

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET AND LEGISLATIVE ANALYST

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TO: Government Audit and Oversight Committee

FROM: Budget and Legislative Analyst



SUBJECT: June 3, 2021 Government Audit and Oversight Committee Meeting

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<p>Item 13 File 21-0484</p>	<p>Department: Sheriff</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed resolution would approve a new contract between the Sheriff’s Department and the San Francisco Pretrial Diversion Project, Inc. for a total not to exceed amount of \$18,764,430, for a three-year period from July 1, 2021 through June 30, 2024 with two one-year options to extend. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • On December 22, 2020, the Sherriff’s Department issued a Request for Proposals for Pretrial Services. On April 1, 2021, the Sheriff’s Department selected the one and only qualified scorer that responded, the San Francisco Pretrial Diversion Project. The Pretrial Diversion Project is a nonprofit that has provided pretrial services to the Sheriff’s Department since the 1980s. • The Pretrial Diversion Services contract provides information to the Court for their consideration when determining whether arrested persons remain in custody or are released while their charges are pending, and supervision for released persons and progress reports for the Court on compliance with release conditions. Pretrial Diversion Services, including probable cause review, pretrial risk assessment, alternatives to pretrial incarceration with the continuum of pretrial supervision levels, in-custody referral and release program, group facilitation, and data collection and reporting. According to the proposed contract, the intended outcome of pretrial incarceration alternatives is to maximize appearances in court and minimize risk to public safety pending trial. According to the Sheriff’s Department, the Pretrial Diversion Project is meeting its objectives under the current contract. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • The contract budget of \$18,764,430 over a three-year term from July 1, 2021 through June 30, 2024. The contract budget provides for 57.25 full time equivalent (FTE) positions, and associated program expenses and overhead costs. Funds for the proposed contract have been requested in the Mayor’s FY 2021-22 and FY 2022-23 budget, to be submitted to the Board of Supervisors on June 1, 2021. The contract is funded by the General Fund and approximately \$135,000 from Community Policing (COPS) grants <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> • Approve the proposed resolution. 	

MANDATE STATEMENT

City Charter Section 9.118(b) states that any contract entered into by a department, board or commission that (1) has a term of more than ten years, (2) requires expenditures of \$10 million or more, or (3) requires a modification of more than \$500,000 is subject to Board of Supervisors approval.

BACKGROUND

On December 22, 2020, the Sheriff's Department issued a Request for Proposals for Pretrial Services. On April 1, 2021, the Sheriff's Department selected the one and only qualified scorer that responded, the San Francisco Pretrial Diversion Project, Inc (Pretrial Diversion Project).

The Pretrial Diversion Project is a nonprofit that has provided pretrial services to the Sheriff's Department since the 1980s. Most recently in April 2020, the Board of Supervisors approved the fifth amendment to the contract between the Sheriff's Department and the Pretrial Diversion Project for a total contract amount of \$15,864,317 for a total term of October 1, 2017 through June 30, 2021 (File 20-0355). Additional resources were required at that time as a result of the Buffin Injunction which enjoined the Sheriff's Department from use of the bail schedule and required the pretrial services contractor to submit all cases eligible for pre-arraignment review within eight hours of identification confirmation.

The Pretrial Services contract provides information to the Court for their consideration when determining whether arrested persons remain in custody or are released while their charges are pending. In addition, this contract provides supervision for released persons and progress reports for the Court on compliance with release conditions.

Pretrial diversion services are in line with the Sheriff's Department's priority to reduce recidivism, improve the outcomes of the incarcerated population, and offer alternatives to incarceration while maintaining public safety. A key component of this effort is to provide effective pretrial programming with a continuum of pretrial supervision options.

DETAILS OF PROPOSED LEGISLATION

The proposed resolution would approve a new contract between the Sheriff's Department and the San Francisco Pretrial Diversion Project, Inc. for a total not to exceed amount of \$18,764,430, for a three year period from July 1, 2021 through June 30, 2024 with two one-year options to extend.

Under the proposed contract, the San Francisco Pretrial Diversion Project will continue providing services, including probable cause review, pretrial risk assessment, alternatives to pretrial incarceration with the continuum of pretrial supervision levels, in-custody referral and release program, group facilitation, and data collection and reporting.

According to the proposed contract, the intended outcome of pretrial incarceration alternatives is to maximize appearances in court and minimize risk to public safety pending trial. According to

Crispin Hollings, Chief Financial Officer with the San Francisco Sheriff's Department, the Pretrial Diversion Project is meeting its objectives under the current contract.¹

Contract Caseload and Monitoring

Pretrial Risk Assessment and Pretrial Supervision

The proposed contract provides for quarterly reporting by the Pretrial Diversion Project to the Sheriff's Department on the number of pretrial risk assessments presented pre-arraignment and at arraignment, the number of pre-arraignment and at-arraignment releases, average daily count and number of new releases for each supervision level, appearance rate for each supervision level, safety rate (percentage of supervised defendants not arraigned on a new offense, or held on parole/probation violation), number of clients referred post-arraignment for release and number released, and average length of stay on pretrial supervision. Six-month and twelve-month reports include appearance rate for each supervision level (percentage of supervised defendants who do not have a bench warrant for failure to appear) and safety rate.

Pretrial Diversion

The proposed contract provides for quarterly reporting by the Pretrial Diversion Project to the Sheriff's Department on average daily count and number of new client interviews, appearance rate and safety rate, and average length of stay. Twelve-month reports include appearance rate and safety rate.

Group Facilitation Services

The proposed contract provides for daily reports on attendance at groups (such as substance abuse groups, anger management or harm reduction groups, Latino support group, and others), and quarterly reports on average group attendance for the quarter.

According to Alissa Riker, Director of Programs with the Sheriff's Department, the Department reviews these reports to monitor key performance measures, including safety and appearance rates, on a quarterly, semi-annual, and annual basis. Reporting on these measures informs the relative health of San Francisco's pretrial justice system and the extent to which San Francisco's efforts to establish and sustain alternatives to incarceration have been successful. Reporting criteria, including annual measures of safety and appearance, mirror best practices as defined by the National Institute of Corrections. Moreover, safety and appearance rate information is shared quarterly with a working group of justice system partners, including the San Francisco Superior Court, The District Attorney and the Public Defender. In addition, the Sheriff's Department has engaged the California Policy Lab of UC Berkeley as a third-party evaluator of the Public Safety Assessment's effect on rates of pretrial release and pretrial supervision outcomes.

¹ Under the current contract, Outcomes Analysis and Reporting is a subcontracted service that is budgeted for annually, intended to analyze client and outcome data and improve internal processes.

FISCAL IMPACT

The contract budget of \$18,764,430 over a three-year term from July 1, 2021 through June 30, 2024 is shown in Exhibit 1 below.

Exhibit 1. San Francisco Pretrial Diversion Project, Inc. Proposed Budget

	First Year July 1, 2021-June 30, 2022	Total Three-Year Term July 1, 2021- June 30, 2024
Program Salaries & Fringe Benefits	4,565,755	13,697,265
Direct Program Operating Expenses	613,040	1,839,120
Program Sub-contract Services	155,614	466,842
Program Equipment Purchase	7,250	21,750
Indirect/Overhead Costs (20 percent)	913,151	2,739,453
Total Amount	6,254,810	\$18,764,430

Source: Appendix B to Proposed City-Pretrial Diversion Project Agreement

The contract budget provides for 57.25 full time equivalent (FTE) positions, and associated program expenses and overhead costs.

According to the Sheriff's Department, funds for the proposed contract have been requested in the Mayor's FY 2021-22 and FY 2022-23 budget, to be submitted to the Board of Supervisors on June 1, 2021. The contract is funded by the General Fund and approximately \$135,000 from Community Policing (COPS) grants.

RECOMMENDATION

Approve the proposed resolution.