

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

Safety and Justice Challenge Subcommittee

AGENDA

Tuesday, July 21, 2020, 12:00 pm

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/99267912429>

Public Comment Call-In: 877 853 5247 US Toll-free

Meeting ID: 992 6791 2429

In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

The Safety and Justice Challenge Subcommittee meetings held through videoconferencing will allow remote public comment via the videoconference or through the number noted above. Members of the public are encouraged to participate remotely by submitting written comments electronically to josie.halpern-finnerty@sfgov.org. These comments will be made part of the official public record in these matters and shall be brought to the attention of the members of the Subcommittee. Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfdistrictattorney.org/sentencing-commission-relevant-documents>

1. Call to Order; Roll Call.
2. Public Comment (discussion).
3. General Updates (discussion and possible action).
 - a. Review of Next Steps
 - b. Sentencing Commission Updates
 - c. Adopted Bylaws
 - d. COVID Response Update
4. Monthly Jail Population Report (discussion and possible action).
5. CJ4 Closure Planning Update (discussion and possible action).
 - a. Progress Report Outline
 - b. Submitted Public Comment
6. Strategy Updates (discussion and possible action).
 - a. Healthy Connections
 - b. Case Processing
 - c. Transparency and Shared Focus
 - d. Reducing Bias
7. Request for Future Agenda Items (discussion and possible action).
 - a. Upcoming Meeting Dates
8. Public Comment (discussion).
9. Adjournment.

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SUBMITTING WRITTEN PUBLIC COMMENT TO THE SAN FRANCISCO SAFETY AND JUSTICE SUBCOMMITTEE

Persons who are unable to attend the public meeting may submit to the San Francisco Safety and Justice Challenge Subcommittee, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record and brought to the attention of the Subcommittee. Written comments should be submitted to: Josie Halpern-Finnerty, San Francisco District Attorney's Office, via email: josie.halpern-finnerty@sfgov.org

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Sentencing Commission website at <http://www.sfdistrictattorney.org> or by emailing josie.halpern-finnerty@sfgov.org. The material can be faxed or mailed to you upon request.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Josie Halpern-Finnerty at josie.halpern-finnerty@sfgov.org at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Josie Halpern-Finnerty at josie.halpern-finnerty@sfgov.org at least two business days before the meeting.

CHEMICAL SENSITIVITIES

To assist the City in its efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: www.sfgov.org/sunshine.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102-4683.
Telephone: (415) 554-7724
E-Mail: soft@sfgov.org

CELL PHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Co-Chairs may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco CA 94102, telephone (415) 581-2300, FAX (415) 581-2317, and web site <http://www.sfgov.org/ethics/>

Agenda Item #3c: General Updates – Approved SJC Subcommittee Bylaws

DRAFT BY-LAWS: SAFETY AND JUSTICE CHALLENGE SUBCOMMITTEE OF THE SAN FRANCISCO SENTENCING COMMISSION CITY AND COUNTY OF SAN FRANCISCO

(San Francisco Administrative Code 5.250 thru 5.250-4, as amended May 12, 2020)

Article I. Name and Purpose

Section 1. Name

The name of the Safety and Justice Challenge Subcommittee of the San Francisco Sentencing Commission (hereafter referred to as the Sentencing Commission) shall be The Safety and Justice Challenge Subcommittee (hereafter referred to as the SJC Subcommittee).

Section 2. Purpose

The SJC Subcommittee is established by Article XXV Chapter 5.250 of the San Francisco Administrative Code as amended May 12, 2020 and shall carry out the duties enumerated therein. The purpose of the SJC Subcommittee is to facilitate the closure of County Jail 4 (“CJ4”) by developing measures and strategies to safely and sustainably reduce the jail population, with a focus on reducing racial and income disparities in the jail population and meeting the behavioral health needs of people who come into contact with the criminal justice system.

Section 3. Reports

The SJC Subcommittee will submit two reports to the Board of Supervisors, per Section 5.25-4. (i) of the Administrative Code: a preliminary progress report due August 1, 2020; and a final report due October 1, 2020. The reports will include progress and data related to jail population reductions; measures and strategies implemented across justice agencies; information on outstanding tasks, challenges, or needs; and an assessment of the COVID-19 impact on the jail population. SJC Subcommittee reports will be distributed to the members of the Sentencing Commission via email prior to being finalized.

Article II. Members and Staffing

Section 1. Members

The SJC Subcommittee shall consist of 8 members, or 9 members if the Superior Court agrees to provide one member. The following Sentencing Commission members (or their designees) shall serve on the Subcommittee as voting members: District Attorney; Public Defender; Adult Probation; Sheriff; the Department of Public Health; the Reentry Council; a member of a nonprofit organization that works with victims, chosen by the Family Violence Council; a member of a nonprofit organization that works with ex-

Agenda Item #3c: General Updates – Approved SJC Subcommittee Bylaws

offenders, chosen by the Reentry Council; and the Superior Court, assuming it agrees to participate on the SJC Subcommittee.

Section 2. Staffing and Duties

The District Attorney's Office shall provide a Safety and Justice Challenge Project Director (SJC Project Director) or another designee to staff the SJC Subcommittee. The SJC Project Director (or designee) will preside at all meetings of the SJC Subcommittee. The SJC Project Director shall be responsible for developing agendas and conducting meetings. Presiding duties include opening and adjournment, ascertainment of existence of a quorum, sequence of business, recognition of members entitled to the floor, statement for vote on all motions that legitimately come before the assembly, enforcement of rules of debate, and protection of the assembly from frivolous or dilatory motions.

Section 3. Representation

SJC Subcommittee members may identify themselves as members of the SJC Subcommittee when they are not conducting SJC Subcommittee business; however, they need to state that they are not speaking in their official capacity as a member of the SJC Subcommittee. SJC Subcommittee members may not represent the SJC Subcommittee on any item before any body or in the media unless asked to do so by the SJC Project Director. If a SJC Subcommittee member has questions about this issue, the member should contact the City Attorney's Office.

Article III. Meetings

Section 1. Regular Meetings

Regular meetings of the SJC Subcommittee shall occur at least twice a quarter.

Section 2. Special Meetings

The Project Director (or designee) or a majority of the members of the SJC Subcommittee may call special meetings.

Section 3. Notice of Meetings

The agendas of all regularly scheduled meetings and notices and agendas of all special meetings shall be posted on the San Francisco District Attorney's web site (<http://www.sfdistrictattorney.org/>), at the meeting site, and the San Francisco Main Library Government Information Center. Agendas and notices shall be emailed to each SJC Subcommittee member and any person who files a written request for such notice with the Sentencing Commission at SFDA.SentencingCommission@sfgov.org.

Agenda Item #3c: General Updates – Approved SJC Subcommittee Bylaws

Section 4. Cancellation of Meetings

The SJC Project Director may cancel the meeting if he or she has determined that a quorum of the body will not be present or if the meeting dates conflict with a holiday or other responsibilities of the Re-entry Council members. Notices of cancellation shall be posted on the San Francisco District Attorney's web site (<http://www.sfdistrictattorney.org/>), at the meeting site, and the San Francisco Main Library Government Information Center. If time permits, notices of cancellation shall be e-mailed to members of the public who have requested, in writing, to receive notices and agendas of SJC Subcommittee meetings.

Section 5. Conduct of Meetings

- (a) All SJC Subcommittee meetings shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. Seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the SJC Subcommittee's By-laws.
- (b) When a member of the SJC Subcommittee desires to address the Subcommittee, she or he shall seek recognition by addressing the SJC Project Director, and when recognized, shall proceed to speak. The member shall confine her or his comments or remarks to the question before the SJC Subcommittee.
- (c) Cell phones and pagers shall be turned off during the meetings of the SJC Subcommittee. The SJC Project Director may issue a warning to any member of the public whose pager or cell phone disrupts the SJC Subcommittee meeting. In the event of repeated disruptions caused by pagers and cell phones, the SJC Project Director shall direct the offending member of the public to leave the meeting.
- (d) The SJC Subcommittee members have diverse life and work experiences and unique responsibilities in their roles outside of the SJC Subcommittee. All members of the SJC Subcommittee shall treat each other with respect and seek to understand the views and perspectives of fellow members.

Section 6. Setting Agendas

The SJC Project Director (or designee) shall prepare the agenda for meetings. The agenda for all regular meetings shall contain an item during which the SJC Subcommittee members may request items for the SJC Subcommittee to consider at future meetings.

Agenda Item #3c: General Updates – Approved SJC Subcommittee Bylaws

Section 7. Action at a Meeting; Quorum and Required Vote

The presence of 5 members of the SJC Subcommittee shall constitute quorum for all purposes. If a quorum is not present, no official action may be taken, except roll call and adjournment.

Section 8. Voting and Absenteeism

The SJC Subcommittee members must be present to vote and participate. Participation via teleconference or online meeting platform is permitted, and may in some cases be required, to the extent consistent with current executive orders issued by the Governor and Mayor. Each member present at the SJC Subcommittee meeting shall vote “Yes” or “No” when a question is put, unless the member is excused from voting on a matter by motion adopted by a majority of the members present or the member has a conflict of interest that legally precludes participation in the discussion and vote.

The SJC Subcommittee shall take action on items on the agenda by roll call, voice vote or by show of hands. The SJC Project Director shall track how each SJC Subcommittee member voted and provide a record if requested.

Section 9. Public Comment

The SJC Subcommittee shall hold meetings open to the public in full compliance with state and local laws. The SJC Subcommittee encourages the participation of all interested persons. Members of the public may address the SJC Subcommittee on any matter within the subject matter jurisdiction of the SJC Subcommittee for up to three minutes during public comment. The SJC Project Director may limit the time permitted for public comment consistent with state and local laws.

Article IV. SJC Subcommittee Records

Section 1. Record of Action Items

The SJC Project Director shall record attendance by members at a meeting, actions taken, and the votes on all such actions by SJC Subcommittee members. Action items shall be approved by majority vote of the SJC Subcommittee.

Section 2. Public Review File

The SJC Subcommittee shall maintain a public review file in compliance with the San Francisco Sunshine Ordinance. (See San Francisco Administrative Code, Chapter 67.23).

Section 3. Records Retention Policy

The SJC Subcommittee staff shall prepare and maintain a records retention and destruction policy as approved in Section 8.3 of the San Francisco Administrative Code.

Agenda Item #3c: General Updates – Approved SJC Subcommittee Bylaws

Article V. Attendance

Members of the SJC Subcommittee shall notify the SJC Project Director if they are unable to attend a regular or special meeting of the SJC Subcommittee. If a member of the SJC Subcommittee misses six regular scheduled meetings in any twelve-month period without prior notice to staff, the SJC Project Director shall request that the member's appointment authority appoint a new member.

Article VI. Amendment of By-Laws

The By-Laws of the SJC Subcommittee may be amended by a vote of a majority of the members of the San Francisco Sentencing Commission after presentation of the proposed amendments as an agenda item at the meeting of the San Francisco Sentencing Commission. The Sentencing Commission shall give ten days notice before considering any amendments to the By-Laws.

Agenda Item #5: Progress Report Outline

DRAFT OUTLINE: CJ4 CLOSURE PROGRESS REPORT

- I. INTRODUCTION & BACKGROUND** (1-2 pages)
 - a. Board action regarding County Jail 4 (CJ4)
 - b. Background on Re-envision the Jail process and recommendations
 - c. Background on Safety and Justice Challenge
 - d. Subcommittee timeline and working structure

- II. CURRENT PROGRESS & DATA ON JAIL POPULATION** (2 pages)
 - a. Summary of JFA Institute research on jail drivers
 - b. Describe recent trends (average daily population, bookings and releases)

- III. PROGRESS ON STRATEGIES TO-DATE** (3-4 pages)
 - a. Operations & efficiency: Sheriff's Office update
 - b. Transparency and shared focus update
 - c. Healthy connections update
 - d. Case processing update
 - e. Reducing racial bias update

- IV. COVID MITIGATION ACTIVITIES** (2 pages)
 - a. Summarize partner activities since shelter-in-place
 - b. Highlight potential challenges or needs related to COVID

- V. OUTSTANDING CHALLENGES AND NEXT STEPS** (1-2 pages)
 - a. Summarize challenges and propose options
 - b. Share next steps for SJC Subcommittee partners

Agenda Item #5: Public Comment Submitted



Sheriff Paul Miyamoto
1 Dr. Carlton B. Goodlett Place
Room 456, City Hall
San Francisco, California 94102

Sent via email to
paul.miyamoto@sfgov.org

July 10, 2020

Sheriff Miyamoto:

We write to request that you, in your capacity as Sheriff of San Francisco, publicly commit to complying with the ordinance to close County Jail No. 4, as set out in Ordinance No. 0080-20, File No. 200372 (“the Ordinance”), which requires the jail’s closure by November 1. We also request that your office move all people out of County Jail No. 4 as soon as possible.

Based on your comments during the June 16 meeting of the Sentencing Commission’s Safety and Justice Subcommittee, we understand that your office plans to move people out of County Jail No. 4 by the end of July but plans to continue to house 25 men there to run the kitchen. We also understand that your office intends to continue using County Jail No. 4 to hold people who have been transported from other facilities to attend court at 850 Bryant St. The Ordinance requires that no one be incarcerated at County Jail 4 on or after November 1. However, while the Ordinance’s deadline to close County Jail No. 4 is November 1, the jail continues to be structurally unsound and place people at risk of harm. Emptying County Jail No. 4 should therefore be one of your office’s highest priorities.

We ask that you respond to this email to confirm that you will comply with the law as described above, before the next Safety and Justice Challenge Subcommittee meeting on July 21, 2020.

Signed,



Melissa Hernandez
mghpublic117@gmail.com

On behalf of the No New SF Jail Coalition

CC: alissa.riker@sfgov.org, katherine.johnson@sfgov.org

Background

Over the past year, partners in San Francisco’s Safety and Justice Challenge (SJC) have sought to better understand how to increase coordination with behavioral health treatment providers to prevent incarceration and divert those from jail who are more appropriate for community-based treatment. To that end, the SJC partnership participated in a two-day Sequential Intercept Mapping (SIM) with 34 system and community partners in fall 2019. One of the strongest recommendations out of the SIM process was to explore alternative site(s) for police to take individuals experiencing a behavioral health crisis – a recommendation echoed by the Policy and Legislation Subcommittee of the Reentry Council and the Meth Task Force.

In 2019, the San Francisco Police Department (SFPD) received 21,860 calls for help regarding a person in a behavioral or mental health crisis. This amounts to nearly 60 calls per day.¹ Without extensive training in psychology, counseling, or substance abuse treatment, police are not always equipped to respond to these calls and de-escalate situations.² If an interaction with police leads to an arrest, being in jail can exacerbate symptoms of mental illness and perpetuate a cycle of recidivism.³ Strong responses to behavioral health crises mean more effective de-escalation, less use of force, and more diversion from arrest and incarceration to appropriate behavioral health services.

San Francisco, along with many jurisdictions around the nation, has taken steps to improve responses to emergency situations involving a behavioral health crisis. Public health officials and other City leaders, community members, and behavioral health providers are actively exploring ways to expand existing crisis response models and/or implement new approaches. This memo explores four approaches to behavioral health crisis response, some currently in use in San Francisco, as outlined below in Table 1.

Table 1: Program Comparison Summary

| | Crisis Intervention Training | Co-Response | CAHOOTS | LEAD |
|-----------------------------|---|--|---|---|
| Point of Contact | Emergency response | Emergency response | Emergency response | Arrest & booking |
| Personnel | Law enforcement | Law enforcement + clinical professionals | Clinical professionals | Law enforcement refers to service providers |
| Implemented in SF | Since 2011 | Since 2016 | Not yet implemented | Since 2017 |
| Program Evaluation Findings | Officers feel more prepared to handle behavioral health crises & refer people to care | Fewer arrests, bookings, and hospitalizations for people in behavioral health crisis | 34% of cases need no further action beyond crisis counseling on the scene | Positive employment and housing outcomes; connection to services; low recidivism; referrals differ from jail population |

¹ [“Crisis Intervention Team \(CIT\)”](#). San Francisco Police Department, viewed July 1, 2020.

² [“When Mental-Health Experts, Not Police, are the First Responders.”](#) The Wall Street Journal, 24 Nov 2018.

³ [“Justice That Heals.”](#) San Francisco District Attorney’s Office, 3.

Agenda Item #6a: Strategy Update – Healthy Connections

Crisis Intervention Training (CIT)

In Crisis Intervention Training (CIT), police officers receive training on how to de-escalate situations involving mental illness. San Francisco's CIT training program has been in place since 2011, and uses the Memphis Model of CIT, which focuses on the idea of giving the person who is experiencing a crisis more time and space. The curriculum covers drugs, juvenile and geriatric mental health, suicide prevention, PTSD, homelessness, and intellectual disabilities. Since 2016, the SFPD has also offered tactical training in behavioral health crisis response, which emphasizes using as little force as possible.⁴

Officers are not required to participate in CIT training. Between February 2011 and September 2019, 1,144 police officers have completed this training program, or nearly 50% of the police force. In addition, 2,229 officers have completed the shorter 10-hour behavioral health tactics training, or nearly 96% of the police force.⁵

In San Francisco, officers who completed CIT training in 2016 felt more 22% prepared to de-escalate a situation with someone who is suicidal. Officers also felt 26% more knowledgeable about the medical, social, and behavioral health resources available locally, and had 19% less belief in the idea that people with mental illness are more dangerous than people without.⁶

A 2019 literature review of studies assessing CIT programs found that officers perceived themselves as being more likely to reduce the use of force after CIT training. There is currently little evidence as to whether CIT reduces officers' likelihood of using force or causing injuries in the field.⁷

Co-Responders

Crisis intervention training for police is often accompanied by co-responder approaches. Since 2016, San Francisco's Co-Responder Crisis Response Model has brought together licensed medical health professionals with police officers to respond to mental health crises, addressing both public safety and behavioral health needs.⁸ Through this program, the Department of Public Health maintains a Crisis Intervention Specialist Team, which is available 24/7 to assist the police in responding to a behavioral health crisis, upon police request.⁹ Co-responder models are also used in cities such as Salt Lake City, Houston, and Los Angeles.¹⁰

Cities that have implemented co-responder models have seen reductions in arrests and jail admissions for individuals experiencing behavioral health crisis, as well as faster access to treatment by facilitating clinical needs assessments on the scene. In Kansas, Johnson County's program demonstrated fewer calls

⁴ "[Crisis Intervention Team \(CIT\)](#)". *San Francisco Police Department*, viewed July 1, 2020.

⁵ "[San Francisco Police Department-Trained CIT](#)." *San Francisco Police Department*, September 19, 2019.

⁶ "[SFPD CIT Training Impact and Evaluation Report](#)." *NAMI San Francisco*, December 2016.

⁷ Rogers, Michael S., MD, Dale E. McNiel, PhD, and Renee L. Binder, MD. "Effectiveness of Police Crisis Intervention Training Programs." *Journal of the American Academy of Psychiatry and the Law*. 47(4), 2019.

⁸ "[Crisis Intervention Team \(CIT\)](#)". *San Francisco Police Department*, viewed July 1, 2020.

⁹ "[Policy/Procedure Regarding: DPH Crisis Intervention Specialist Team](#)." *San Francisco Department of Public Health*, January 10, 2017.

¹⁰ "[Police Have a New Tool in Their Arsenal: Mental-Health Professionals](#)." *The Wall Street Journal*, 9 Mar 2018.

Agenda Item #6a: Strategy Update – Healthy Connections

for service to the same individual, indicating that people were being successfully diverted to programming that meet their needs and reduced criminal justice involvement long-term.¹¹

In 2000, a co-responder program in DeKalb County, Georgia was found to handle 55% of crisis situations without hospitalization, compared to 28% for regular police intervention. Of the situations that ended in hospitalization, a smaller percentage were involuntary, at 36% compared to 67% for regular police intervention.¹²

The San Francisco Department of Public Health is responsible for staffing five Crisis Intervention Specialist positions and budgeted \$760,724 in 2016 to hire for these roles.¹³

Crisis Assistance Helping Out On The Streets (CAHOOTS)

In the Crisis Assistance Helping Out On The Streets (CAHOOTS) model, crisis workers and medics respond to mental health-related 911 calls instead of police. Like police or firefighters, CAHOOTS teams travel to respond immediately to emergency calls. CAHOOTS first responders wear casual clothing and are trained to de-escalate tense situations, provide counseling, and connect people to other services like shelters.¹⁴

The CAHOOTS model originated in Eugene, Oregon in 1989 and has also been implemented in Stockholm, Sweden. Its success has sparked interest in San Francisco, Olympia, Denver, New York, Indianapolis, and across the Bay in Oakland, where a pilot has been planned for this year. On June 11, 2020, San Francisco Mayor London Breed announced a plan to develop a program like CAHOOTS.¹⁵

Existing CAHOOTS programs have been able to handle many calls that would have otherwise been handled by police. In Eugene, CAHOOTS has been able to absorb a significant volume of calls to the police. Each year, the Eugene CAHOOTS program handles 17% of all police calls, or 16,340 calls each year.¹⁶ In Stockholm, the program handled 3.4 cases per day, serving 1,036 individuals in the first year. The team was able to respond to crises within an average of 20 minutes, or 15 minutes for the highest-priority cases. In the Stockholm pilot, 34% of cases resulted in no need for further action beyond an assessment and crisis counseling.¹⁷

The Eugene CAHOOTS program employs 39 staff and costs around \$800,000 per year plus vehicles. This comes out of the police department's \$58,000,000 annual budget.¹⁸ In Oakland, a study is underway to research the costs and other requirements for implementing a local program.¹⁹

¹¹ ["Responding to Individuals in Behavioral Health Crisis via Co-Responder Models."](#) Policy Research, Inc. and the National League of Cities. January 2020, at 3.

¹² Scott, Roger L. ["Evaluation of a Mobile Crisis Program: Effectiveness, Efficiency, and Consumer Satisfaction."](#) *Psychiatric Services*, 51(9), September 2000.

¹³ ["Crisis Intervention: Bridging Police and Public Health."](#) Civil Grand Jury, City and County of San Francisco, 2017-2018, at 21.

¹⁴ ["Police Have a New Tool in Their Arsenal: Mental-Health Professionals."](#) *The Wall Street Journal*, 9 Mar 2018.

¹⁵ ["Mayor London Breed Announces Roadmap for New Police Reforms"](#), June 11, 2020.

¹⁶ ["Police Have a New Tool in Their Arsenal: Mental-Health Professionals."](#) *The Wall Street Journal*, 9 Mar 2018.

¹⁷ Bouveng, Olaf, Fredrik A. Bengtsson, and Andreas Calborg. ["First-year follow-up of the Psychiatric Emergency Response Team \(PAM\) in Stockholm County, Sweden: A descriptive study."](#) *International Journal of Mental Health*, Volume 45, Issue 2, 2017.

¹⁸ ["When Mental-Health Experts, Not Police, are the First Responders."](#) *The Wall Street Journal*, 24 Nov 2018.

¹⁹ ["Calling the cops on someone with mental illness can go terribly wrong. Here's a better idea."](#) *Vox*, 1 Jul 2019.

Law Enforcement Assisted Diversion (LEAD)

In San Francisco, LEAD has been operating in the Tenderloin and Mission Districts since 2017. The LEAD program offers an alternative to incarceration and prosecution for repeat, low-level nonviolent offenders. Instead of booking these offenders into jail, police officers refer them to San Francisco’s network of supportive services. There, participants can address needs related to substance abuse and homelessness, reducing the likelihood of being arrested or convicted again.²⁰

In October 2019, LEAD participants had a one-year recidivism rate of only 4%, while homelessness decreased among program participants by 15.8% and employment increased by 20%. Six months after entering the program, 87% of participants were connected to substance use treatment.²¹

Most referrals that law enforcement officers made through LEAD were not for people who were under arrest. Only 33% of LEAD referrals were made during the arrest and booking process, with the remaining 67% of referrals made to other people who police officers encountered in the course of their work.²² The demographics of LEAD referrals are different than the demographics of the City’s jail population, in that only 28% of LEAD referrals were African American, though African Americans make up more than 40% of the jail population.²³

San Francisco’s LEAD program is funded at \$5,900,000 over a 26-month period, equivalent to approximately \$2,723,000 per year. LEAD funding comes from a one-time grant from the California Board of State and Community Corrections which expired on June 30, 2019.^{24, 25}

²⁰ [“LEAD SF – Fact Sheet.”](#) San Francisco Department of Public Health.

²¹ [“LEAD SF – Policy Committee Meeting #2.”](#) San Francisco Department of Public Health, October 28, 2019.

²² [“LEAD SF – Policy Committee Meeting #2.”](#) San Francisco Department of Public Health, October 28, 2019.

²³ [Presence of Severe Mental Illness and/or History of Substance Use in San Francisco County Jails.”](#) Budget and Legislative Analyst, City and County of San Francisco. December 4, 2018, at 14.

²⁴ [Award Letter](#), State of California Board of State and Community Corrections, April 20, 2017.

²⁵ [Resolution authorizing grant agreement](#), San Francisco Board of Supervisors, July 25, 2017.

SIM RECOMMENDATIONS

San Francisco has a plethora of exemplary programs that seek to enhance and support criminal justice and behavioral health collaboration and coordination. Still, the SIM mapping exercise conducted in Fall 2019 identified areas where programs may need expansion or where new resources and programming must be developed. Based on the priorities identified by participants in the SIM, as well as findings of the previous planning efforts that used the SIM framework, PRA identified the following recommendations:

1. Planning Coordination: Bridging the Gaps

In 2019, San Francisco experienced significant change in leadership within the Department of Public Health and various criminal justice agencies. Dr. Grant Colfax became the new Director of San Francisco’s Department of Public Health on February 19th, 2019 – and the city elected a new Mayor, Sheriff, District Attorney, and Public Defender on November 5th, 2019. This wave of change in leadership presents a unique opportunity to coordinate and synthesize proposed initiatives into a cohesive plan to decrease the jail population, reduce racial and ethnic disparities and redirect people into behavioral treatment.

These leaders took office during a time in which the city has a visible and seemingly intractable crisis at the intersection of behavioral health, homelessness and criminal justice reform. In her January 8, 2020 inauguration speech, Mayor London Breed expressed her deep commitment to change: “My goal is to keep people in their home if they already have one, get people housed if they are currently homeless, provide people with the mental health and addiction services they need, clean up our streets, and ultimately create a San Francisco where no one is forced, or allowed to sleep on the streets.” That sentiment was echoed by Sheriff Paul Miyamoto, District Attorney Chesa Boudin and Public Defender Manohar Raju as each new official took the oath of office.

While the will and the commitment to reforming the system are strong, achieving these goals will be difficult without better coordination of reform efforts. Two of the most urgent priorities in the year ahead are to develop a plan to safely close the seismically unfit County Jail 4 and to implement a comprehensive plan to increase access to mental health care. Several planning efforts and workgroups are already in place to address these policy priorities. These planning efforts include but are not limited to: The Safety and Justice Challenge, Mental Health SF, the Department of Public Health Incarceration is a Public Health Issue workgroup, and others. Such planning efforts allow opportunities for public health and criminal justice partner collaboration, ultimately creating an improved coordinated response to caring for individuals who have a mental health diagnosis and or substance use disorder and are navigating or are at risk of having contact with the criminal justice system.

AGENDA ITEM #6A: STRATEGY UPDATES – HEALTHY CONNECTIONS

2. Operational Coordination: Connecting the Dots

Along with an overarching plan for reform, San Francisco will need to take immediate and practical steps to connect the dots by improving communication and coordination between agencies working on the ground. Although ensuring that health care workers are first responders is a high priority in connecting the dots, in many incidents, law enforcement acts as first responders to urgent and emergent behavioral health issues. For individuals in crisis, such interactions may be triggering and further traumatizing -- highlighting the necessity to train law enforcement to appropriately interact with individuals who are experiencing behavioral health issues. When law enforcement is in the position of acting as first responders, alternatives to jail must be readily available so alternatives to incarceration can be a prioritized response.

Individuals who have behavioral health needs often cycle in and out of county jails in addition to tapping into the services of multiple systems on a regular basis. Depending on need and access to care, this might mean daily care for some and weekly or monthly care for others. Agencies in San Francisco are tasked with creating a collaborative process for sharing information about individuals in a systematic, yet seamless way that maximizes efficiency while also complying with HIPAA. Sharing aggregate data on an institutional level, allowing various City departments to cross-collaborate in identifying gaps and trends, is integral in improving overall response of care across the intercepts. Here we make three suggestions:

At intercepts 0-1, improve cross systems communication between law enforcement and behavioral health agencies to limit the number of arrests of people with behavioral health disorders and increase the opportunity for early diversion to treatment. This might include efforts such as: providing law enforcement with alternatives to jail for when they respond to a behavioral health crisis, 24/7 specialized response teams, and additional cross-agency training.

At intercepts 2-5, implement the use of a reliable validated screening tool for criminal justice partners that can be used to identify individuals with behavioral health disorders at the earliest point of contact so that interventions take into consideration mental illness and/or substance use. Such early identification of individuals who may have behavioral health disorders allows for diversion to more in-depth behavioral health assessment and consideration of alternatives including diversion from the criminal justice system. legal dispositions that take in to account the behavioral health disorder, immediate treatment interventions and referrals to community treatment. Through earlier identification, we can more quickly initiate referrals to treatment and placement in the community.

Finally, San Francisco should educate all mental health and substance use providers, law enforcement agencies, the San Francisco Superior Court, the office of the District Attorney and the Office of the Public Defender on the parameters of the Health Insurance Portability and Accountability Act (HIPAA). People with mental illness and substance use disorders, like everyone else, are entitled to privacy as it relates to the sharing of medical records. However, myth and misinformation about what can and cannot be shared must be debunked and corrected. As a starting point, San Francisco should look to communities that have successfully achieved a balance between protecting privacy and lawfully sharing permissible information.

AGENDA ITEM #6A: STRATEGY UPDATES – HEALTHY CONNECTIONS

3. Maintain a Coordinated Focus on Racial and Ethnic Disparities

As San Francisco endeavors to increase planning and operational coordination, it is crucial that all partners commit to undoing racist systemic structures as a means of reducing racial and ethnic disparities that are seen across agencies. Efforts to increase behavioral health diversion must be evaluated regularly for disparate impact. Moreover, efforts must be modified as needed to ensure racial and ethnic disparities are reduced. This may include additional decision point analysis, training on implicit bias for partners, and development of tools to ensure mitigate bias in decision-making.

4. Integrate the population of individuals with serious mental illness (peers) into ongoing and future diversionary programming efforts

Diversion programming has proven to be more effective when it is inclusive of individuals with serious mental illness and should be included as a treatment intervention at every intercept. San Francisco has programs, such as the Mentoring and Peer Support Program, that involve peers in individuals treatment plans to provide additional support assistance with navigating through the often confusing criminal justice and health care systems, Peer support has been found to be particularly helpful in easing the traumatization of the corrections process and encouraging consumers to engage in treatment services. Settings that have successfully involved peers include crisis evaluation centers, emergency departments, jails, treatment courts, and reentry services. Investing in appropriate training, support, and pay for peer professionals is essential to ensuring success of peer-involved programs. Service delivery models such as peer support program that direct individuals to appropriate treatment and away from the criminal justice system are essential and offer many potential benefits including linking individuals to treatment and other supports, increasing treatment compliance, improving quality of life, reducing recidivism, reducing psychiatric hospitalization, and reducing costs of incarceration.ⁱ

5. Establish 24-hour Crisis Response & Coordinated Drop Off

When encountering a person in crisis, law enforcement is often limited in terms of having available safe alternatives to jails. Jail and emergency departments are often the only options to insure individual and public health and safety. Considering practices used in other jurisdictions, San Francisco must build or designate a venue (or range of venues) for 24-hour assessment and triage of people in crisis at the point of first police contact. A stand-alone facility or facilities with on-site mental health assessment, access to medical care and availability of detox beds will result in earlier identification of people in need of treatment and provide law enforcement with better options. Early identification will inevitably lead to more immediate access to services, a better match of the individual to the appropriate community treatment, and better long-term public health and public safety outcomes.

AGENDA ITEM #6A: STRATEGY UPDATES – HEALTHY CONNECTIONS

Prior planning efforts in the city have identified this as a possible solution. For example, in 2016, District Attorney George Gascón proposed a Behavioral Health Justice Center in lieu of building a new county jail facility. In that proposal, the authors recommended that one level of the facility serve as an emergency mental health reception center with respite beds, on site mental health assessment, screening for mental and physical health, and assessment of substance use needs.

The concept has been refined by other groups seeking solutions to the crisis on the streets of San Francisco. Most recently, the city passed legislation with unanimous agreement from both the Board of Supervisors and Mayor London Breed called Mental Health SF. The legislation calls for a 24/7 mental health service center where people can go for urgent care and receive psychiatric prescription drugs. The center will be located in the department's existing Behavioral Health Access Center after appropriate renovations to the site.

San Francisco's Methamphetamine Task Force, coordinated by the Department of Public Health, also urged coordinated crisis response as part of the recommendations in their 2019 report. The Task Force, a multi-disciplinary and multi-sector effort, recommends strengthening the city's interdisciplinary behavioral health crisis response, as well as the creation of a trauma-informed sobering site for individuals who are under the influence of methamphetamine.

Mayor Breed has made the housing and behavioral health needs of San Franciscans a centerpiece of her 2020 agenda. By establishing a drop off center for people in crisis, San Francisco would follow in the footsteps of other forward-thinking communities that are on the vanguard of change at the intersection of mental health and criminal justice.

ⁱ [Criminal Justice Diversion for Persons with Mental Disorders: A Review of Best Practices](#)

MEMO: INCREASING CRIMINAL CASELOAD & COURT CALENDAR MANAGEMENT

DRAFT – FOR DISCUSSION

THE CHALLENGE

Background: Over the past year, partners in San Francisco’s Safety and Justice Challenge (SJC) have sought to increase criminal case coordination and support judicial decisions maximizing court calendar management. This is one key strategy identified by the San Francisco SJC partners and the [JFA Institute](#) to safely reduce the jail population. SJC partners agree that shared protocols for how cases are

Reasons for Case Delay

- Large backlog of cases
- Scheduling system challenges
- Frequent adjournments
- Lack of technology infrastructure

prioritized and what it expected of each party – from the Courts to Prosecutors and Defense – at key decision-points would reduce delays that can prolong incarceration.

A shared strategy for criminal caseload management is particularly urgent due to the ongoing COVID-19 pandemic

Potential Impacts of Delay

Systemic: Backlog continues to grow, impeding legal processes



Individual: People wait a long time, sometimes in jail, for cases to resolve



Institutional: Jail population increases; citizens lose trust in justice system processes



and considering the mandate from the Board of Supervisors to close the seismically unfit County Jail 4 by November 2020. Local and state courts and justice system leaders responded to the public health crisis with a range of emergency measures to reduce local jail incarceration and allow safe physical distancing. As of April 2020, the daily jail population was below 700 people, the number identified by the Director of Jail Health Services as necessary to implement medical protocols. As shelter-in-place restrictions change and the courts return to most operations, addressing criminal caseload challenges is critical to sustain reductions in the jail population.

Length of Stay in Jail: In 2018, the JFA Institute did a preliminary analysis of San Francisco’s jail population that identified

lengths of stay (LOS) as a primary population driver. From April 2017 to 2018, there were 17,063 releases from the jail with an overall average LOS of 20 days. Individuals who were in jail at the time of the analysis for violent felony charges had spent an average of 421 days in jail to-date. Across all crime types approximately 27% of the releases during the 12-month period had a release reason of ‘criminal matters adjudicated’ or ‘time served’ as a release reason. It is not unusual in San Francisco for an individual to receive credit for time served at sentencing; whereby a state prison commitment is served locally under pretrial status. JFA found that the number and length of court continuances contributed significantly to LOS and to the jail population.

Jail Stays in 2017-18:

Average length of stay in jail = 20 days

Average length of stay for people with violent felony charges = 421 days

Number of releases due to time served or criminal matters adjudicated = 27%

Agenda Item #6b: General Updates – Case Processing

Time to Resolution: [The 2020 California Rules of Court](#) (CA Court Rules) provide trial court case disposition time goals. San Francisco exceeds many if not all the time standard guidelines for both felony and misdemeanor criminal cases. To better understand the issue, the San Francisco Superior Court and

Criminal Case Resolution in 2019:

Active pending felony cases = 2,868

Felony case backlog = 38% over a year

Court hearings and events = 15 per case

Misdemeanor cases to trial = 9x state average

SJC partners worked with the [Justice Management Institute](#) (JMI) to analyze the current processes and timelines for criminal case resolution. Over the course of several months JMI met with Superior Court judges and senior staff to analyze local data, ultimately producing 16 recommendations and a draft “Criminal Case Management Plan” that were shared with judges and the SJC Workgroup in November 2019. The analysis found that as of January 2019 there were 2,868 active pending felony cases, and that San Francisco had a backlog of roughly 38% in which cases exceeded the 365-day resolution standards. JMI’s analysis echoed earlier findings by the JFA Institute that the number of court continuances is a key driver of the local jail population. JMI found that San Francisco had an unusually high number of court hearings and events associated with felony cases (an average of 15.3 hearings per disposition), with many events that are scheduled and rescheduled particularly at the preliminary hearing stage (see table 1 for comparison).

Table 1. Comparison of Felony Case Resolution Practices in SJC Sites¹

| Jurisdiction | Average # hearings per felony disposition | Time standard | How often time standard is not met (clock starts at indictment) |
|-------------------------------|---|---------------|---|
| San Francisco ² | 15.3 | 365 days | 38% of cases exceed time standard |
| Pima County | 14 | 365 days | 40% of cases exceed time standard ³ |
| Harris County | 7.4 | 365 days | 15% of cases exceed time standard |
| Fulton County ⁴ | Approx. 7 | 365 days | 30% of cases exceed time standard |
| Baltimore County ⁵ | 3.5 ⁶ | 180 days | 17% of cases exceed time standard ⁷ |

Trial Length: JMI’s analysis also found that San Francisco has a usually high number – and unusually long – trials for misdemeanors. Data from the Judicial Branch Statistical Information System shows that San Francisco has nine times the state average for number of misdemeanor cases that go to trial and 97% are disposed by jury as compared to court trial, compared to a state average of 26%. While San Francisco has very few people in custody for misdemeanor offenses this strain on the court calendar has a ripple effect and impacts the timelines for felony cases.

¹ Comparisons shared by JMI based on work in other SJC sites; July 2020.

² Data from 2019.

³ Data from 2017.

⁴ The majority of pleas were taken on the trial date (57%) or final plea date (39%).

⁵ Baltimore County uses a master calendared system, similar to San Francisco.

⁶ 1.25 pre-indictment; 2.25 post-indictment.

⁷ Time standard in Baltimore; data from 2014.

Agenda Item #6b: General Updates – Case Processing

STRATEGIES AND TOOLS TO REDUCE DELAY

San Francisco SJC partners agree that all parties can be more precise and efficient when setting the direction of a case. The SF Superior Court formed a workgroup to consider how best to move forward with JMI’s recommendations and the workgroup was able to meet once before the onset of COVID-19. Other members of the SJC Workgroup formed a Jail Population Review Committee to increase coordination around specific cases and identify opportunities to improve policies and protocols related to various types of criminal cases that drive the jail population.

Tools to Support Coordination



- ✓ **Criminal Case Management Plan:** A written document adopted by the Court that sets standards for how cases move through the system.
- ✓ **Standard Scheduling Orders:** Sets critical calendar events for cases and sets expectations for those events.
- ✓ **Event Checklists:** Summarizes important information about a case and action taken by all parties prior to key events.
- ✓ **Reporting:** Tracking trends such as case age and number of events to reduce backlog and make shifts as needed.

The Superior Court, Defense Counsel, and Prosecution all have a critical role to play in the shared work of maintaining a local legal culture that ensures procedural justice and efficient flow of criminal cases. While the Court sets the standards for how cases move through the system, attorneys must prepare for each calendared event to ensure they are meaningful. There are many concrete changes to administrative policy and decision-making tools that can support San Francisco in shifting local practices to address the challenges outlined above. Tools such as **standard scheduling orders** and **event checklists** (see Appendix A and B for samples) can help parties ensure that anticipated case timelines and the expectations for each event are clear.

NEXT STEPS TO CONSIDER

As the Superior Court considers how best to manage calendars in the context of COVID-19 and the need to sustain jail population reductions, the SJC partnership could support the Court and other justice system partners in several ways.

- 1) **Hands-on Technical Assistance.** The MacArthur Foundation has funded JMI to provide hand-on technical assistance to interested SJC sites working to improve coordination of criminal cases. In addition to the sample scheduling orders and checklists for attorneys preparing for court events referenced above, JMI has developed several overarching guidance documents for courts re-opening after shelter-in-place orders are eased (see Appendix C). JMI staff are available for weekly 1-2-hour calls with the Courts leadership team, preparation of San Francisco-specific documents to support action-planning, and to train attorneys on use of checklists for event preparation.

Agenda Item #6b: General Updates – Case Processing

- 2) **Coordinated Local Data Analysis.** The SJC has funded several data analysts at San Francisco partner entities, including in the Superior Court and District Attorney’s Office. Working together, these analysts are prepared to support one another and local stakeholders in answering pressing questions related to prioritizing and coordinating the criminal calendar.
- 3) **Re-focusing the Jail Population Review Committee.** The Jail Population Review Committee could re-focus on developing criteria for prioritizing cases and case types relevant to the changed circumstances (for example, cases older than one year where the defendant is in custody; cases where the defendant is older than 65; etc.). The Committee could work on developing shared protocols for the treatment of designated case types, incorporating guidance from the Courts, and coordinate with Jail Health Services and community-based providers.

Together, the efforts described above will help reduce jail stays and move San Francisco towards a more coordinated system of managing criminal cases. Many of the partners and pieces are already in place in San Francisco, making it a good time for a collective, concerted effort to address remaining challenges.

ABOUT THE SAFETY AND JUSTICE CHALLENGE

The City and County of San Francisco was selected by the MacArthur Foundation to receive a Safety and Justice Challenge (SJC) grant of \$2 million in fall 2018. The goal of the initiative is to safely reduce the local jail population to enable the closure of the seismically unfit County Jail 4. San Francisco’s SJC initiative is a partnership between the Superior Court, Sheriff’s Department, Public Health Department, Adult Probation Department, Public Defender’s Office, the District Attorney’s Office, and community stakeholders such as San Francisco Pretrial, with oversight from the San Francisco Sentencing Commission.

ATTACHMENTS

- A. Sample Standard Felony Preliminary Scheduling Order
- B. Sample Arraignment Checklist
- C. Reopening Courts Checklist for Criminal Cases

IN THE SUPERIOR COURT OF SAN FRANCISCO
STATE OF CALIFORNIA

STATE OF CALIFORNIA)
)
vs.) Case No: _____
)
_____) _____

PRELIMINARY SCHEDULING ORDER-FELONY

The following Scheduling Order is issued on this ____ day of _____, 20__.

The defendant is: Incarcerated Released

The defendant as well as attorneys for the State and the defendant are ordered to appear, unless otherwise ordered by the Court, as follows:

The Preliminary Examination (PE) is set: _____.

At least three days prior to the PE, counsel shall jointly prepare, sign and submit the attached PE Checklist. If Defense counsel has not been retained or appointed prior to the PE, the State shall submit the checklist. If the matter is to be disposed of by plea, pleas will be taken at the time of and in lieu of the PE. Counsel shall have all plea paperwork prepared prior to the scheduled PE if a plea is anticipated.

The Arraignment is set: _____.

At least three days prior to the Arraignment, counsel shall jointly prepare, sign and submit the attached Arraignment Checklist. If the matter is to be disposed of by plea, pleas will be taken at the time of the Arraignment. Counsel shall have all plea paperwork prepared prior to the scheduled Arraignment if a plea is anticipated. If a plea is not anticipated, counsel for both parties with principal responsibility for this case shall appear before the court with their files to determine the status of this case. The complexity of the case, discovery and evidentiary issues will be assessed at the Arraignment and the matter will be assigned to a trial department who will be responsible for all further issues relating to that case.

The Pretrial Readiness Conference is set: _____.

At least five days prior to the PRC, counsel shall jointly prepare, sign and submit the attached PRC Checklist. If the matter is to be disposed of by plea, pleas will be taken at the time of the PRC. Counsel shall have all plea paperwork prepared prior to the scheduled PRC if a plea is anticipated. If a plea is not anticipated, the following deadlines are imposed:

1. All dispositive motions (995 and/or Motions to Suppress) shall be filed ten days prior to the PRC. Responses, if required, shall be filed five days prior to the PRC. All dispositive motions shall be heard at the PRC unless otherwise directed by the assigned trial judge;
2. All discovery and/or evidence exchanges must be completed five days prior to the PRC; and,
3. Preliminary witness and exhibit lists, together with all exhibits if not previously provided, shall be exchanged five days prior to the PRC.

A Final Scheduling Order shall be issued at the PRC by the assigned trial judge.

JUDGE OF THE SUPERIOR COURT

IN THE SUPERIOR COURT OF SAN FRANCISCO
STATE OF CALIFORNIA

STATE OF CALIFORNIA)
)
vs.) Case No: _____
)
_____) _____

ARRAIGNMENT CHECKLIST/STATUS REPORT

This is a Non-Complex Felony Complex Felony

If the matter is a Non-Complex Felony, list any issues that make the case more complex: _____

Bond: remain as set State will request enhancement/remand Defense will request reduction.

Supplemental evidence has been exchanged via email and/or evidence portal.

Counsel has complied with all Preliminary Scheduling Order requirements.

Meaningful plea negotiations have continued.

Referral to specialty or diversion courts: Referral submitted Court notified

Status of referral: _____

List any discovery/evidence production issues: _____

The following pretrial motions are anticipated: 995 Motion to Suppress

Child Hearsay Motions 404b Motions (1101??) *Jackson v. Denno* Hearing

Other: _____

Early Settlement Conference requested.

A negotiated plea agreement has been reached.

Continuances will not be granted except for good cause shown. Failure to comply with the Scheduling Order shall NOT constitute good cause.

PROSECUTING ATTORNEY

Date

DEFENSE ATTORNEY

Date

Agenda Item #6b: Attachment C: Case Processing Memo

The Justice Management Institute

Safety and Justice Challenge

Reopening Courts Checklist for Criminal Cases

May 12, 2020

Docket lists

Provide the court/master calendar judge/preliminary assigned judges with lists of assigned cases on their dockets by case type and incarcerated or released pretrial, regardless of whether they were filed before or during the pandemic:

- Older than a time standard for potential delay (e.g. nine months for felonies)
- Less than nine months old

Status conferences

Set up status conferences for all cases filed before or during the pandemic. Conduct status conferences by video.

- Provide checklists of case progress to the attorneys that they must submit seven days in advance of the status conference. See attached samples (to be provided).
- Conduct status conferences prior to the opening of the courthouse to trials or on continuous dockets prior to trials on trial days;
- At the status conference, conduct a bail review on the court's motion for incarcerated defendants; and
- After the first status conference, admonish attorneys to not expect continuous status conferences every two to four weeks.

Scheduling orders

Provide at the status conference, or soon thereafter, written, standardized scheduling orders for all cases (see attached samples) in four categories. Substantially reduce the number of calendar events on cases, using the scheduling orders to ensure timely compliance:

- a) Older than nine months, with incarcerated defendants – fast track dockets to reach a plea agreement or go to trial;
- b) Older than nine months with released defendants;
- c) Less than nine months old, with incarcerated defendants; and
- d) Less than nine months old, with released defendants

Calendars

Organize calendars to ensure that attention to pending cases does not create undue delay on newly filed cases. Do not revert back to calendars that were used prior to the pandemic.

Techniques include the following:

- Require attorney/litigant evidence exchange and plea negotiation with deadlines outside the courtroom;
- Conduct all hearings except evidentiary (e.g. preliminary hearings) and trials by video to reduce time commitments and conflicts by attorneys; and
- Plan to have defendants attend hearings by video whenever possible, encouraging defendants to attend by video from their attorney's office or a location provided by the court (e.g. conference room).

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

Agenda Item #7: Proposed Summer/Fall 2020 Meeting Dates

UPDATED 7/21/20

Sentencing Commission Full Meeting

Meetings are held virtually once a quarter from 10:00am-12:00pm unless otherwise specified.

Upcoming meeting dates are as follows:

- July 15, 2020
- October 7, 2020
- December 6, 2020

Safety and Justice Challenge Subcommittee

Meetings are held virtually on the 3rd Tuesday of the month from 12:00-2:00pm unless otherwise specified. Upcoming meeting dates are as follows:

- June 16, 2020
- July 21, 2020
- August 18, 2020
- September 15, 2020
- October 20, 2020

Criminal Justice Racial Equity Workgroup

Meetings are held virtually unless otherwise specified. Upcoming meeting dates are as follows:

- July 31, 2020, 1:00pm