$8,000	\$8,000	\$16,000		\$16,000
All	CCSF	SJC Network Meetings	\$8,000	\$8,000	\$16,000		
	VI. Meeting Expenses (e.g., meeting space, food and supplies)						
All	None	None	\$0	\$0	\$0	\$4,776	\$4,776
	VII. Indirect Costs (not-to-exceed 15%)						
	None	None	\$0	\$0	\$0		
	Total		\$570,038	\$625,185	\$1,195,224		\$1,200,000

Notes:	1) Pending a no-cost extension request, positions indicated with an asterisk (*) will be covered by the SJC Renewal award for the first 9 months of year one (January 1-September 1, 2023).
	2) Roll over budget: Implementation Award \$81,989.99 + accrued interest of \$878.42 = \$82,777.41. Renewal Award \$971,147.35 + pending accrued interest.
	3) The next COLA will be 07/01/2023 at a rate of 2.5% and then 01/06/2024 at a rate of 2.25%. However, the last COLA may be forward by 6 months; as it is dependent upon CCSF budget.

From: Anderson, Tara (DAT) <tara.anderson@sfgov.org>
Sent: Friday, February 3, 2023 2:06 PM
To: Clendinen, Eugene (DAT) <eugene.clendinen@sfgov.org>; Arcelona, Sheila (DAT) <sheila.arcelona@sfgov.org>; Garrido, Lorna (DAT) <lorna.garrido@sfgov.org>; Xie, Sally (DAT) <sally.xie@sfgov.org>; McCaffrey, Edward (DAT) <edward.mccaffrey@sfgov.org>
Subject: Fwd: Congratulations!

Confirmation of 'Sustainability' award.

Best,
Tara

Begin forwarded message:

From: "Garduque, Laurie" <LGarduqu@macfound.org>
Date: December 16, 2022 at 8:34:20 AM PST
To: "Anderson, Tara (DAT)" <tara.anderson@sfgov.org>
Cc: lore@justicesystempartners.org, Joanne Fuller <joanne@justicesystempartners.org>, christina@justicesystempartners.org
Subject: Congratulations!

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hey Tara,

The Board approved San Francisco's renewal grant award! We couldn't be more pleased with SF's accomplishments and success in meeting its SJC goals, and in moving toward securing and sustaining progress and outcomes. We recognize how turbulent the past several years have been and appreciate your team's resilience and perseverance, and commitment to racial and social justice.

I hope you heard that Allison and I reached out to Cynthia and want to schedule a call to debrief a bit more so that we can reset the relationship with Urban and meet HSA's TA needs. She hasn't responded to our requests. We spoke with Kelly Walsh and told her she needs to swap out the current TA team. Before all of get on a call – Urban, Mac, and SF – we want to be specific on what SF needs with respect to communication and TA. Can you check on Cynthia's response to our outreach? We would like to get on the right track sooner than later.

Please take a moment to not just breathe a sigh of relief that the grant was approved but to celebrate the award. It is well-deserved. Have a fabulous safe, healthy, and joyous holiday season.

Best,
Laurie

AGREEMENT

THE GRANTEE AND GRANTOR (AS SET FORTH BELOW) HEREBY AGREE AS FOLLOWS:

EFFECTIVE DATE: May 25, 2023

GRANT NO.: 22-2004-154610-CJ

GRANTEE: City & County of San Francisco
d/b/a San Francisco District Attorney Office
350 Rhode Island Street
North Building, Suite 400N
San Francisco, CA 94103
("your organization")

GRANTOR: John D. and Catherine T. MacArthur Foundation
140 South Dearborn Street, Suite 1200
Chicago, Illinois 60603-5285
(the "Foundation")

GRANT AMOUNT: U.S. \$1,200,000

PURPOSE OF GRANT: To support and sustain the City and County of San Francisco's comprehensive efforts to reduce jail incarceration and racial and ethnic disparities in jail usage as a site in the Safety and Justice Challenge **(the "Purpose")**

FOR USE OVER THE PERIOD: January 1, 2023 - December 31, 2025

EXPECTED PAYMENT SCHEDULE: This grant is expected to be paid in the following installment amounts (the **"Payment Schedule"**):

Initial Installment: U.S. \$575,000, paid in a single lump sum
Installment 2: U.S. \$625,000, paid in a single lump sum

WRITTEN REPORTS DUE, as may be amended from time to time upon written authorization from the Foundation (the **"Due Dates"**):

August 31, 2023: Interim Report (Disparity Work), as further described in Paragraph 4(C) herein
November 30, 2023: Interim Report (Amended DUA), as further described in Paragraph 4(D) herein
February 29, 2024: Annual Report, covering the period January 1, 2023 through December 31, 2023
February 28, 2025: Annual Report, covering the period January 1, 2024 through December 31, 2024
February 28, 2026: Annual Report, covering the period January 1, 2025 through December 31, 2025
February 28, 2026: Final Report, covering the entire life of the grant

OTHER TERMS AND CONDITIONS:

1. PAYMENT TERMS: (A) Payment of the grant funds is expected to be made as indicated in the Payment Schedule above, *provided* your organization is in compliance with all terms and conditions of this agreement at the time of each scheduled payment.

(B) The initial installment of the grant funds will be made within thirty (30) days after receipt by the Foundation of fully-executed copies of (i) this agreement; (ii) the Foundation's Electronic Payment Authorization Form ("**Payment Form**"); and (iii) all necessary tax documents, if all conditions described in this agreement are satisfied. The Payment Form must be delivered through the DocuSign links provided to your organization by the Foundation or other secured means approved by the Foundation in writing in advance. The fully-executed agreement and tax documents may be submitted through DocuSign, uploaded to the Foundation's online Grants Management System ("**GMS**"), or submitted through other secured means approved by the Foundation in writing in advance. The scheduled dates of estimated payment for any subsequent installments, which dates may be amended by the Foundation from time to time, are available in GMS.

2. BANK ACCOUNTS: Grant funds shall be deposited in an interest-bearing account whenever feasible. Any grant funds, not expended or committed for the purposes of the grant, will be returned to the Foundation unless otherwise agreed by the Foundation. Interest earned may be expended for your organization's charitable purposes.
3. USE OF FUNDS: (A) EXEMPT PURPOSES: Under United States law, Foundation grant funds, and income earned thereon, may be expended only for charitable, religious, scientific, literary or educational purposes. This grant is made only for the Purpose stated above. It is understood that these grant funds will be used only for such Purpose, substantially in accordance with the document uploaded into GMS by the Foundation on February 17, 2023 and entitled "Final Proposal 154610", and the budget uploaded into GMS on September 15, 2022, relating thereto (the "**Approved Budget**"), subject to the terms of this agreement. Your organization agrees to obtain the Foundation's prior approval in writing should there be any material changes or variances to the Approved Budget, including the timing of expenditures, at any point during the course of this grant.

(B) CONTROL OF PROJECT: Your organization confirms that this project is under its complete control. Your organization further confirms that it has and will exercise control over the process of selecting any secondary grantee or consultant and that there does not exist an agreement, written or oral, under which the Foundation has caused or may cause the selection of a secondary grantee or consultant.

(C) RESTRICTIONS ON USE OF FUNDS: (1) In connection with the activities to be funded under this grant, your organization acknowledges that it is responsible for complying with all relevant laws and regulations of the countries in which such activities are conducted.

(2) Your organization agrees that no Foundation grant funds will be used for any of the following purposes:

- (a) To carry on propaganda, or otherwise to attempt to influence any legislation (within the meaning of Section 4945(d)(1) of the United States Internal Revenue Code ("**Tax Code**"));
- (b) To influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive (within the meaning of Section 4945(d)(2) of the Tax Code);
- (c) To undertake any activity for any purpose other than one specified in Section 170(c)(2)(B) of the Tax Code;
- (d) To offer or provide money, gifts, or any other things of value, directly or indirectly, to anyone in order to improperly influence any act or decision relating to the Foundation or the project, including by assisting any party to secure an improper advantage in violation of the Foreign Corrupt Practices Act or similar laws of the countries in which the grantee operates;
- (e) To use directly or indirectly to assist in, sponsor, or provide support for acts of terrorism or to support organizations or persons listed as terrorists on lists maintained by the United States government, the United Nations, the European Union, and other entities (each, a "**Prohibited Party**"); or
- (f) To use in or with respect to countries or individuals under sanctions by the U.S. government, including prohibited travel to and from those countries, or for the unauthorized provision of funds or services to any person, entity, or organization from those countries.

Attachment A and Attachment B are summaries of the types of activities prohibited under Section 4945 of the Tax Code.

(3) Further, your organization agrees to provide the Foundation such information as the Foundation may reasonably request, including (a) information about persons or organizations that will or have received funds in connection with this grant and (b) information regarding the steps and procedures that your organization uses to ensure that grant funds are not used to pay a Prohibited Party either through regranting or by contract.

4. WRITTEN REPORTS: (A) Written reports are to be furnished to the Foundation covering each year in which your organization receives or expends any portion of the grant funds until the Foundation's grant funds are expended in full or the grant is otherwise terminated. The written reports for this grant are due no later than the Due Dates specified on Page 1 of this agreement. The written reports should be submitted electronically through GMS.

(B) Each written report should contain a narrative and financial account of what was accomplished by the expenditure of the grant funds during the period covered by the report. The narrative account should

contain a detailed description of what was accomplished by the grant, including a description of the progress made toward achieving the goals of the grant and an assurance that the activities under the grant have been conducted in conformity with the terms of the grant. The financial account should contain a financial statement reporting, in U.S. dollars, all expenditures of the grant funds during the period covered by the report.

(C) INTERIM REPORT (DISPARITY WORK): Your organization's Interim Report (Disparity Work) shall contain a narrative detailing progress on efforts to meet your organization's jail population target, address and reduce racial disparities, improve community engagement, and enhance stakeholder involvement.

(D) INTERIM REPORT (Amended DUA): Your organization's Interim Report (Amended DUA) should include a copy of a fully executed Amendment to the Data Use Agreement ("**Amended DUA**") and any additional information reasonably requested by the Foundation. If your organization has not entered into the Amended DUA by the date the Interim Report is due, your organization shall include, in such Interim Report, a narrative describing your organization's good faith efforts toward finalizing the Amended DUA, including when the Amended DUA is expected to be fully-signed. The Amended DUA is an amendment to the comprehensive agreement between your organization and the City University of New York's Institute for State and Local Governance regarding the disclosure, maintenance, and use of the criminal justice-related information that your organization will provide, as part of the Safety and Justice Challenge. A draft of the Amended DUA, in a form substantially similar to what your organization will be asked to sign, is attached hereto and incorporated herein as Exhibit 1.

5. INTELLECTUAL PROPERTY: (A) In countersigning this agreement, your organization acknowledges that it has read the Foundation's Policy Regarding Intellectual Property Arising Out of Foundation Grants (the "**Policy**"; Attachment C hereto). Except as may otherwise be provided herein, all copyright interest in materials produced as a result of this grant (the "**Grant Work Product**") shall be owned by your organization and made available consistent with the terms of the Policy. To effect the widest possible distribution of the Grant Work Product and to ensure that it furthers charitable purposes and benefits the public, your organization hereby grants to the Foundation a non-exclusive, transferable, perpetual, irrevocable, royalty-free, paid-up, worldwide license to use, display, perform, reproduce, publish, copy, and distribute, for non-commercial purposes, the Grant Work Product and any other work product arising out of or resulting from your organization's use (including digital, electronic or other media) of these funds, including all intellectual property rights appurtenant thereto, and to sublicense to third parties the rights described herein. Without limiting the foregoing, such license includes the right of the Foundation to publish the Grant Work Product on the Foundation's website in connection with the Foundation's work with and support of your organization, and for use in periodic public reports, press releases, and fact sheets about the Foundation's grantmaking. Your organization further acknowledges and agrees, at the Foundation's request, to execute any additional documents necessary to effect such license.

(B) To the extent that, as part of any arrangement with any subcontractor, subgrantee, or other party working on matters related to this grant and receiving the benefit of the grant funds (a "**Third Party**"), the intellectual property rights in the Grant Work Product is to be owned by such Third Party, your organization agrees to require that the Foundation be granted a license in such Grant Work Product in a form reasonably acceptable to the Foundation.

(C) Except as stated in Paragraph 5(A) herein, and as you may be otherwise notified by the Foundation, it is the Foundation's policy not to ordinarily use the license granted herein if the Grant Work Product is otherwise made widely available through a means and on terms (including any cost to the public and timeliness of publication) satisfactory to the Foundation. Under the Foundation's Policy, the Foundation will consider also releasing such license at the request of your organization if it is demonstrated to the Foundation's satisfaction that such release is necessary in connection with a publication or distribution plan that will make the Grant Work Product widely available at a reasonable or little cost, such as through scholarly publication, open access journals, or use of a suitable Creative Commons license.

(D) In connection with the narrative reports required to be submitted in the GMS under this agreement, your organization will be required to address a series of questions related to intellectual property that are available on the narrative report form in the GMS.

6. USE OF NAME: Your organization acknowledges that the name and mark "John D. and Catherine T. MacArthur Foundation" and all variations thereof and any other names and marks comprising the name or mark "MacArthur" (the "**MacArthur Name**"), are the sole and exclusive property of the Foundation, that any and all uses of the MacArthur Name by your organization shall inure solely to the benefit of the Foundation, and that your organization shall not acquire any right, title or interest in any MacArthur

Name. All uses of any MacArthur Name by your organization in any manner shall be subject to inspection by and approval of the Foundation, which approval may be granted or withheld in the sole and absolute discretion of the Foundation. Upon termination of this agreement, or at the request of the Foundation at any time, your organization shall immediately discontinue and forever thereafter desist from any and all use of any MacArthur Name and shall either destroy or deliver to the Foundation, at no charge to the Foundation, stationery, brochures, proposed paid media and other similar materials bearing any MacArthur Name that then are in the possession or control of your organization.

7. PUBLICATIONS: Publications produced or disseminated wholly or in part with Foundation funds will be made available to the Foundation electronically or by hard copy as your organization may elect. Unless otherwise notified by the Foundation, such publications should include a simple acknowledgment of the grant support from the Foundation.
8. NOTIFICATION: Your organization will promptly notify the Foundation upon the occurrence of any of the following: (i) A change in the executive director, chief executive officer, president, or comparable senior level executive of any agency that is engaged materially in the activities funded by the Foundation (“**Agency**”); (ii) receipt by the Agency of notification by another significant funder, if any, that the funder is ceasing further funding; or (iii) unless prohibited by court or agency order, the filing of a claim in any court or federal, state, or local agency alleging (a) sexual or other harassment, discrimination, a hostile work environment, or similar claims regarding the activities of the Agency; (b) financial impropriety by the Agency; or (c) breach of fiduciary obligations by senior leadership or the board of the Agency. Written notification will be given to the signatory of this agreement at the e-mail address under the signature line below.
9. WORKPLACE CONDUCT STANDARDS: (A) Your organization represents that it aspires to a tolerant and civil workplace, one that is free of discrimination, harassment, and misconduct of any kind. Your organization further represents that it has in place or is committed to putting in place policies, procedures, or practices that will help ensure a tolerant and civil workplace, including the following: Staff training regarding workplace misconduct; mechanisms for complaints to be made to an impartial person; fair processes for investigation and adjudication; and prohibitions against retaliation against persons making good faith complaints.

(B) In the event the Foundation learns of allegations of workplace misconduct as a result of notification by your organization or by third parties, your organization agrees to cooperate with reasonable requests of the Foundation to understand the policies, procedures, and practices in place and what steps were taken in response to the allegations. In making such requests, the Foundation is not seeking to determine the truth or falsity of the underlying allegations and is not accepting any such allegations as true. If the Foundation concludes that your organization lacks the necessary workplace protections or has failed to adhere to appropriate practices in its investigation, the Foundation may take such action as is appropriate under the circumstances, including suspending future grant payments until your organization has implemented additional steps to addressing the situation or, in extreme cases, terminating the grant. Prior to taking any action, the Foundation will discuss with you the proposed course of action and provide your organization an opportunity to respond and suggest corrective action.
10. EVALUATING OPERATIONS: The Foundation may monitor and conduct an evaluation of operations under this grant, which may include a visit from Foundation personnel to observe your organization's program, discuss the program with your organization's personnel, and review financial and other records and materials connected with the activities financed by this grant.
11. FOUNDATION GRANT REPORTS: The Foundation may include basic information about this grant through a variety of public channels, including press releases, publications, videos, social media, and the Foundation's website. If there are special considerations concerning the public announcement of this grant at your organization, if you plan to issue a public announcement of the grant, or if you would like to coordinate a public announcement of the grant with the Foundation's announcement, please reach out to Communications at the Foundation.
12. RIGHT TO DISCONTINUE FUNDING, RESCIND PAYMENTS, AND REQUIRE RETURN OF UNSPENT FUNDS: The Foundation may, in its sole discretion, discontinue or suspend funding, rescind payments made or demand return of any unspent funds based on any of the following: (a) the written reports required herein are not submitted to the Foundation on a timely basis, (b) the reports do not comply with the terms of this agreement or fail to contain adequate information to allow the Foundation to determine the funds have been used for their intended charitable purposes, (c) grant funds have not been used for their intended charitable purposes or have been used inconsistent with the terms of this agreement, (d) the Foundation is not satisfied with the progress of the activities funded by the grant, (e) the purposes for which the grant was made cannot be accomplished, or (f) making any payment might, in the

judgment of the Foundation, expose the Foundation to liability, adverse tax consequences, or constitute a taxable expenditure. The Foundation will provide notice of any determinations made under this paragraph. In the event the Foundation takes action permitted by this paragraph solely based on (d) and (e), and your organization provides documentation that it has incurred obligations consistent with the terms of the grant in good faith reliance on the grant agreement and the Approved Budget, the Foundation will consider in good faith permitting grant funds to be used to pay such obligations.

13. RIGHT TO RECOVER SPENT FUNDS: Your organization will repay the Foundation, upon demand, the amount of any funds spent for purposes inconsistent with or contrary to the grant agreement or the Approved Budget.
14. U.S. TAX STATUS: By countersigning this agreement, your organization confirms that it is a governmental entity. If such status changes during the course of this grant, your organization hereby agrees to notify the Foundation and, upon request, promptly return any unspent grant funds to the Foundation as of the date of such change.
15. MODIFICATION OF TERMS: The terms of this agreement may be modified only by an agreement signed by an officer of your organization and a corporate officer of the Foundation. Any modifications made by your organization to this printed agreement (whether handwritten or otherwise) will not be considered binding on the Foundation until written confirmation of such modification is obtained from the Foundation.
16. HEADINGS: The section headings in this agreement are for convenience only and are not intended, and shall not be construed, to alter, limit or enlarge in any way the scope or meaning of the language contained in this agreement.
17. ENTIRE AGREEMENT: This agreement represents the entire agreement between your organization and the Foundation with respect to the subject matter herein and supersedes any and all prior agreements, understandings, negotiations, representations and discussions with respect thereto. This agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. Counterparts delivered using digital signatures via the Foundation's DocuSign process or other secured means approved in advance by the Foundation shall be deemed to have been duly and validly delivered and shall have the same force and effect as if the signature was an original thereof. In the event that any original wet signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.
18. **DUE AUTHORITY: The person(s) signing this agreement on behalf of your organization represents and warrants to the Foundation that s/he is an officer of your organization and has requisite legal power and authority to execute this agreement on behalf of your organization and bind your organization to the obligations herein.**

IN WITNESS WHEREOF, the parties have caused this agreement to be effective as of the Effective Date.

**JOHN D. AND CATHERINE T.
MacARTHUR FOUNDATION**

DocuSigned by:

By: _____
C5D13B7643314D2...

Joshua J. Mintz
Its: Vice President, General Counsel, and Secretary
E-Mail: jmintz@macfound.org

**CITY & COUNTY OF SAN FRANCISCO D/B/A
SAN FRANCISCO DISTRICT ATTORNEY OFFICE**

DocuSigned by:

By: _____
5A6746C0513C47B...

Signature
Its: Chief Financial Officer
Title

Payment should be made payable to CITY & COUNTY OF SAN FRANCISCO D/B/A SAN FRANCISCO DISTRICT ATTORNEY OFFICE

To facilitate receipt of the grant funds:

- (1) Please upload the fully-signed agreement (and attachments) to the Foundation's Grants Management System.
 - (2) Please complete, sign, and return the MacArthur Electronic Payment Authorization Form to the Foundation using DocuSign.
-

**ATTEMPTS TO INFLUENCE LEGISLATION
BY MacARTHUR FOUNDATION GRANTEES**

Under United States law, MacArthur Foundation grant monies may not be used to pay for attempts to influence legislation, unless they qualify under certain specific exceptions. (These laws do not affect how grantees may spend money received from other sources.) This paper will generally describe what activities are regarded as attempts to influence legislation and some of the exceptions available. Also, attached is a chart describing some permissible and prohibited public policy activities.

Lobbying

Attempts to influence legislation, commonly known as lobbying, may be of two types, direct or indirect:

Direct Lobbying

Direct lobbying refers to certain communications directly with government personnel who are involved in the legislative process. They may be legislators or employees of legislative bodies, or other government personnel who participate in the formulation of the legislation concerned.

A communication with these government personnel will be lobbying only if it both refers to specific legislation and indicates a view on that legislation.

Indirect Lobbying

Indirect (or "grass roots") lobbying refers to communications with members of the general public. Certain "public relations" or educational activities may constitute indirect lobbying, and others will not.

Indirect lobbying communications include only communications that (1) refer to specific legislation, (2) indicate a view on the legislation, and (3) encourage the recipient of the communication to take action with respect to the legislation.

Specific Legislation

"Specific legislation" includes both legislation that has already been introduced in a legislative body and a specific legislative proposal.

Legislation

Legislation refers only to action by a legislative body -- such as a congress, senate, chamber of deputies, house of representatives, state legislature, local council or municipal chamber of representatives -- or by the public in a referendum or similar procedure. Legislation of

the United States or any other country or of any local government is included.

Legislation also includes proposed treaties required to be submitted by the President of the United States to the Senate for its advice and consent from the time the President's representative begins to negotiate its position with the prospective parties to the proposed treaties.

Action by an executive or by a judicial or administrative body does not constitute legislation, so attempts to influence such action do not constitute lobbying.

Encouraging Recipient to Take Action

A communication may encourage the recipient to take action with respect to legislation, and therefore meet the third test for indirect lobbying, in any one of the following four ways:

1. It may state that the recipient should contact a legislator (or other government official or employee who may be involved in the legislation).
2. It may state the address, telephone number, or similar information of a legislator or an employee of a legislative body.
3. It may provide a petition, tear-off postcard, or similar materials for the recipient to send to a legislator or other government official or employee.
4. It may specifically identify one or more legislators who will vote as:
 - a. opposing the communication's view with respect to the legislation,
 - b. undecided about the legislation,
 - c. the recipient's legislative representative, or
 - d. a member of the legislative committee that will consider the legislation.

Exceptions

There are a few specific exceptions from prohibited lobbying. The most important of these for MacArthur Foundation grantees are the exception for examinations and discussions of broad social, economic, and similar problems and the exception for nonpartisan analysis, study, or research.

A communication regarding broad social, economic, and similar problems will not constitute lobbying, even if the problems discussed are of a type with which government would be expected to deal eventually. Accordingly, it is permissible to speak to

legislators or the general public about problems that the legislature should address. These communications may not, however, discuss the merits of a specific legislative proposal or directly encourage recipients to take action with respect to the legislation.

Nonpartisan analysis, study, or research means an independent or objective exposition of a particular subject matter. It may advocate a particular position or viewpoint, so long as there is a full and fair discussion of the pertinent facts, which is sufficient to enable an individual to form an independent opinion or conclusion.

The results of nonpartisan analysis, study, or research may indicate a view on specific legislation, and they may be communicated to a legislator or government official or employee involved in the legislative process. They may not, however, be communicated to members of the general public with a direct encouragement to the recipient to take action with respect to the legislation.

A grantee may not use the nonpartisan analysis, study, or research exception, such as by omitting the direct encouragement to take action, and then later use the communication for lobbying purposes. If it does, and if the

grantee's primary purpose in preparing the original communication was for use in lobbying, the amounts spent to prepare the original communication will be treated as funds used for lobbying.

Related Issues

The use of any MacArthur Foundation grant monies to participate in any political campaign on behalf of or in opposition to any candidate for public office is also prohibited by United States law. This applies to elections both inside and outside the United States.

Also, no MacArthur Foundation grant monies may be used to make any payments that would be illegal under local law, such as to offer money to a public official to perform an official action or to omit or to delay an official action.

Questions

If you have any questions regarding the rules discussed in this memorandum, or if you would like further information please contact the Office of the General Counsel, at the John D. and Catherine T. MacArthur Foundation, 140 South Dearborn Street, Chicago, Illinois 60603-5285, U.S.A.; telephone (312) 726-8000.

PERMISSIBLE AND PROHIBITED ACTIVITIES

Some Permissible Public Policy Activities

1. Meetings with or letters to government officials, including legislators, about a problem needing a legislative solution, so long as there is either no reference to specific legislation or no view expressed on specific legislation.
2. Communications with members of the general public about a social problem, so long as there is either no reference to specific legislation, no position taken on the legislation or no encouragement of the public to contact legislators or other government personnel concerning the legislation.
3. Meetings with or letters to government personnel other than legislators or their staff (such as mayors, governors or their staff) about specific legislation if the personnel contacted are not participating in formulating the legislation.
4. Efforts to influence regulations or other actions of an executive, judicial or administrative body.
5. Public interest lawsuits.
6. Communications directly to legislators or their staff regarding legislation that might affect the communicating organization's existence, powers and duties, or its exemption from taxes.
7. Responding to written requests from a legislative body or committee (but not one legislator) for technical advice or assistance on particular legislation.
8. Communicating the results of nonpartisan analysis, study or research on a legislative issue, so long as there is no direct encouragement of members of the general public to contact legislators or other government personnel concerning the legislation.

Some Prohibited Public Policy Activities

1. A letter to or meeting with a legislator encouraging the legislator to vote either for or against specific legislation or to submit a specific legislative proposal to the legislature.
2. An advertisement or pamphlet encouraging people to contact their legislators and to urge them to vote for or against specific legislation.
3. A public meeting where individuals are asked to sign a petition urging legislators to vote for or against specific legislation.
4. Publishing articles and producing radio and television broadcasts urging recipients to become involved in a political campaign on behalf of or in opposition to a candidate.
5. Preparing a fact sheet for a legislative committee describing one view of proposed legislation important to an organization's objectives, when such fact sheet has not been requested in writing by the committee.

ELECTIONEERING ACTIVITIES

This document provides guidance regarding the rules prohibiting participation in political campaigns. This overview is simplified for educational purposes. It is not legal advice and should not be relied on as such. Your organization should consult qualified legal counsel with questions.

The general rules are clear and easy to state: **Organizations described in section 501(c)(3) of the Internal Revenue Code -- or their equivalent as determined in accordance with applicable law -- may not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.** For ease of reference, this general prohibition will be referred to as “electioneering activities”. The MacArthur Foundation is a section 501(c)(3) private foundation and it is subject to the prohibition on the use of its funds for electioneering activities (and lobbying).

There are no bright line rules defining electioneering activities, although they generally arise when there is (1) a candidate,¹ (2) that candidate is seeking public office, and (3) the activities involve participation or intervention in the candidate’s political campaign. The IRS applies a “facts and circumstances” test to determine whether an activity constitutes campaign intervention. **Nonpartisan voter education is not treated as campaign intervention.** Educational activities include “the instruction or training of the individual for the purpose of improving or developing his capabilities.” Educational activities also must present “a sufficiently full and fair exposition of the pertinent facts.”

To help evaluate whether a particular activity involves prohibited political campaign intervention, the following chart compares examples of situations in which the IRS has ruled that an activity constitutes prohibited campaign intervention with examples involving nonpartisan voter education:

Political Campaign Intervention	Nonpartisan Voter Education
Basic Advocacy	
Expressly advocating for the election or defeat of an identified candidate or party, including through the use of code words or issues that are clearly associated with one candidate or party.	Providing neutral information about candidates, such as posting links to each candidate’s official campaign websites if the links are presented on a consistent neutral basis for each candidate with text saying, “For more information on Candidate X, you may consult ___.”

¹ A candidate is defined under Section 1.501(c)(3)-1(c)(3)(iii) of the Treasury Regulations as “an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local.”

Electioneering Activities

Political Campaign Intervention	Nonpartisan Voter Education
Guides on Voter Issues and Voting Records	
<p>Publishing a single-issue voter guide reflecting candidates' positions on an area of interest to the organization. [Consequently, a voter guide that reflected a candidate's position on only a single issue related to corruption would be problematic.]</p> <p>Preparing voter guides that convey a bias regarding candidates' positions on certain issues and distributing the guides to particular congressional districts close to the date of the election.</p>	<p>Publishing and making widely available the results of a questionnaire identifying the candidates' positions on a broad range of issues selected by the organization solely on the basis of their importance and interest to the electorate as a whole.</p> <p>Publishing and making widely available a compilation of voting records of Congressional members on a broad range of subjects when there is no editorial opinion and the content and structure of the publication do not imply approval or disapproval of any Congressional members or their voting records.</p> <p>Publishing a summary of the voting records of all incumbent members of Congress on selected legislative issues that are important to the organization, along with the organization's position on those issues, when there is limited distribution, no attempt to target distribution to areas where there are elections, and the timing coincides with the end of congressional sessions (the guide also included a caveat about judging the qualifications of an incumbent based on a few selected votes).</p>
Get Out the Vote Efforts	
<p>Calling registered voters before an election, emphasizing the importance of particular issues, asking about the voters' views on those issues, and only engaging voters whose views are favorable to the organization's positions.</p>	<p>Conducting or funding "get out the vote" drives that treat all voters equally, regardless of party affiliation or candidate preference (if known).</p> <p>The IRS has also ruled that an organization can focus voter education and outreach efforts on women voters, particularly in minority communities, through a variety of public events and locations if the organization provides assistance to anyone who requests it, regardless of party affiliation, and the organization does not comment on any candidate's qualifications and does not rate any candidates.</p>
Candidate Forums and Debates	
<p>Holding a candidate forum that involves biased questioning procedures.</p>	<p>Sponsoring candidate debates or forums that include all qualified candidates if the moderator's questions cover a range of issues and do not reflect a bias for or against a candidate.</p>

Electioneering Activities

Political Campaign Intervention	Nonpartisan Voter Education
Use of Resources and Facilities	
<p>Permitting directors, officers, and employees to use the organization’s resources (e.g., email or mailing list) to engage in campaign activities, even if these directors, officers, and employees are only supporting the campaign in their personal capacities.</p> <p>Offering special support, services, or resources (e.g., reviewing issue papers) to one campaign, without making such support or services available on an even-handed basis to all candidates and failing to charge fair market value for such support or services.</p>	<p>Permitting directors, officers, and employees to engage in political campaign activities on a personal basis so long as they do not use the organization’s resources (e.g., email or mailing list) to engage in campaign activities.</p> <p>Making the organization’s facilities and other resources available to individuals or groups for political campaign purposes, provided they are made available on the same basis as to non-political groups or individuals, the organization doesn’t promote or endorse the event, and ensures the facilities are equally available to all candidates and political parties.</p>
Rating Candidates	
<p>Rating candidates for elective public office, even if there is no mention of the candidates’ party affiliation and the ratings are based on a standard of professional competence (e.g., approved as highly qualified, approved, or not approved) as opposed to a comparison of candidates.</p> <p>This can include hosting a platform for members of the public to learn more about candidate positions and express their preferences for candidates and publishing the ratings.</p>	<p>Hosting a platform for members of the public to listen to candidate positions and express their preferences for candidates without publishing or otherwise making available the ratings.</p>
Appearances at Public Meetings and Events	
<p>Acknowledging the presence of an elected official who is also a candidate at a public event and highlighting the importance of his or her re-election in order to advance an issue.</p>	<p>Referencing the presence of an elected official who is a candidate attending a meeting or event without referencing that person’s candidacy or the election.</p>

The following are additional activities that are **impermissible** under the rules:

- Candidate pledges, such as asking candidates to sign pledges (or covenants) to support your issue.
- Making financial contributions to candidates.
- Expressly advocating a vote for or against a candidate.
- Increasing the amount or volume of criticism of sitting officials who are also candidates in close proximity to an election.
- Endorsing a candidate.
- Making campaign contributions or expenditures on behalf of candidates.
- Restricting rental of mailing lists or facilities to only certain candidates or engaging in such business transaction for the first time with candidates.
- Publishing or communicating anything that explicitly or implicitly favors or opposes a candidate.

Electioneering Activities

- Criticizing sitting legislators or other elected officials by attacking their personal characteristics or attacking them in their status as a candidate.

Acting in a Personal Capacity

While 501(c)3 organizations cannot intervene in political campaigns, individuals that may be associated with the organization can in their personal capacity intervene in campaigns. It becomes very important, however, for the individual to be clear that he or she is acting as an individual and not on behalf of the organization. Written or spoken disclaimers indicating that the actions or words are in a personal capacity are critical to making the distinction especially if the individual occupies a high-profile place in the organization. In addition, the resources of the organization should not be used to advance the individual's political activity. This means the following types of resources or equipment belonging to the organization should not be used by the individual to further his/her own political activity: machines, phones, computers, mailing lists, email, office space, newsletters, internal communications or stationary among other items.

Conclusion

This overview provides some examples of how the IRS has distinguished between political campaign intervention and nonpartisan voter education to help grantees comply with the Foundation's prohibition on the use of grant funds for political campaign activities. It is important to note that some of these activities may also intersect with the Foundation's prohibition on the use of funds for lobbying activities. In these cases, the grantee should ensure that the activities qualify under a relevant exception to the lobbying rules, such as the exceptions for nonpartisan analysis and research or the examination and discussion of broad social, economic, or other issues.

Policy Regarding Intellectual Property Arising Out of Foundation Grants

Introduction

Foundation grants often result in tangible products, such as reports, papers, research, software, data sets, curriculum, books, film or television documentaries, or radio programs (“Grant Work Product”). This Policy articulates the principles guiding the Foundation’s approach to the ownership and use of Grant Work Product. It addresses specifically the ownership, use, copyright to, distribution and licensing of the Grant Work Product arising from project grants by balancing the interests of the Foundation with the interests of the grantee and other interested parties.

Recipients of general operating support grants are expected to have policies in place reasonably consistent with the underlying philosophy and principles reflected in this Policy.

The Foundation is cognizant that fast-evolving technological advances are impacting the manner and method by which knowledge in whatever form can be protected and distributed and the Foundation will evaluate this policy in light of this understanding. The attached glossary defines certain underscored terms used in this Policy.

Policy

The Foundation's policy is to ensure that use of the Grant Work Product furthers charitable purposes and benefits the public. To that end, the Foundation seeks prompt and broad dissemination or availability of the Grant Work Product at minimal cost to the public or, when justified, at a reasonable price.

Distribution at a reasonable price may be justified when integral to the business plan and sustainability of a charitable organization or when the Foundation is satisfied that net revenues derived from the distribution will be used for charitable purposes.

- Grant Work Product should, whenever feasible, be licensed under a Creative Commons license appropriate for the circumstances or other similar scheme that provides for wide distribution or access to the public.
- Software created with grant funds should be ordinarily licensed under an open source license.
- The Foundation also expects openness in research and freedom of access to research results and, when feasible, to the underlying data by persons with a serious interest in the research. This means that grant-funded impact studies should generally be registered in a field-appropriate registry, preferably before data are collected or at least before statistical analyses are performed.

The Foundation recognizes there may be circumstances where limited or delayed dissemination of Grant Work Product, delayed or non-registration of impact studies, or limited or delayed access to data may be appropriate to protect legitimate interests of the grantee, other funders, principal investigators or participants in research studies. Such circumstances will be evaluated on a case-by-case basis.

We will apply these same general principles to our contract-funded evaluation work and make the relevant information available under our Policy on Information Sharing.

Ownership of intellectual property rights (including copyright and patent rights) should not be used to limit or deny access to the Grant Work Product, to result in exclusive use of such Grant Work Product, or to create revenue that is not used substantially for charitable purposes. Copyright to or patent rights in the Grant Work Product will ordinarily remain with the grantee, but the Foundation will be granted a no-cost assignable license to use or publish the Grant Work Product consistent with this Policy. The Foundation may forego or limit the requirement of a license if the Foundation is reasonably satisfied that other appropriate arrangements will be implemented that will assure the goals of this Policy.

In all instances, the Foundation will agree to suitable terms at the time a grant is made based on the facts to ensure the objectives of the Policy are met while respecting appropriate interests of others.

This Policy was initially adopted by the Foundation on September 18, 2008. It was last revised on September 10, 2015 and applies to grants awarded after that date.

Glossary

Creative Commons License: A license that allows creators of intellectual property to retain copyright while allowing others to copy, distribute, and make some uses of their work — at least non-commercially. <http://creativecommons.org/licenses/>

Data: All materials created during the research process including raw data and metadata required to replicate and assess the trustworthiness of reported findings in their entirety.

Impact Study: A study that investigates how an intervention affects outcomes based on a model of cause and effect. It requires a credible counterfactual (typically, a control group or a comparison group) of what those outcomes would have been in the absence of the intervention. An impact study must control for factors other than the intervention that might account for the observed change.

Open Source License: A license that allows software or other products to be used, modified, and shared under defined terms and conditions.

Registry: An access point for collaborators, other scholars, students, and the interested public that provides links to data sets, survey instruments, impact studies, and experimental protocols. The purpose is to enhance the transparency and quality of research/evaluations studies funded by foundations.

Research: The general field of disciplined investigation, covering the humanities, the sciences, jurisprudence, evaluation and so on.

Source: Evaluation Thesaurus. Michael Scriven.

EXHIBIT 1

TEMPLATE AMENDMENT TO DATA USE AGREEMENT

WHEREAS, the John D. and Catherine T. MacArthur Foundation (“Foundation”) initiated and is providing funding for the “Safety and Justice Challenge” (“SJC”), the goal of which is to reduce the use of local incarceration by reducing the flow of individuals into jail, shortening the lengths of stay in jail, and diminishing racial and ethnic disparities in jail populations, without compromising public safety; and

WHEREAS, the Foundation has awarded funding to states, counties, cities, and other jurisdictions (“Sites”) to implement plans to further the goal of the SJC; and

WHEREAS, the Foundation has awarded [•] County, as the Lead Agency of a Site, to implement such a plan; and

WHEREAS, as part of such implementation, the Lead Agency, on behalf of its Site, entered into a Data Use Agreement dated [•], as amended [•], with the Research Foundation of the City University of New York on behalf of The City University of New York Institute for State and Local Governance (“ISLG”) (the “DUA”), so that ISLG could collect, consolidate, and analyze data from the Site for the purposes of establishing performance measures and monitoring those measures; transferring such data to other entities working on the SJC for evaluation; the development of jail population projections, provision of data-driven technical assistance; and research to further understand the outcomes of the SJC; and

WHEREAS, the DUA establishes a schedule according to which the Site will provide such data to ISLG during the term of the DUA, which expires on [•]; and

WHEREAS, the Foundation, the Site, and ISLG wish to extend the term of the DUA to allow the Site to provide data to ISLG for the purposes described herein to run concurrently with the term of additional funding granted by the Foundation;

NOW, THEREFORE, the parties agree as follows:

- I. Section I of the DUA shall be amended to read as follows (new text indicated by underline, deletions indicated by strikethrough):

This Agreement shall be effective upon execution by all parties, and will continue until [•][insert end date of data use agreement or current grant cycle, as appropriate], or, if additional grant funding is awarded by the Foundation, the termination date of such additional grant funding (“Scheduled Termination Date”), unless it is:

- a. extended, as provided pursuant to Section [IX] herein, or
- b. terminated earlier than the Scheduled Termination Date, pursuant to Section [X] herein.

II. The other provisions of the DUA shall remain in full force and effect.

III. This Agreement may be executed in counterparts and will be considered as one executed agreement, and facsimile or electronic signatures (in PDF) received by the appropriate party will be treated as originals.

IV. The individuals signing below certify that they have the authority to execute this Amendment on behalf of the named entity.

V. IN WITNESS WHEREOF, the parties undersigned executed this Amendment effective as of the later of the dates of the signatures below.

A. For the Site:

Name of Lead Agency:

Address:

By: _____

Date: _____

Name:

Title:

Other Agencies:

Name of Agency:

Address:

By: _____

Date: _____

Name:

Title:

B. Research Foundation of The City University of New York
on behalf of The City University of New York
Institute for State and Local Governance
230 West 41st Street, 7th FL
New York, NY 10036

By: _____

Date: _____

Name: Matthew R. Drost

Title: Chief Counsel and Secretary of the Board

2022 MacArthur Safety and Justice Challenge Sustainability Application

THE APPLICATION: QUESTIONS 1-10

FINAL EDITOR DRAFT

1. SUMMARY OF PROJECT OR FUNDED ACTIVITIES (2,000-character limit – up to half a page):

- a. Please summarize your proposal for the next two years and how it successfully positions your jurisdiction for long-term sustainability after the grant period, addressing your two-year jail population reduction target and qualitative and/or quantitative targets for reducing racial and ethnic disparities. Please also include your plans for ongoing data tracking, analysis, and reporting, reflection and decision making, and strengthening local partnerships.

The City and County of San Francisco (CCSF) jail population is at a thirty-year low. In September 2020, CCSF closed County Jail #4 (CJ4). This landmark achievement demonstrates the success of the SJC investment, and the strong cross system collaboration required to end the misuse and overuse of jails. In the wake of this achievement CCSF has continued to maintain an average monthly ADP of 800 people. Despite reducing the jail population, racial disparities persist. Black people remain over-represented, comprising only 6% of the total population and 40% of the jail population. Over the next two years, CCSF will continue to implement five strategies to address persistent, staggering racial disparities while maintaining reductions in the jail population. CCSF will develop plans for local budget allocations to build on the demonstrated success of the SJC. All strategies have a racial equity lens, include targeted system change, and enhanced community engagement.

CCSF will build on the successful implementation of the SJC fellowship, an authentic community engagement model for people of color with lived experience of incarceration to inform activities across strategies; the development of targets for reducing racial and ethnic disparities, advising JUST Home and capacity building for community partners.

CCSF will sustain a shared focus on long lasting systemic reform through enhancements to the Jail Population Review and tools to improve case processing. CCSF will invest in a decision point analysis focused on Adult Probation Department discretionary points in the criminal legal system. CCSF will continue to increase healthy connections to community-based support and integrate efforts into key mental health reforms. The Departments of Public Health and Homelessness and Supportive Housing will improve referrals for people in jail. CCSF will drive with data, developing tools that enhance partners' ability to sustain jail reductions.

2. ORGANIZATION OVERVIEW (1,000-character limit – up to a quarter page):

- a. Please briefly describe the lead agency for this grant and all of the additional partner agencies or organizations essential to implementation.
 - i. If the lead agency is a different agency from your previous grant, please explain why this is the case.
- b. Who are the key system and community stakeholders that have supported your jail population and disparities reduction work specifically over the past two years? Please describe how these system and community stakeholders were engaged in developing this application.

The San Francisco District Attorney's Office (SFDA) will continue to serve as the lead agency, under the auspice of the Sentencing Commission (SC). The SC includes 13 system and community representatives responsible for developing strategies to improve public safety, reduce recidivism, and reform criminal sentencing. CCSF's SJC initiative is a partnership between the Superior Court, Sheriff's Office, Department of Public Health (DPH), Adult Probation Department (APD), Public Defender's Office (PD), SF Francisco Pretrial Diversion Project convened by the SFDA. Partners work collaboratively to leverage the power of the SJC Fellows who collectively represent justice involved people in San Francisco and beyond. System stakeholders were engaged in the application through individual department meetings and SJC work group meetings. SJC Fellows were directly engaged to ensure that the goals and planned activities reflect a genuine commitment to share 'material power' in the decision-making.

3. CONTEXT (4,000-character limit – up to one page)

(Overview of the jurisdiction's reform environment.)

- i. How has your jurisdiction's jail population changed since the baseline measurement, and why?
 - ii. Explain the lowest ADP you achieved over the last five years and explain how that was achieved and sustained.
 - iii. Include your current percentage reduction since the baseline period and explain how it compares to lowest ADP achieved to date.
 1. If there have been increases since that time, please explain why.
 - iv. Please explain and demonstrate with data what local efforts have contributed to changes in the jail population.
 - v. As helpful, please feel free to seek consultation and advice from CUNY ISLG in developing this analysis.
- b. Describe how systems change has manifested in your jurisdiction to date, whether as part of the Safety and Justice Challenge or through other, complementary efforts.
- c. Describe the efforts you have taken to reduce racial and/or ethnic disparities in your local justice system.
- i. How specifically have you incorporated SJC's guidance on reducing racial and ethnic disparities (see attachment)?
 - ii. What successes and/or challenges have you experienced?
- d. Does your jurisdiction have a criminal justice system strategic plan?
- i. If yes, describe whether and how your SJC work is integrated into the plan.
 - ii. If no, describe whether and how you plan to engage in a strategic planning process in the near future.

Reform Environment: City and County of San Francisco (CCSF) community and government partners have achieved significant results as a part of the SJC. At the beginning of 2019, the ADP had crept up to over 1400 people. Fast forward to late 2020 and CCSF closed a jail long known to be unsanitary and seismically unsafe. We achieved this 40% jail population reduction and jail closure milestone through a [broad array of targeted policies](#) to rapidly reduce our jail population without jeopardizing public safety. On April 24, 2020 the jail population dropped to 699, its lowest point in recent history. Total bookings and median length of stay have increased since the historic low. Today's average daily population is approximately 800 people, a 34% reduction from baseline of 1210. CCSF partners review jail population

trends at monthly meetings. Partners have a shared focus on bookings and average length of stay- our key population drivers.

A Systematic Approach to RED Reduction: Through the sustainability funds, CCSF seeks to expand existing efforts and move more fully into co-productive relationships with BIPOC community members with lived experiences. Despite historic jail reductions, significant disparities persist: black people represent nearly half of the jail population despite comprising less than 6% of CCSF's total population. Racial disparities have not been exacerbated by population reductions, nor have they improved. System partners and community members are profoundly dissatisfied with persistent disparities and, with strong local and national momentum for racial justice, believe that change is possible. As outlined in *Reducing Racial and Ethnic Disparities in Safety and Justice Challenge Implementation Sites*- step-by-step guidance, SJC partners commit to owning their responsibility for jail disparities reduction, while linking to broader efforts to increase racial equity and address root causes. SJC partners adopted a racial equity statement acknowledging the harm that the justice system has done in communities of color and committing to disparities elimination. The SFDA and Adult Probation continue to co-chair the Criminal Justice Racial Equity Workgroup (CJREWG). The CJREWG will continue to be the primary home for refinement of RED reduction efforts, monitoring data and goals, and adjusting strategies as needed. CCSF's SJC sustainability plan focuses on identifying system level changes that can disrupt racial disparities and take action to change policies, practices, and goals of the system to end racial and ethnic disparities.

Strategic Planning Efforts: CCSF does not have a strategic plan, however strategic planning continues to be facilitated through the Sentencing Commission Annual Report, which will include recommendations about modifying the government code to sustain this collaborative policy and planning space beyond the current sunset of June 2023. SJC partners continue to systematically engage three critical partners: the Police Department (SFPD); Department of Homelessness and Supportive Housing (HSH); and the City's largest funder of community programs, the Department of Children, Youth, and Their Families (DCYF). Each have participated in specific projects but been less integrated into the overall SJC work and are necessary partners to address bookings (SFPD), rapid connection to housing supports (HSH), and sustainable funding for community programs (DCYF). SJC has identified shared policy priorities and point people with each of these critical partners.

Community leaders: San Francisco is committed to deep engagement with community leaders, diverse stakeholders and BIPOC communities. In the past year, SJC partners have engaged new community leaders in the SJC Workgroup, including a representative with lived experience of incarceration from local advocacy organization All of Us or None, and a representative appointed by the City's Family Violence Council.

4. DESCRIPTION OF FUNDED ACTIVITIES (8,000-character limit – up to two pages):

(Descriptive narrative of what your jurisdiction seeks to achieve during the next grant period)

- a. What is your jail population reduction target for the next two years?
 - i. How does it compare to the lowest level you have achieved over the last five years?
 - ii. How will you sustain this proposed jail population reduction target?

- iii. Please include the metrics you will track to monitor the effectiveness of your jail population strategies.
 - b. What are your qualitative and quantitative ethnic and racial disparity reduction targets or goals?
 - i. Please indicate a specified process goal or an explicit numerical target that has been identified through the use of the SJC's guidance on setting qualitative and quantitative targets for ethnic and racial disparities work (see attachment).
 - c. How does your jurisdiction plan to center principles of racial equity and justice and reduce racial and ethnic disparities moving forward?
 - i. In your response, please address how your efforts will align with and uplift the commitments contained in the SJC's value statement.
 - ii. Please include the metrics or methods you will track to monitor the progress and effectiveness of your racial justice strategies.
 - d. How does the plan you are proposing position your jurisdiction to sustain and build on your criminal justice reform efforts to date?

Reduction Targets: Over the next two years, CCSF will continue to implement the five refined strategies described below to maintain reductions and reduce racial disparities. The sustainability target ADP is 800 people or below.

1) Lead with Race. CCSF has taken critical steps to center race across SJC strategies and ensure partners' focus on reducing disparities. SJC partners commit explicitly to anti-racism, repairing harm caused by systemic racism, and reducing disparities in the local jail population. CCSF will do this in partnership with community members of color, expanding the SJC Fellowship to support ongoing, authentic engagement, and training to improve system partners' effectiveness in serving these communities. Fellows will participate in the build-out of disparities reduction initiatives.

2) Sustain Shared Focus. Sustainability funding will support the continued efforts of the Jail Population Review (JPR). Over the next two years, the JPR team will meet monthly to review cases where black men are overrepresented, such as burglaries and robberies. As of August 2022, people with lead charges related to burglaries or robberies represented 20% of the jail population and 40% of these people were Black men with a median LOS of 249 days. The JPR will review an estimated 200 cases each year, expediting release and resolution for half of the cases reviewed. The JPR will continue release planning for people with unusually long stays, address the needs of high utilizers with short stays, develop service protocols with DPH and HSH, address issues related to holds and Adult Probation Department (APD) funded services and can be leveraged to support justice involved individuals.

3) Improve Case Processing. The Court will continue to work with TA partner Justice Management Institute (JMI) to adjust the case management plan and maintain efforts such as expedited case resolution options. The SJC-funded Court Analyst will finalize dashboards for judges to monitor progress. CCSF will explore changes to administrative policy that address case processing challenges. SJC partners agree that all parties can be more precise and efficient when setting the direction of a case. CCSF will continue to improve case processing.

4) Increase Healthy Connections. Addressing behavioral health needs of people in custody remains an urgent priority for CCSF, where over 75% of people in jail are estimated to have either serious mental illness and/or a history of substance use. Sustainability funds will support the development of new protocols to serve people who touch multiple systems. Partners will start by improving processes to

identify and serve the 161 individuals, 42% who are Black identified as “high priority” for housing and public health when they come into jail. Over 37% of CCSF’s homeless population is black, making this a critical step in reducing disparities. Lastly, SJC partners will play a role in the citywide effort to build out a coordinated, 24-hour, non-law-enforcement behavioral health crisis response system.

5) Drive with Data. The grant funded jail and court analysts will continue to play a central role in building a more transparent, data-driven justice system in CCSF. Data Team members will lead broader public safety data-sharing through the City’s JUSTIS initiative.

A Systematic Approach to RED Reduction In each strategy, CCSF identified racial disparities and continues to advance specific plans to address these disparities. To further advance specific targeted racial disparity reduction targets APD upon securing sufficient matching funding will partner to complete a careful and detailed Racial and Ethnic Disparities decision-point analysis of the following critical decision points in adult supervision recommendations and practices: 1. Presentence investigation (PSI) recommendations regarding sentencing and supervision, 2. Motions to revoke– petitions filed for alleged noncompliant behavior associated with technical violations and new law violations, 3. “Flash” incarcerations – short periods of detention in county jail for specific supervisees, and 4. Recommendations for early termination of supervision. This decision-point analysis is designed to address limitations of previous studies on racial and ethnic disparities in San Francisco, provide new data focused on potential disparities in community supervision, and offer policy and practice recommendations designed to address identified racial and ethnic disparities.

From Community Engagement to Community Partnership: SJC partners are committed to engaging with BIPOC community members, particularly those with justice system lived experiences – and we have more work to do. CCSF’s two primary criminal justice policy bodies both include BIPOC community leaders with lived experiences as voting members. The San Francisco Sentencing Commission (the SJC oversight body) is mandated to expand evidence-based practices and increase wellbeing for those involved in the criminal legal system. The Reentry Council advances policy in support of adults and youth reentering San Francisco from custody. Despite BIPOC community representation on these decision-making bodies, much of our work to-date has involved sharing information without seeking decision-making input from BIPOC community members.

During the sustainability application period, CCSF seeks to move from community engagement into deeper collaborative partnership with BIPOC community members with lived experiences. SJC partners have advanced more authentic partnership through the fellowship model, which is a space for decision-makers to act on the expertise of people with lived experiences, co-learn and co-design solutions, and show up as allies by ceding power and sharing resources. Ongoing partnership requires financial investment in BIPOC individuals and communities: SFDA and SJC partners are committed to equitable compensation that honors community members for their time and knowledge.

Scale and Enhance the Fellowship: The two inaugural cohorts of SJC Fellows are wrapping up, and initial feedback from Fellows and system partners has been extremely positive. CCSF has budgeted funds to engage an alumni cohort of Fellows through the sustainability grant to fully develop this co-productive model of community partnership and embed Fellows as agents of change and equity leaders across the SJC partnership and network. As part of the pilot, the SJC Fellows led a participatory action research project related to expanding access to restorative justice. If awarded funds, BRG will work with new SJC

Fellows and Alumni on action steps to address the findings from the research inquiry in partnership with SFDA staff, and partners.

SFDA, Bright Research Group, and local SJC partners designed and piloted the SJC Fellowship with the goals of providing opportunities for system partners and people impacted by the criminal legal system to learn alongside each other, and for the system to act based on what they learn from impacted communities. Fellows received a \$3000 monthly stipend, training from BRG, and access to system actors and internal meetings. During the two inaugural cohorts, Fellows provided advice to SFDA “system allies” on topics such as new prosecutor training, accountability to BIPOC victims/survivors, and community engagement in the historically Black Bayview community. They conducted participatory action research on Increasing Access to Housing for the people at the intersection of homelessness and criminal justice involvement. Fellows helped design and host a training for SJC partners on the recently passed California Racial Justice Act, working closely with the authors of the bill. Sustainability funding will enable Alumni Fellows to work with the SJC partners on action steps to address the research findings and provide advice on other racial equity, community capacity building and housing strategies and initiatives.

5. RESULTS (8,000-character limit – up to two pages)

(Concrete data that builds on the narrative from the previous section that shows what you expect to achieve and what infrastructural changes you will make during the grant period)

- a. How does your jurisdiction plan to advance data-driven decision-making between system actors, community members, and political leaders?
- b. What data infrastructure is needed to support your two-year plan?
- c. What infrastructure is already in place and how do you plan to fill gaps in data capacity locally?
- d. How do you see your proposed plan supporting your jurisdiction’s broader goals for the criminal justice system beyond the grant period and after SJC funding has concluded?

Advance Data Driven Decision-making: CCSF’s SJC partnership is built on a shared commitment to use data to drive and inform decision making. The SJC operates under the auspice of the San Francisco Sentencing Commission (SC). Data is a central pillar of the SC. The SC is a policy body codified in the local administrative code with the express responsibility to make recommendations based on best practices, research, and data analysis. The SC was created to analyze sentencing patterns, advance innovative solutions and outcomes, and provide recommendations to the Mayor and Board of Supervisors. These recommendations are aimed toward a reduction in incarceration, lower recidivism rates, safer communities, and ensure that victims are made whole. In addition, the SC is responsible for developing inter-agency data collection and reporting standards, tracking sentencing patterns, and analyzing outcomes. This work ensures that decision makers can deliver evidence-based criminal justice reforms with a shared understanding of the data and its value.

Data Infrastructure: To support the two-year sustainability plan the SJC Data Team will support collection of metrics and evaluation of strategies in consultation with ISLG and the CA Policy Lab. The Data Team includes the SJC-funded Jail Population Analyst in the Sheriff’s Office, a Criminal Case Analyst at the Superior Court, and a Director of Data Research and Analytics at SFDA. These staff, along with research and data staff from SJC partners, will track the following metrics: LOS of black people in jail for by specific crime type; Disparity for black people in jail; Use of non-monetary release for all populations;

Time between bookings and LOS for people with 3+ bookings/year; Continuances and LOS for people with violent/serious cases; LOS of stay for people with behavioral health needs.

Current Infrastructure: In 2019, building off the success of the SJC Innovation fund, SJC partners launched the public version of the Justice Dashboard, which reviews subsequent criminal justice contact at the point of arrest, arraignment and conviction and is disaggregated by race, gender, age and offense type. The dashboard compares outcomes for individuals convicted of a felony or misdemeanor in 2013-2018 and sentenced to county jail or local supervision in San Francisco. Subsequent contact is tracked three years after release. In Spring of 2022 this was integrated into an [Outcomes and Desistance Dashboard](#). The new view of the dashboard frames recidivism as subsequent contact with a focus on success—no new arrest, no arraignment, or no conviction.

Leveraging this success SJC partners will continue to play a central role in building a more transparent, data-driven criminal justice system in CCSF. The SJC Data Team, composed of analysts and research directors, will continue to meet to discuss jail trends, data-sharing needs, and collaborative analysis. The team will develop an analysis of young Black men in jail, building on Burns Institute research, to inform racial disparities reduction. Team members will develop internal and public-facing dashboards, building off the work of the Justice Dashboard and jail. Data Team members will help lead broader public safety data-sharing through the City's JUSTIS initiative. Without this critical data infrastructure, none of the other strategies that more directly impact the jail population will be sustainable.

Learn and Plan: The SJC data team meets regularly to provide jail population trend data and inform JPR case selection. SJC partners have a cross-agency data-sharing agreement for the JUSTIS hub and actively meet to advance a shared agenda for citywide criminal justice performance measures. The most recent version of this plan was approved in August 2022. In addition, as a part of the Buffin settlement agreement described in question 7, CCSF partners meet under the auspice of the Public Safety Assessment (PSA) Workgroup. The Workgroup was originally initiated in 2015 to implement the use of the PSA and has continued to meet quarterly to discuss pretrial service issues and to review performance metrics. Recently, the Court, Sheriff, and leadership from SF Pretrial Diversion Project have been meeting with staff from APPR (Advancing Pretrial Policy and Research), a project of the Center for Effective Public Policy, about the need to reset workgroup objectives in cross agency collaboration with justice partners. This group of partner agency (government and community based) designees has significant crossover with membership of the SJC workgroup creating a clear link to sustaining population reduction efforts.

CCSF values external research partnerships to help inform decision making. SJC specific analysis conducted to date include; Corporation for Supportive Housing Racial Disparities and Disproportionality Index, California Policy Lab High User Analysis, Golden School of Public Policy analysis of warrants/holds.

The CA Policy Lab continues to analyze data on “high utilizers” providing more in-depth information on the housing and mental health needs of people in jail. These individuals face multiple, serious medical and behavioral health challenges, are in frequent contact with the criminal legal system, and most have experienced homelessness. Despite years of contact with various systems in CCSF, many remain homeless. This may reflect a number of causes, including a lack of appropriate housing for individuals with complex needs, or a lack of care coordination. When evaluating cohorts over time, increasing rates of homelessness coincide with increasing use of urgent and emergent services, with most people cycling in and out of jail and emergency medical facilities. It is unlikely these individuals can improve their

health without the benefit of stable housing and appropriate services. The permanent supportive housing model shows promise as a strategy to help stabilize peoples' lives as a first step. This research actively informs citywide collaboration to better serve justice-involved people.

Resilient Goals: There are four key reasons the proposed sustainability goals for San Francisco's SJC will persist beyond the grant period and after SJC funding has concluded. (1) Demonstrated multi-year strong cross agency partnership, (2) Increased data capacity and institutionalized data tracking, (3) Data is used as a part of reflective decision-making and collaborative planning, and (4) a plan for fiscal sustainability with specific government partners identified to provide ongoing support. All of this sits on top of a local government culture that values a shared focus on reducing and eliminating racial and ethnic disparities.

CCSF will focus its continued SJC work on reducing racial disparities as a part of the Office of Racial Equity pivot toward external government service delivery. This means that partners agree to proactively frame all planning and evaluation around the impact on people of color in jail, and to build in feedback mechanisms to ensure accountability for results. Changes to pretrial release, mental health and housing access, and case processing will be designed around the needs of people of color and reviewed for their impact on disparities. SJC Fellows will participate in the development of these strategies and facilitate engagement with communities of color to solicit input and feedback. Fellows will share findings and facilitate discussion at public SJC Workgroup and CJREWG meetings.

6. LEADERSHIP (4,000-character limit – up to one page):

(Community engagement and stakeholder buy-in)

- a. How do you anticipate working with city, state, and county officials over the next two years and beyond the grant period after SJC funding has concluded?
- b. How does your jurisdiction plan to continue engaging the community, directly impacted individuals, and those with lived-experience in local system reform over the next two years and beyond the grant period after SJC funding has concluded?
 - i. In your response, please address how your efforts will align with and uplift the commitments contained in the SJC's value statement.
- c. How have you integrated community members, including formerly incarcerated people and community members of color, into key decision-making bodies?
- d. What efforts to build relationships and coalitions between agencies and/or community partners do you anticipate coordinating or participating in?

Working with CCSF Partners: CCSF's SJC initiative continues to be a broad partnership between the Superior Court, Sheriff's Office, Department of Public Health, Adult Probation Department, San Francisco Pretrial Diversion Project, Public Defender's Office, San Francisco Bar Association convened by the District Attorney's Office, and community representatives. Partners are consistently represented by senior staff in collaborative meetings. HSH as a result of the Just Home Project are partnering more closely with SJC partners to ensure that individuals with jail contact are connected to CCSF's homelessness response system. HSH has identified a point person to participate in the SJC Workgroup and is partnering with SJC and the CA Policy Lab on an analysis of high utilizers across the criminal justice, public health, and housing systems.

The Police Department (SFPD), and Department of Children, Youth, and Their Families (DCYF) are critical SJC partners for the sustainability effort. SFPD and SJC partners worked together to implement a successful local replication of Law Enforcement Assisted Diversion (LEAD), and SFPD has been an active participant in the Criminal Justice Racial Equity Workgroup (CJREWG) convened by SJC partners. SFPD is a critical partner in diverting people from jail and maintaining low booking numbers. Going forward SJC partners will work closely with SFPD on the next iteration of coordinated citywide response for people experiencing a mental health crisis. As the largest local government funder of community-based programs, DCYF is a critical partner **to sustain programming** for young adults of color. SJC partners will engage DCYF in collaborative planning conversations to inform their next round of funding.

SJC partners are committed to engaging with BIPOC community members, particularly those with lived experiences of the justice system – but we have more work to do. CCSF's two primary criminal justice policy bodies both include BIPOC community leaders with lived experiences as voting members. Despite BIPOC community representation on decision-making bodies, such as the Sentencing Commission and the Reentry Council, much of our work to-date has involved sharing information without seeking high-level input from BIPOC community members.

During the sustainability plan period, CCSF seeks to move from community engagement into deeper collaborative partnership with BIPOC community members with lived experiences. In the words of SJC Fellow Aminah Ester, 'The criminal legal system has a lot to learn from people who have experienced it directly –particularly when it comes to centering racial equity in our decision making and change-making strategies. Yet efforts by criminal legal system leaders to engage community members with lived experiences of incarceration are often brief, centered on one-way, top-down information exchange or focused on asking for general input.' That is why, thanks to funding and support from the MacArthur Foundation's Safety and Justice Challenge, San Francisco partners launched a new fellowship focused on creating authentic collaborative partnerships that lead to actionable insights between system leaders and people with lived experience. As described in response to question 4, the engagement of fellows is intentionally designed for the system to act based on what they learn from impacted communities. SJC partners have been testing out more authentic partnership through the fellowship model, including a commitment to equitable compensation that honors community members for their time and knowledge. Community based organizations and partners with lived experience are critical to achieving transformative justice vision. The budgeted Community Action Fund will support additional community engagement activities beyond the fellowship to further expand participatory processes that the voices of those most in need from the margins to the center of decision-making and service delivery.

7. LEARNING AND EVALUATION (6,000-character limit – up to one and a half pages):

(Descriptive narrative of what has been most helpful about your participation in SJC and what support—technical assistance or other resources— you need moving forward to be successful)

- a. What have you learned over your participation in the Safety and Justice Challenge about what has worked to achieve the goals of the SJC in your jurisdiction and catalyze systems change?
- b. What have you learned over your participation in the Safety and Justice Challenge about what has not worked to achieve the goals of the SJC in your jurisdiction and catalyze systems change?
- c. What additional skills and expertise do you hope to acquire through continued participation in the Safety and Justice Challenge?

i. How will this learning support your proposed plan?

d. What technical assistance would most support the success of your sustainability plan?

Best Practices: CCSF is a case study in what can be accomplished when the justice system and community members work together to support SJC goals: it is possible to rapidly reduce local jail populations, and even close a jail, without increasing crime. Once a jail is closed, it creates a structural barrier to increased jail population forcing our jurisdiction to maintain our reforms going forward. Many of the strategies that CCSF implemented to fulfill SJC goals have the potential to inform activities in other jurisdictions, including bail reform, progressive prosecution approaches, restorative justice programs, and efforts to increase data use and shared focus on in-custody populations such as the JPR.

Nationally, there is a rising awareness that money bail is inequitable and does not increase public safety. After all, someone's financial status has no connection to their likelihood of coming back to court or of committing another crime. Two landmark court cases dictate San Francisco's approach to non-monetary release; (1) *Buffin v. San Francisco* finding the Sheriff bail schedule unconditional and (2) *In re Humphrey*, where the California Supreme Court affirmed the judgment of the court of appeal holding that conditioning freedom solely on whether an arrestee can afford bail is unconstitutional. As a result, CCSF has one of the most progressive bail policies in the nation. CCSF is tracking the impact of these policy changes on the jail and public safety and will have important lessons to share about what happens when financial status is not tied to jail release.

SFDA strives to create policies that promote racial justice, end the criminalization of poverty, and combat mass incarceration by relying on incarceration as a last and not first resort. SFDA has strong research partnerships with organizations such as the CA Policy Lab and Stanford Computational Lab and uses data-backed evidence to inform decisions.

Two successful evidence-based models developed by SFDA and expanded through the SJC are the sentencing planning program and restorative justice (RJ). Sentencing Planners employ a validated tool and their expertise in local resources to provide options for prosecutors to use in the disposition of the case. A 2014 UC Berkeley study of SFDA's Sentencing Planning Program found compelling evidence that it reduces recidivism and prosecutor reliance on incarceration. SFDA's "Make It Right" program is a RJ model for youths, aged 13-17, facing prosecution for felony charges. SFDA partnered with researchers to conduct a randomized controlled trial and found that youth who completed the program had a 24-month recidivism rate of just 13% while similar young people who experienced the traditional system had a recidivism rate of 53%. SFDA seeks to institutionalize this successful work through the SJC sustainability grant funds directed toward the SJC Fellowship.

CCSF also has practical lessons to share about how to implement tools and structures that help sustain a shared focus on in-custody populations. Through persistence and informed by the excellent work of other SJC sites – CCSF has established a JPR process in which information about mental health needs can be safely and lawfully shared, and where partners discuss serious, sometimes violent, cases. CCSF's SJC partnership relies on dashboards and data tools to inform JPR activities and broader jail population reduction strategies and will create new tools to guide the next phase of implementation. Support for the Court and Jail analyst is included in the sustainability application.

Sharing/Communicating CCSF's SJC Work: CCSF has much to share about ending the misuse and overuse of jails, but we have much to learn as well. SJC partners have sought and participated in

learning exchanges-with other CA sites and national partners engaging in ongoing learning with Cook County, Philadelphia, and Pima County. CCSF also hosted the first convening of CA SJC sites in January 2020, working with Site Coordinators and the Foundation to develop two days of sessions focused on bail reform, housing, and CA-specific funding streams. CCSF has been actively involved in SJC Network meetings, participating in panels and bringing a full team to each SJC National Network convening.

Locally, CCSF highlighted its SJC work at presentations before the Board of Supervisors and at public meetings of the Reentry Council, Sentencing Commission, and other local policy bodies. CCSF's SJC partnership became known as a space for effective, collaborative work, resulting in the Board decision to codify it as a public body and entrust it via local ordinance with the CJ4 closure planning process. This process has been highly public, with members of local advocacy coalitions in attendance at meetings.

CCSF has also engaged in broader communications efforts to share innovative local policies related to jail population reduction, including the closure of CJ4. M+R has been a useful thought partner in these efforts and CCSF will continue to make use of their expertise over the next two years. Currently, SFDA is planning a series of white papers that will launch with the CJ4 closure story and SJC's role in its success. These and other materials will be used as a part of advocacy to secure city funding to continue the core positions established thanks to the SJC implementation and renewal investments.

SFDA will work with the Human Rights Commission, who is responsible for allocation of local justice reinvestment funds, the Department of Children Youth and their Families, the largest local government grant-maker, to plan the inclusion of SJC efforts in the long-term funding portfolio. Using the outcomes and stories from implementation and with a co-developed funding strategy, SJC partners will submit a formal budget request to the Board of Supervisors and the Mayor to access additional local resources to support continuation of SJC strategies and institutionalize data collection.

8. SUSTAINABILITY AND NEXT STAGES (4,000-character limit – up to one page):

(Preparing for sustainability post-SJC involvement)

- a. How do you anticipate your jurisdiction's efforts will shift following the conclusion of the two-year sustainability grant period?
 - i. Is your work funded exclusively through the SJC grant or is it a mix of funding streams? Where do you anticipate the biggest gaps in funding to be once the grant concludes? How do you plan to address these gaps?
 - ii. How do you plan to track the progress and impact of your continued work?
 - iii. What are your jurisdiction's plans for further criminal justice strategic planning? How do you propose coordinating with these efforts to support the sustainability of your reductions?
- b. What challenges do you anticipate emerging and how will you address them?
- c. Have you identified any new strategies to maintain reductions in jail population, to eliminate ethnic and racial disparities, or to engage the community more meaningfully?

In 2023, SJC partners have a unique opportunity to institutionalize plans to track progress. The SC has a sunset clause set for June 30th. The SC will submit a report to the Board of Supervisors by January 1, 2023, recommending that the SC should continue to operate, and which its enumerated responsibilities should be amended. This creates a prime opportunity to further integrate the aims of the SJC into the

official powers and duties of the SC by amending the administrative code to codify goals of reducing racial and ethnic incarceration disparities, increased utilization of data and metrics in the SC's work and expanded SC membership to represent greater authentic community engagement. As a result, SJC strategies will be embedded in the functions of the SC and institutionalizing the legacy of safe population reductions.

Funds leveraged from the following initiatives will support the SJC initiative:

- **Healing Justice Initiative:** Launched with a \$6 million investment from CrankStart, the SFDA will demonstrate that restorative practices can replace the traditional criminal legal system at every decision point. Restorative Justice (RJ) will shift from an "alternative program" to a primary intervention.
- **Restorative Rapid Restitution:** CCSF Partners are working with The Financial Justice Project on a proposal to supplement the rapid restitution fund to better serve victim/survivors as they heal.
- **Just Home:** San Francisco HSH was awarded \$775,000 from the MacArthur Foundation as a part of the Just Home Initiative. San Francisco seeks to build a system of care by addressing the crises of homelessness, unmet behavioral needs, and incarceration.
- **BJA JRI:** With the support of the Bureau of Justice Assistance Justice Reinvestment Initiative, CCSF has received \$1 million to align the goals and outcomes for justice involved young adults. The Young Adult Justice Initiative operates under the auspice of the San Francisco Sentencing Commission. Activities of the initiative include (1) the development of a Young Adult Local Action Plan that will provide a landscape analysis of the young adult justice continuum, and (2) subsequent recommendations to improve justice system performance while reducing serious and violent crime.

CCSF and SFDA have a long track record of successful fundraising for innovative, collaborative work. More importantly for the SJC initiative, local partners have used grant funds to pilot new ways of working and then embedded effective efforts in sustainable funding streams. The SJC investment serves as a demonstration project to show local leaders that positive outcomes for individuals at the center of harm can be achieved with targeted investments in structural change and community-driven solutions resulting in decreased use of local jail.

The City's housing, treatment, and community service infrastructure faces serious challenges to meet increased demand for housing and services. However, the CA state budget includes historic investments in reducing homelessness, resources for jail-based services and reentry support. CCSF has an opportunity to show that justice partners can work together to end the misuse and overuse of jails, reduce racial disparities, and connect people to community-based supports that are better for public safety and are also more cost effective. The Human Rights Commission is responsible for allocation of these local justice reinvestment funds and the Department of Children Youth and their Families is the largest local government grant-maker. The SFDA and other local SJC partners will work with these two powerful departments to develop plans to include SJC strategies and funded positions into their long-term funding portfolios. In sustainability grant year two, using the outcomes and stories from implementation and with a co-developed funding strategy, SJC partners will submit a budget request to the Board of Supervisors and the Mayor to access local resources to support continuation of SJC strategies.

9. PAST PERFORMANCE (8,000-character limit – up to two pages):

(A self-evaluation of the efficacy of previous reform efforts) a. Which of your jurisdiction's Safety and Justice Challenge strategies have most successfully reduced the jail population?

- a. Please explain and demonstrate with data what strategies have contributed to changes in the jail population, including the policies and practices implemented in response to COVID-19. How much progress has your jurisdiction made in addressing ethnic and racial disparities, and how have disparities changed due to this work? What has worked well and has not worked well?
- b. What has your jurisdiction done to authentically engage local communities and individuals with lived experience? What has worked well and what has not worked well?
- c. How has your jurisdiction's capacity to collect, analyze, and share data changed since the start of SJC involvement?

Closing a Jail in San Francisco: In September 2020, CCSF closed a 402 bed jail long known to be unsanitary and seismically unsafe. This historic jail closure was due to the MacArthur Foundation SJC investment, The SJC initiative enhanced trust and collaboration among local stakeholders, laid the foundation for rapid jail population reductions of nearly 40%, and provided a space for community advocates to engage with the CJ4 closure process. As CCSF's jail population dropped, crime rates remained well below their historical average, demonstrating that through thoughtful and collaborative approaches San Francisco's justice partners can protect the health and safety of all San Franciscans without the overuse and misuse of jail.

CCSF could have taken another path and built a new jail. Despite many years of work to eliminate mass incarceration, the jail population continued to hover around 1200 people making it infeasible to close CJ4 without a replacement. In 2015, CCSF was on track to spend approximately \$600 million to construct a new facility. Ultimately, after significant community advocacy and the support of key criminal justice officials our Board of Supervisors said no: acknowledging the reality that jails do not make us safer. Instead, CCSF chose to use its SJC grant to identify a different path forward.

SJC partners were poised to respond rapidly to the COVID pandemic. Amazingly, midway through 2020, SJC CCSF partners fulfilled their initial SJC strategy goals, closed CJ4, and surpassed the original 15% jail ADP reduction target. Throughout 2021 to present CCSF ADP sustained progress under each SJC strategy is outlined below.

1) Rooting Out Implicit Bias and Disparate Treatment. Supported by the SJC, SFDA implemented steps to mitigate and eliminate the impact of bias on prosecutor charging decisions. Charging attorneys continue to complete action steps modeled after implicit bias bench cards prior to making charging decisions.

The Criminal Justice Racial Equity Working Group (CJREWG) developed a racial equity statement and an "Agenda for Action."

Despite these historic reductions, significant disparities persist: black people represent nearly half of the jail population despite comprising less than 6% of CCSF's total population. Safety and Justice Challenge (SJC) partners are committed to bold interventions that reduce racial and ethnic disparities (RED).

Through the Sustainability Investments in the SJC Fellowship, CCSF seeks to expand existing efforts and move more fully into co-productive relationships with BIPOC community members with lived experiences.

Progress Toward Disparities Reduction: Partners tracked the impact of COVID mitigation activities on racial disparities, and disparities have not worsened – nor have they improved. Reducing racial disparities, particularly the overrepresentation of black men in jail, is a central focus of CCSF’s sustainability grant application.

2) Shared Focus. CCSF launched a JPR composed of system and community stakeholders who met 20 times in the past year, reviewed an 152 cases and expediting release/resolution for roughly half the cases reviewed. The top release reason for JPR cases included treatment programs (41), Electronic Monitoring (22), and Assertive Case Management (15). The JPR team developed data-sharing agreements and an effective process to advance release of people held in jail despite a “release recommended” score on the local PSA due to repeat bookings or a person-involved incident. SJC partners developed alerts when a high utilizer is booked to enable faster coordination. Partners will use lessons learned to enhance service models for people with repeat bookings. The success of JPR was profiles in the Urban Institute case study Using Cross-System Collaboration to Reduce the Use of Jails.

3) Exploring Expedited Case Processing. In 2019, TA provider Justice Management Institute provided a report describing local legal culture with recommendations regarding case management standards. The Superior Court established a workgroup to begin implementing JMI’s recommendations. This work was disrupted by the onset of COVID-19, however the Court proceeded to work with Measures for Justice (a national non-profit criminal justice research organization), to develop performance measures relevant to case processing. The SJC-funded Court Analyst developed draft dashboards to inform case processing improvements.

Through this work, CCSF partners have realized that outstanding warrants and holds are a driver of our jail population with little public safety benefit. Partners have implemented a number of measures to try to prevent bench warrants and failures to appear such as SF Pretrial’s court reminder system and community outreach for their clients. However, more work needs to be done to reach individuals beyond the SF Pretrial client base to prevent unnecessary lengthy jail stays by expanding court reminders, continuing remote court, and creating a walk-on calendar.

4) Increasing Healthy Connections. Two positions were hired to increase access to behavioral health supports: a jail based DPH Clinician and an SFDA Sentencing Planner. CCSF launched a pilot program to facilitate transitions from jail into housing supports, supported by SJC and Tipping Point (a local funder). CCSF also conducted a two-day Sequential Intercept Mapping (SIM) with 34 system and community partners in fall 2019. One major SIM recommendation was to explore alternative behavioral health crisis response models; \$4 million is included in CCSF’s proposed general fund budget for a pilot program. To ensure the health and safety of individuals leaving jail, SJC partners connected people to new housing supports funded by DPH, Adult Probation, and the SJC pilot. SFDA developed a notification system for charging decisions that allowed DPH to plan for safe release. These positions will transition to local funding sources as a part of the two year sustainability period.

5) Enhancing Data-Driven Decision-Making. SJC partners launched the Justice Dashboard, which reviews subsequent criminal justice contact and is disaggregated by race, gender, age, and offense type.

The SJC data team met regularly to provide jail trend data and inform JPR case selection. SJC partners drafted a cross-agency data-sharing agreement for the JUSTIS hub and proposed citywide criminal justice performance measures.

Authentic Community Engagement: Community partners have been part of the SJC workgroup from the start. The CJ4 closure planning process led by SJC was an opportunity to expand and deepen engagement with people of color impacted by incarceration. CCSF's Reentry and Family Violence Councils designated new voting members to sit on the SJC and members of SF's No New Jail Coalition were encouraged to join public planning meetings, which ranged from 35-50 participants. Furthermore, the SJC fellowship has been recognized as an example of deepened community partnership and moving up the ladder of participation in real decision-making. Community representatives, many with lived experience with the criminal justice system are now an integrated part of local reform efforts.

Lessons Learned: SJC partners have learned that to reduce racial disparities we must address structural racism and work more closely with communities of color at the center of harm. To that end, partners have developed new activities and a fellowship to ensure ongoing community leadership. The SJC has taught partners the importance of analytic capacity and of bringing in fresh perspective through TA – partners now see these resources as critical to reducing disparities. Most importantly, the SJC has shown partners how much is possible when we work together in pursuit of shared goals: a 40% jail population reduction, closure of an unfit jail, and a safer San Francisco for all residents.

10. BUDGET AND FINANCIAL INFORMATION (to be uploaded through the portal):

- a. Please upload your proposed two-year grant budget. b. Please prepare and upload a budget narrative. *If applicable, please include a list of other funders and a brief explanation of the scope and objective of grants that relate to your Safety and Justice Challenge work.*
- b. If indirect costs are expressed as a percentage, please upload information on your organization's current rate and review the Foundation's indirect cost policy statement

Public Accountability: The SJC Workgroup has been identified by the Board of Supervisors as a trusted space to ensure public accountability, as evidenced by the Board's decision to entrust the planning for CJ4 closure with the group. The SJC will continue to operate as a public meeting space and will continue outreach to community partners represented by the No New Jail Coalition, among others. Additionally, updates about SJC efforts will be shared at public meetings of the Sentencing Commission, the Criminal Justice Racial Equity Workgroup (CJREWG), the Reentry Council (convened by Adult Probation), and at SFDA's Victims and Justice Involved Community Advisory Boards.

Overcoming Opposition: CCSF's SJC initiative has fostered collaboration among leaders and stakeholders by holding partners to shared goals and values, building analytic capacity to inform decisions, bringing in fresh perspective, and demonstrating results. SJC investment primed CCSF to respond rapidly to COVID-19, laying the foundation for shared work to reduce the jail population and preventing an outbreak like that in CA's state prisons. CCSF was able to navigate the sometimes contentious, highly public CJ4 closure process due to the SJC – the commitment to partnership and to SJC goals kept everyone coming to the table. Similarly, partners may not all agree on the best ways to reduce racial disparities in the jail, but with TA from the SJC network and a strong track record we are prepared to keep iterating until shared goals are accomplished.

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lorna Garrido, Grants and Contracts Manager
DATE: November 20 2023
SUBJECT: Accept and Expend Resolution for Subject Grant
GRANT TITLE: Safety and Justice Challenge Sustainability Grant

Attached please find the following documents:

- Proposed grant resolution; original* signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant application
- Grant award letter from funding agency
- Ethics Form 126 (if applicable)
- Contracts, Leases/Agreements (if applicable)
- Other (Explain):

Special Timeline Requirements:

Please schedule for the earliest available date.

Departmental representative to receive a copy of the adopted resolution:

Name: Lorna Garrido

Phone: 415-553-9258

Interoffice Mail Address: DAT, 850 Bryant Street, Room 322

Certified copy required Yes

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).