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Buffin Settlement: Requirements & Supplemental Appropriation Detail

November 6, 2019



Background

- The *Buffin* settlement eliminates pre-arraignment money bail in San Francisco.
- By establishing a new, expedited review process independent of the bail schedule, we ensure that no one remains in jail awaiting trial due to inability to pay.
- It requires that Superior Court receive relevant information from San Francisco's justice agencies in order to make pre-arraignment release decisions **within 18 hours** of when an individual is booked in jail.
- The supplemental funding allocates additional resources in this year's budget— specifically, staff time, FTE, and some one-time costs – to implement this new process in January 2020 and through the end of this fiscal year.



New Timeline – First 8 Hours

- Requires arrestee information, specifically the “Own Recognizance (OR) Workup,” be submitted to the Superior Court within **8 hours** of an individual being booked in jail.
- OR Workups are completed by the **San Francisco Pretrial Diversion Project (SF PDP)** and include –
 - ✓ Public Safety Assessments (PSAs) conducted by SF PDP
 - ✓ Incident reports from the **Police Department**



Appropriation Detail – First 8 Hours

Police Department

- **\$1.2M in overtime** for administrative sergeants at busiest stations to review and submit incident reports to SF PDP within significantly expedited timeline
- **\$2K in one-time IT** costs to update communications system to electronically share incident reports with SF PDP and the DA

San Francisco Pretrial Diversion Project (SF PDP)

- **\$826K** in funding for additional positions and related program expenses to expand Own Recognizance (OR) program to 24/7 operation, plus related program expenses for increased caseloads



New Timeline – Court Review & 12-hour Extension

- Within the 18-hour period, a law enforcement officer may request a 12-hour extension if there are public safety concerns.
- The **District Attorney (DA)** will review arrestee information in cases where it may want to share input relevant to the Court's release determination or coordinate with law enforcement in filing requests for extensions.



Appropriation Detail – Court Review & 12-hour Extension

District Attorney

- **\$324K** for **4 new FTE**, 2 attorneys and 2 investigators, to review incident reports, Public Safety Assessments, and other arrestee information before the Court makes release determinations.
- This allows the DA to weigh in on public safety concerns if PSA recommends release.



Settlement Requirements – Operations & Reporting

- The **Sheriff's Department** must operationalize this new process, which requires carefully tracking the time at which bookings are made, potentially filing declarations for extensions, and planning for releases in coordination with SF PDP and the Superior Court.
- Additionally, the department is required to collect new data and produce new reports for the Federal Court.



Appropriation Detail – Sheriff

Sheriff

- **\$456K (6 months) of overtime** with 1 dedicated deputy per shift to ensure smooth implementation on a 24/7 basis.
- **\$84K for 1 new FTE** to collect data and produce newly required reports for the Court.



Implementation & Monitoring

- In preparation for the upcoming Budget cycle the Mayor's Office will work with the Controller and departments to evaluate the efficacy of these interventions, making appropriate changes for the full Fiscal Year.
- Over the next 6 months the Controller's City Performance Unit will:
 - Help with process-mapping across stakeholders to clearly define responsibilities and timelines
 - Monitor implementation to ensure planned hiring, training, operational, and IT changes are made
 - Track data and outcomes to help inform on-going budget needs



Questions?