

REVISED LEGISLATIVE DIGEST

(5/5/2020, Amended in Board)

[Administrative Code - County Jail 4 Closure]

Ordinance amending the Administrative Code to require the City to close County Jail 4, located on the seventh floor of the Hall of Justice, by November 1, 2020; to require the Sentencing Commission to establish a Safety and Justice Challenge Subcommittee to plan for the reduction of the City's daily jail population and closure of County Jail 4; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Under the Charter, the Sheriff keeps the County Jail and is required to receive all prisoners committed to jail by competent authorities.

Chapter 5 of the Administrative Code establishes the San Francisco Sentencing Commission. The purpose of the Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices, and efficiently utilize San Francisco's criminal justice resources.

Amendments to Current Law

This ordinance requires that the City close County Jail 4, located on the 7th floor of the Hall of Justice ("HOJ"), by no later than November 1, 2020, provided that three conditions have been met: (1) The Department of Human Resources has concluded any necessary meet and confer; (2) The Division of Real Estate has certified that the City has satisfied its obligations under State law, the HOJ Joint Occupancy Agreement, and HOJ Transfer Agreement; and (3) the sooner of either (A) or (B) has occurred: (A) the Board of Supervisors has received the final report from the Safety and Justice Challenge Subcommittee of the Sentencing Commission (required by Administrative Code Section 5.25-4), or (B) the total San Francisco jail population has remained below 1044 for 60 consecutive days and both the Sheriff and the Subcommittee have notified the Board that the City may safely close County Jail 4. The ordinance clarifies that it is the intent of the Board of Supervisors to avoid layoffs or job loss of any employees currently stationed at County Jail 4 as a result of the closure of the jail; and to proceed consistent with Civil Service Rules, memoranda of understanding, and the obligation to meet and confer.

This ordinance also requires that the Sentencing Commission establish a Safety and Justice Challenge Subcommittee to facilitate the closure of County Jail 4, to formalize and continue the work of the Safety and Justice Challenge Working Group. This ordinance further requires that the Subcommittee, by October 1, 2020, develop measures and strategies to accomplish the goal of reducing and sustaining an average daily total jail population of no more than 1,044 incarcerated people combined in County Jails 2 and 5. The ordinance further requires that those measures and strategies address system inefficiencies and systemic racial and income disparities in the jail population, meet the needs of incarcerated persons with behavioral health and substance abuse issues, and include non-jail options for lower-risk offenders that prioritize public safety. This ordinance further requires that the measures and strategies include a plan to prepare for an increase in the average daily population above 1,044 (90% capacity at County Jails 2 and 5), after the closure of County Jail 4, and measures to protect against the spread of infectious disease, including testing and alternative housing as needed.

This ordinance requires that the following Sentencing Commission members serve on the Subcommittee: the District Attorney, Sheriff, Public Defender, Adult Probation, the Department of Public Health, Reentry Council, the member of a nonprofit organization that works with victims, chosen by the Family Violence Council (Article XIX of this Chapter 5), the member of a nonprofit organization that works with ex-offenders, chosen by the Reentry Council (Article I of this Chapter 5), and the Superior Court if it elects to participate on the Commission and the Subcommittee.

Background

This ordinance reflects amendments made at the Government Audit and Oversight Committee meeting on April 30, 2020.

n:\legana\as2020\2000009\01445251.docx