

The San Francisco Sentencing Commission

City & County of San Francisco

(Administrative Code 5.250 through 5.250-3)

San Francisco Sentencing Commission

AGENDA

Wednesday July 15, 2020, 10:00 am

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/94264760776>

Public Comment Call-In: 1-877-369-0926 US Toll-free

Meeting ID: 942 6476 0776

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 Sentencing Commission 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 on Any Item Listed Below (discussion only).
3. Review and Adoption of Meeting Minutes from September 18, 2019 (discussion & possible action).
4. Staff Report on Sentencing Commission Activities (discussion & possible action).
5. Staff Report on Criminal Justice Racial Equity Workgroup (discussion & possible action).
6. Safety and Justice Challenge Updates by Josie Halpern-Finnerty, Safety and Justice Challenge Director (discussion & possible action).
7. Review and Approval of Safety and Justice Challenge By Laws (discussion & possible action).
8. Annual Review of Sentencing Trends and Legislative Update by Tara Anderson (discussion).

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9. Presentation on Case Processing Technical Assistance with specific emphasis on COVID by Tim Dibble, Vice President Justice Management Institute (discussion & possible action).
10. Discussion on Coordinated Crisis Response (discussion & possible action).
11. Members' Comments, Questions, Requests for Future Agenda Items (discussion & possible action).
12. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
13. 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.

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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

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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.

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Agenda Item #3

The San Francisco Sentencing Commission

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MEETING MINUTES

September 18, 2019

10:00 a.m. – 12:00 p.m.

Hall of Justice, 850 Bryant Street Room 436, San Francisco, CA 94103

Members in Attendance: District Attorney Gascón, San Francisco District Attorney's Office; Deputy Chief Lazar, Commander Perea (10:19am) San Francisco Police Department; Tara Agnese, Adult Probation Department; Tanya Mera, Department of Public Health; Sheriff Hennessy, San Francisco Sheriff's Department; Simin Shamji, Public Defender's Office; Karen Roye, Reentry Council Appointee; Eric Henderson, Reentry Council Appointee; Jerel McCrary Family Violence Council Appointee; and Theshia Naidoo, Board of Supervisors Appointee.

1. Call to Order; Roll call.

San Francisco District Attorney's Office Director of Policy, Tara Anderson, welcomes everyone to the 29th Sentencing Commission Meeting on behalf of District Attorney Gascón and calls the meeting to order at 10:02 am. Members introduced themselves.

2. Public Comment on Any Item Listed Below (discussion only).

No Public Comments received.

3. Review and Adoption of Meeting Minutes from June 19, 2019 (discussion & possible action).

Tara Anderson asked Commission members to review minutes from the previous Commission meeting. Sheriff Hennessy made the motion to approve the minutes, Director Karen Roye seconded the motion. Minutes from June 19, 2019 approved unanimously.

4. Staff Report on Sentencing Commission Activities (discussion & possible action).

Mrs. Anderson provided an update on the workgroup activities and meeting schedule. Discussed moving meeting out of the Hall of Justice facility and looking for a community-based location for the December 2019 meeting, ideally in the Bayview or Tenderloin. Recommendations were made about possible locations including The Pretrial Diversion Project, St Anthony's, State Building Auditorium and Main Library.

Mrs. Anderson informed members that the 2019 Annual Report is being prepared. Members were reminded that the report is submitted annually to the Mayor and Board of Supervisors. Members were encouraged to submit recommendations for topics to be covered in 2020 and submit specific policy recommendations. The San Francisco Sentencing Commission is currently scheduled to sunset in 2023.

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5. Staff Report on Criminal Justice Racial Equity Workgroup (discussion & possible action).

This item was taken out of order and heard after Agenda Item 7 to accommodate presenter schedule.

Geoffrea Morris, Reentry Policy Planner, Reentry Division, San Francisco Adult Probation Department and co-chair of the Criminal Justice Racial Equity Workgroup provided an update on the Workgroup activities. She directed the attention of the members to the materials in the packet.

Reentry Council Meeting update was provided by Director Roye. Voted unanimously to send a letter to all partners on the bias, diversity and inclusion trainings provided to staff. The letter inquired about any future trainings on the same topics. A copy of this letter is included in the meeting materials packet.

Mrs. Morris provided an update on those departments that have been responsive to the request. Mrs. Morris reminded members about the Criminal Justice Racial Equity Statement and Agenda for Action. The training inventory addresses a key goal listed in the agenda focused on the provision of implicit bias training across the justice system. In addition, Mrs. Morris and Mrs. Anderson directed member's attention to the presentation on the early findings from the Equity Analysis conducted by the Human Rights Commission. Members were reminded that funds are available in the Safety and Justice Challenge grant to address gaps in training. Lastly attention was drawn toward the Racial and Ethnic Disparities Assessment Required as a part of the Safety and Justice Challenge. Members were encouraged to send designees to the next meeting of the Racial Equity Workgroup.

The next meeting of the Racial Equity Workgroup is scheduled for Tuesday September 24, 2019 from 2-3pm.

6. Presentation on Safety and Justice Challenge Updates by Tara Anderson (discussion & possible action).

Mrs. Anderson referred members to the supporting documents for Agenda Item 6, including Sentencing Commission Staff Report. Mrs. Anderson reviewed the upcoming meeting schedule for the Sentencing Commission, Safety and Justice Challenge Workgroup and the Criminal Justice Racial Equity Workgroup.

Mrs. Anderson provided an overview of the Sequential Intercept Model Mapping Session held on September 10-11, 2019, and indicated that a publication will be released on the process. Mrs. Anderson invited participants to reflect on the SIM exercise.

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Sheriff Hennessy expressed appreciation for all of staff time devoted to organizing the convening and complemented the facilitation by PRI. Sheriff Hennessy noted that a large portion of time was devoted to items that were previously covered during the reimagining the jail process. Benefits of revisiting some previously identified challenges and opportunities was identified as an important step, and in addition this made clear the need to continuing to use the model as a frame moving forward.

Betsy Wolkin expressed appreciation for having many partners in the same room discussing complex problems. She further indicated that many great ideas were shared and cautioned that we have lots of work ahead.

Mrs. Anderson provided a brief overview of the Justice Management Institute (JMI) site visit in August. JMI is the SJC technical Assistance provider, supporting sites addressing criminal court case processing. Ultimately JMI will support the court with making recommendations for standard case processing guidelines. JMI is scheduled to return to San Francisco and present on preliminary findings October 10th and 11th.

Mrs. Anderson updated members about the upcoming Safety and Justice Challenge National Network Convening and Preconference Policy Academy on Behavioral Health. In addition to the nine slots for member agencies the Deputy Secretary of the Department of Health and Human Services will join the San Francisco delegation.

Mrs. Anderson reminded members that the Institute for State and Local Government (ISLG) will be conducting a site visit on October 21st and 22nd.

Mrs. Anderson provided an overview of the Revised Safety and Justice Challenge Implementation Plan and goals for the monthly jail report as included in the agenda. Members discussed strategies and population reductions goals given the Buffin settlement agreement and need to close County Jail 4.

Mrs. Anderson announced the launch of the public-facing Justice Dashboard
<https://sfdistrictattorney.org/justice-dashboard-display>

District Attorney Gascón joined the meeting and discussed the value of the Justice Dashboard to inform the development of new policy and practice relative to certain crime types. Indicated that it will be a helpful tool for the new justice leaders in 2020.

Members discussed the need for formal data sharing agreements and legal guidance on the what, when and how of data sharing.

Lisa Lightman made the motion, seconded by Director Roye, directing staff to submit a letter to the City Attorney requesting a designee to be assigned for data sharing across criminal justice partners. The motion passes unanimously.

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7. Presentation on Milestone Credits by Nick Gregoratos, Directing Attorney, Prisoner Legal Services, San Francisco Sheriff's Department (discussion only).

In 2016, AB 1597, titled, 'County jails: performance milestone credits' sponsored by Mark Stone was chaptered into law, expanding consideration of milestone credits beyond 1170(h) sentenced individuals to include everyone in jail starting at the day of the arrest. The bill required that credits awarded prior to sentencing to be applied to the sentence for the offense for which the locally incarcerated person was awaiting sentence.

Nick Gregoratos from the Sheriff's Department presented on how those milestone credits are earned and applied by the San Francisco Sheriff's Department. Sheriff Hennessy acknowledged both Nick Gregoratos and Ali Riker for making the Milestone Credits policy possible. The calculations are not currently automated and require a significant amount of manual data entry and review. The new policy launched in May 2019 and to-date 113 milestones were awarded to 33 individuals. Out of those 18 people were sentenced directly to county jail, 13 probation, 3 were 1170 (h) sentences and 1 on a PRCS sentence. In total after application of those milestone credits an estimated 378 custody bed days were saved, repositing 18 people with a combined 378 days less in custody. For individuals sentenced to state prison locally earned milestone credits are included on the record at sentencing to ensure that they are honored by the California Department of Corrections and Rehabilitation (CDCR).

No Public Comments received.

8. Members' Comments, Questions, Requests for Future Agenda Items (discussion & possible action).

Director Roye shared a significant achievement in Child Support reform reducing barriers to successful reentry, gainful employment and challenges related to the ability of parents to stabilize. In 2018 the Department of Child Support Services sought private funding in partnership with the Treasurer Tax Collector's Financial Justice Project to support a demonstration project which moved all child support funds directly to children and removed the debt payment to public assistance. By moving the entire amount paid directly to a family, reliable payments increased 100 percent. In addition, parents increased requests for co-parenting and mediation resources resulting in some families reuniting. Taking the debt out of the equation not only honors the Department of Child Support Services mission to empower parents to meet children's needs, it has served as an example for state legislative reform. The success of the program is documented in the Urban Institute report "The Pay Back Problem" and led to the development of two pieces of legislation. SB 337 (Skinner) increases the pass-through to the family and allows the counties to write off uncollectable debt the majority of which is owed to government. This was \$160 million in San Francisco, with principle amount of only \$12 million. AB 1092 (Jones-Sawyer) eliminates interest on debt owed to government. Director Roye asked members to submit letters of support to the Governor's Office as they are currently on his desk for signature. Members congratulated Director Roye on this accomplishment and made individual commitments to submit letters of support.

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Member Henderson requested a legislative update at the next meeting.

No Public Comments received.

8. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.

No Public Comments received.

9. Adjournment.

Chair Gascón made a motion to adjourn the 29th meeting of the Sentencing Commission. No Public Comments received. Commander Perea seconded the motion. All approved. Motion passed.



Community Corrections Partnership
San Francisco Reentry Council
San Francisco Sentencing Commission
San Francisco Juvenile Justice Coordinating Council

Criminal Justice Racial Equity Statement

The San Francisco Community Corrections Partnership, Juvenile Justice Coordinating Council, Reentry Council and Sentencing Commission prioritize racial equity so that all people may thrive. San Francisco's criminal justice policy bodies collectively acknowledge that communities of color have borne the burdens of inequitable social, environmental, economic and criminal justice policies, practices and investments. The legacy of these government actions has caused deep racial disparities throughout San Francisco's juvenile justice and criminal justice system. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal justice system.

The Criminal Justice Racial Equity Statement was unanimously approved by the following;

Sentencing Commission	September 12, 2018
Reentry Council	September 25, 2018
Community Corrections Partnership Executive Committee	November 15, 2018
Juvenile Justice Coordinating Council	December 5, 2018

Criminal Justice Racial Equity Workgroup

On September 12th the San Francisco Sentencing Commission voted to create a Criminal Justice Racial Equity Workgroup. This group meets bi-monthly to discuss practical steps that criminal justice departments and support agencies can take to ensure progress is made toward the identified racial equity goal; to eliminate racial disparities in the criminal justice system.

Draft Agenda for Action

San Francisco's Criminal Justice agencies and social service providers can take the following actions to narrow and ultimately eliminate the racial disparity gap.

1. Expressly commit to the elimination of racial disparities in the criminal justice system in legislation and/or resolution;
2. Require racial impact statements prior to the implementation of criminal justice policies and in reviewing the enforcement of existing policies. This includes but is not limited to Budgeting, Request for Proposals, Request for Qualifications, and all grant making mechanisms;
3. Mandate regular racial equity and implicit bias trainings for all criminal justice stakeholders;
4. Mandate regular procedural justice trainings for all criminal justice stakeholders;
5. Require disaggregated data collection, using agreed upon standard measures, on the race and ethnicity of individuals who come into contact with the criminal justice system;
6. Incentivize the elimination of racial disparities in the criminal justice system by requiring annual budgets to include racial equity assessments;
7. Ensure parallel justice; meaning that any of the investments in the criminal justice system that focus on the rights, punishment, and sometimes rehabilitation of the perpetrator include a comparable set of responses to victims;
8. Participate in San Francisco's Government Alliance on Race and Equity (GARE) Initiative;
9. Conduct meaningful community engagement;
10. Conduct department-level decision point analysis to learn whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points; and
11. Enhance recruitment, hiring, workforce development and promotional policies and practices to ensure the workforce in criminal justice agencies reflects the diversity of the communities we serve. This diversity should exist across the breadth (functions) and depth (hierarchy) of government.

For more information about this work please contact Tara Anderson, Director of Policy, San Francisco District Attorney's Office tara.anderson@sfgov.org.

SAN FRANCISCO SAFETY AND JUSTICE CHALLENGE: YEAR ONE GRANT ACTIVITIES

INTRODUCTION & OVERVIEW

The City and County of San Francisco (CCSF) 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 by 16 percent 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. The workgroup identified a set of strategies (outlined below) intended to address key drivers of the jail population.

YEAR ONE ACTIVITIES

Since award announcement in October 2018, followed by final grant agreement in November 2018 and Board of Supervisors approval to accept and expend funds in May 2019, the City and County of San Francisco (CCSF) has carried out many activities critical to the success of the initiative. Grant management activities included hiring a full-time Project Director in September 2019. The SJC workgroup has convened monthly and hosted numerous site visits from technical assistance (TA) providers. Notable program accomplishments from the first year are outlined below.

- 1) Enhance Data-Driven Decision-Making.** In August 2019, the Justice Dashboard went live. The Justice Dashboard reviews subsequent criminal justice contact at distinct decision-making points for three years post-conviction: arrest, arraignment, and conviction. The Dashboard is disaggregated by race/ethnicity as well as gender, age and offense type. Additional cohorts will be added each year, and CCSF will explore the extent to which positive outcomes external to the justice system can be measured (i.e., housing and health).
- 2) Increase Transparency and Reduce Repeat Bookings.** The SJC collaborative is launching a Jail Population Review Committee ("Committee"). The Committee is a group of individuals and criminal justice stakeholders who meet on a regular basis to discuss the CCSF's jail population and methods to safely reduce the jail population, with a focus on reducing racial disparities. The Committee will use data to focus on types of cases that drive the jail population, make recommendations for release for individuals when possible, and use lessons learned from case review to inform larger policy changes and collaborative efforts. Jail Population Review Committees have been identified as a best practice in reducing the jail population, and implemented by sites such as Pima County, AZ, and St. Louis, MI. The Sheriff's Department has hired a Jail Population Liaison who will establish a mechanism for identifying people with repeat bookings and assist in the Committee's work.
- 3) Explore Expedited Case Processing.** The SJC partners coordinated with TA provider Justice Management Institute to conduct a site visit and gather data related to court case processing time. This engagement with the Superior Court culminated in a report describing local legal culture and a set of recommendations regarding management standards that were shared with judges and SJC stakeholders in November. The Superior Court also hired a data analyst supported by the grant to assist the court in establishing a data baseline and dashboards as it transitions to a new case management system. SJC partners will be discussing next steps to improve court case management over the next few months.

- 4) **Increase and Maintain Healthy Connections.** Given the clearly identified need for additional mental health, substance abuse, and housing supports for people touched by San Francisco’s criminal justice system, SJC partners are exploring several options for closer coordination among partners. A multi-agency San Francisco team conducted a site visit to Los Angeles to meet with their Office of Diversion and Reentry and tour community-based housing sites. A representative from Tipping Point Community joined the CCSF partners on the trip. The SJC team also conducted a two-day Sequential Intercept Mapping (SIM) with 34 system and community partners in fall 2019. Together, these efforts will be used to inform local stakeholders about options for reducing jail contact for people with behavioral health needs. 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. A second clearly identified need is for additional jail in-reach and supports focused on people with behavioral health needs who are homeless. With SJC support, the California Policy Lab at UC Berkeley is currently working on a “high utilizers” report that will provide more in-depth information on the housing and mental health needs of people in jail in San Francisco. Several positions related to increasing behavioral health supports are in the final stages of hiring: a jail-based Behavioral Health Clinician and a Mental Health Disposition Planner.
- 5) **Root Out Implicit Bias.** The SJC team’s work to reduce racial and ethnic disparities led to several policy changes including the integration of a Government Alliance on Race and Equity (GARE) “leading with race” framework across the funded strategies. The San Francisco District Attorney’s Office has also implemented a series of steps to mitigate and eliminate the impact of bias on prosecutor charging decisions. Charging Attorneys are now required to complete Mitigating Bias in Charging action steps modelled after implicit bias bench cards prior to making charging decisions. The Criminal Justice Racial Equity Work Group (CJREWG), operating in partnership with the SJC, have developed a racial equity statement and an “Agenda for Action” to pursue the commitment to eliminate racial disparities in San Francisco’s criminal justice system. The action plan includes steps such as creating an inventory of implicit bias trainings conducted by criminal justice agencies, which will lead to recommendations for and implementation of additional training funded by SJC.

REFLECTION & NEXT STEPS

San Francisco has taken numerous steps to reduce the use and misuse of jail incarceration for low-level offenses: over 95% of the jail population is charged or sentenced with a felony. With many of the simpler policy interventions already in effect, SJC partners have sought to understand what else can be done to reduce the jail population. Local partners share an understanding that to reduce the jail population they must focus on people who are booked and released quickly, people with multiple bookings each year, and those with lengthy pretrial stays.

Now that the initiative is close to being fully staffed and central activities such as the Jail Population Review are underway, partners are optimistic about the ability to realize the needed reductions. SJC partners are committed to confronting the need for more serious and sustained investments in housing linked with behavioral health supports and looking at different models such as the one developed by LA’s Office of Diversion and Reentry. Partners are discussing how to speed up court case processing times, in accordance with individuals’ due process rights, and how to reduce racial disparities in pretrial incarceration. The SJC workgroup will continue to pursue these strategies and work to align efforts with broader policy initiatives such as Mental Health SF and implementation of the Buffin settlement.

**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-

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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 Sentencing.Commission@sfgov.org.

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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.

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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. Sentencing Commission 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 #7: 7/15/20 Draft for Discussion and Possible Action

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

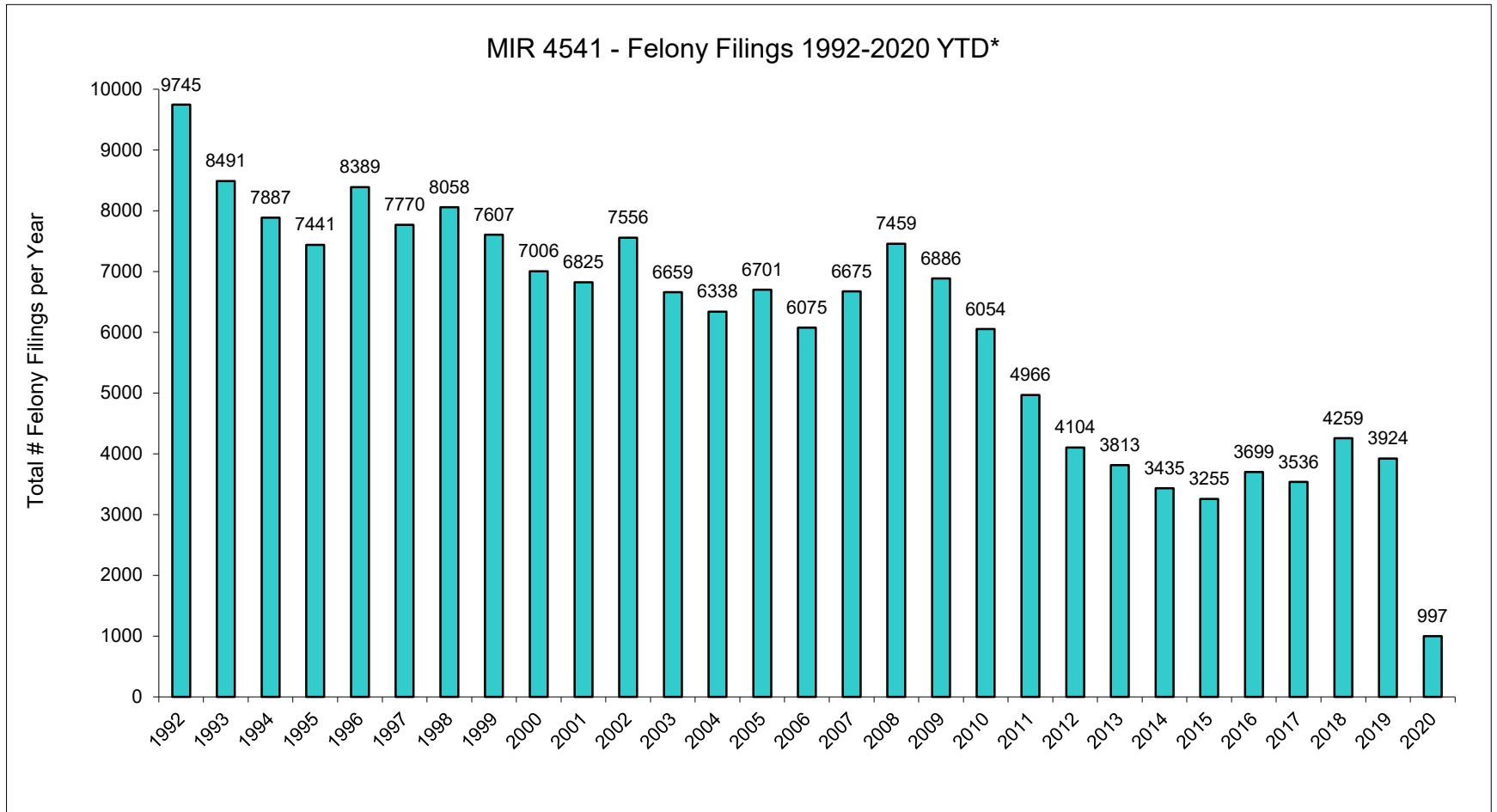
The By-Laws of the SJC Subcommittee may be amended by a vote of a majority of the members of the San Francisco Sentencing Commission after presentation of the proposed amendments as an agenda item at the meeting of the San Francisco Sentencing Commission. The Sentencing Commission shall give ten days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

San Francisco Criminal Case Statistics 2020

*Superior Court of California, County of San Francisco
San Francisco District Attorney's Office*

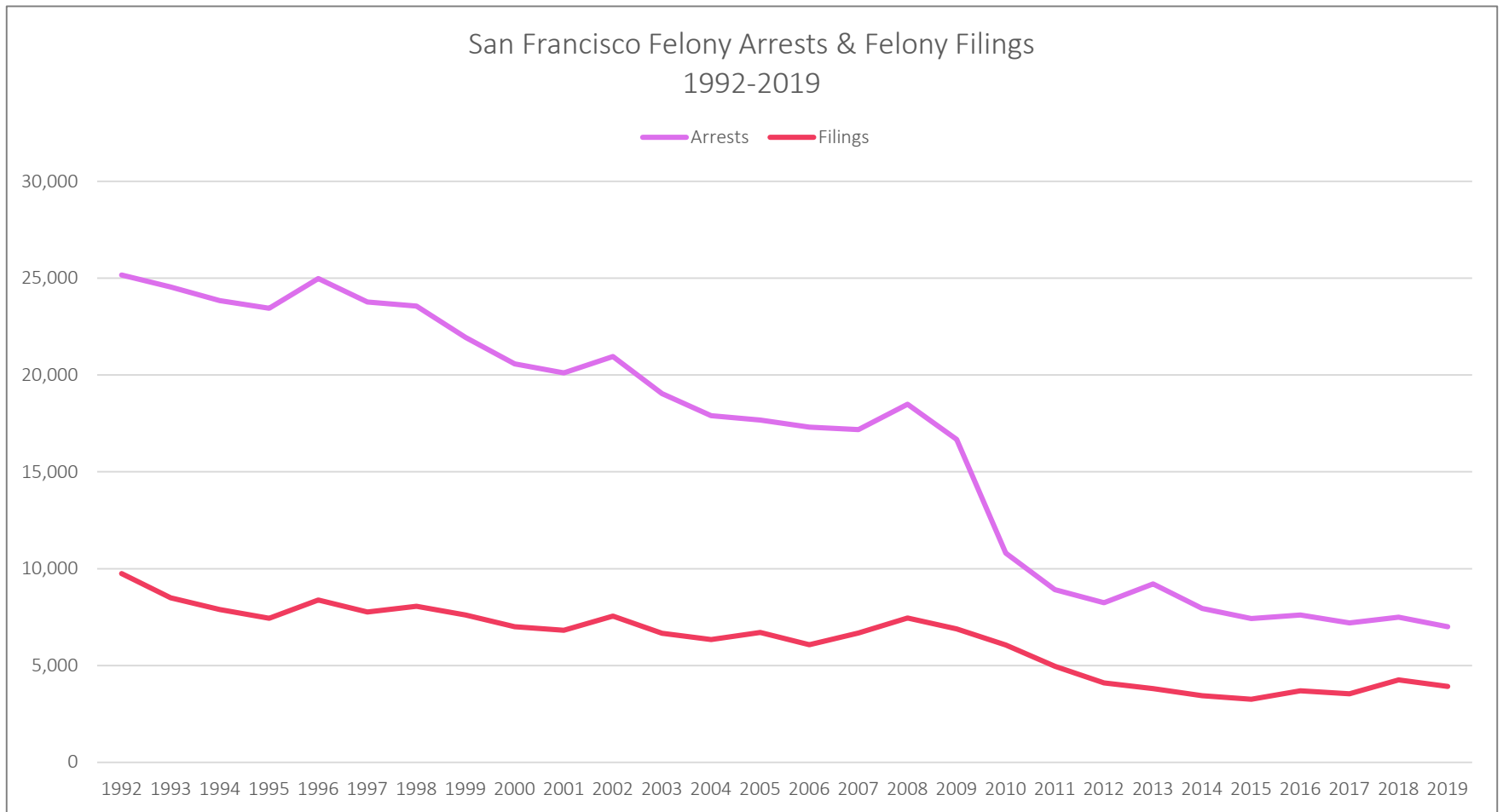
Agenda Item #8: SF Sentencing Commission
July 15, 2020

I. San Francisco Superior Court: Felony Filings, 1992-2020



Source: San Francisco Superior Court/CMS; Unit: Court Numbers
*Data through May 2020

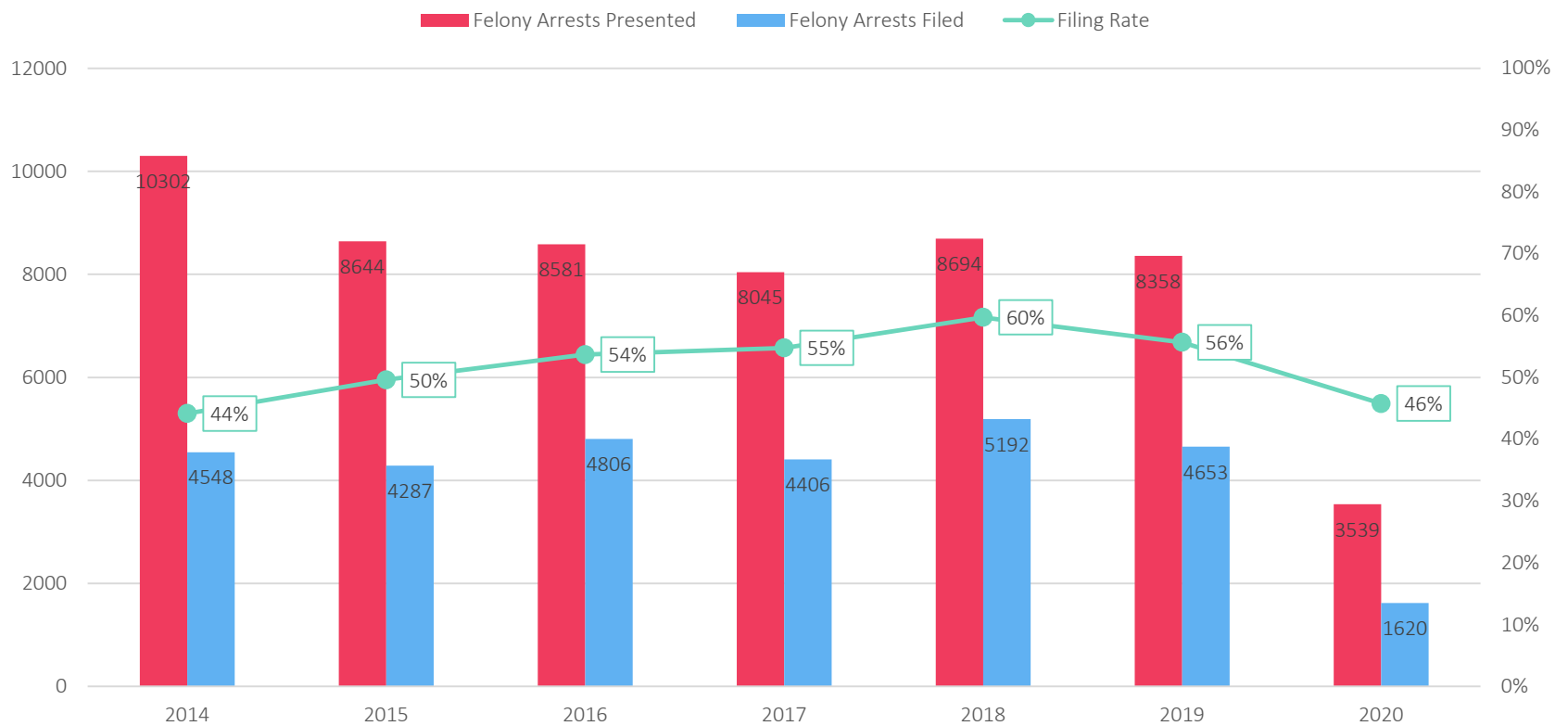
II. San Francisco Felony Arrests & Felony Filings 1992-2019*



Sources: San Francisco Superior Court/CMS, Unit: Court Numbers; CADOJ Open Justice, Unit: Arrests
*2020 data not yet available

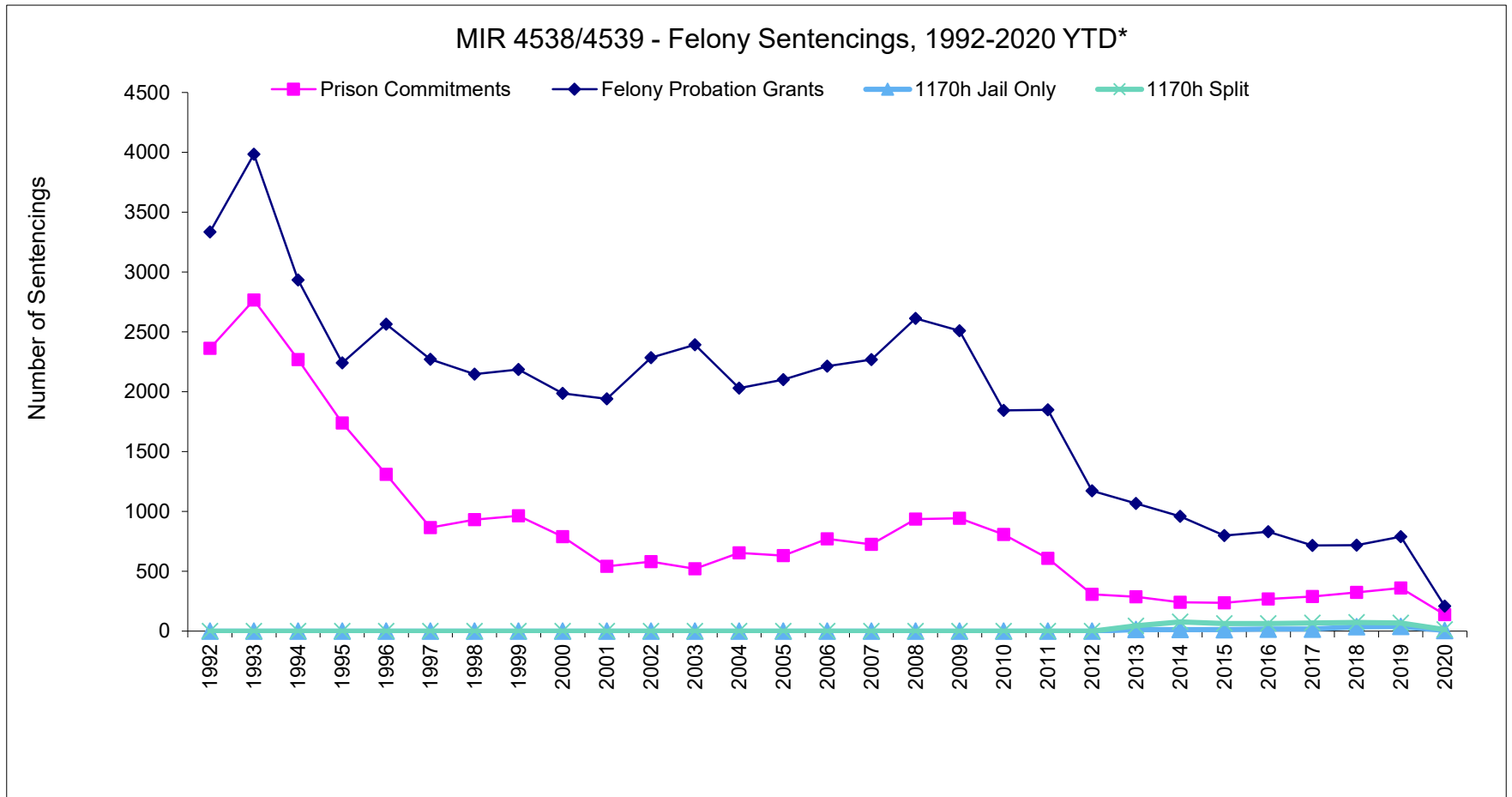
III. San Francisco District Attorney's Office: Felony Filing Rate, 2014-2020

Felonies Presented and Filed:
2014 - 2020 YTD*



Source: DAMION; Unit: Court Numbers
*Data through June 2020

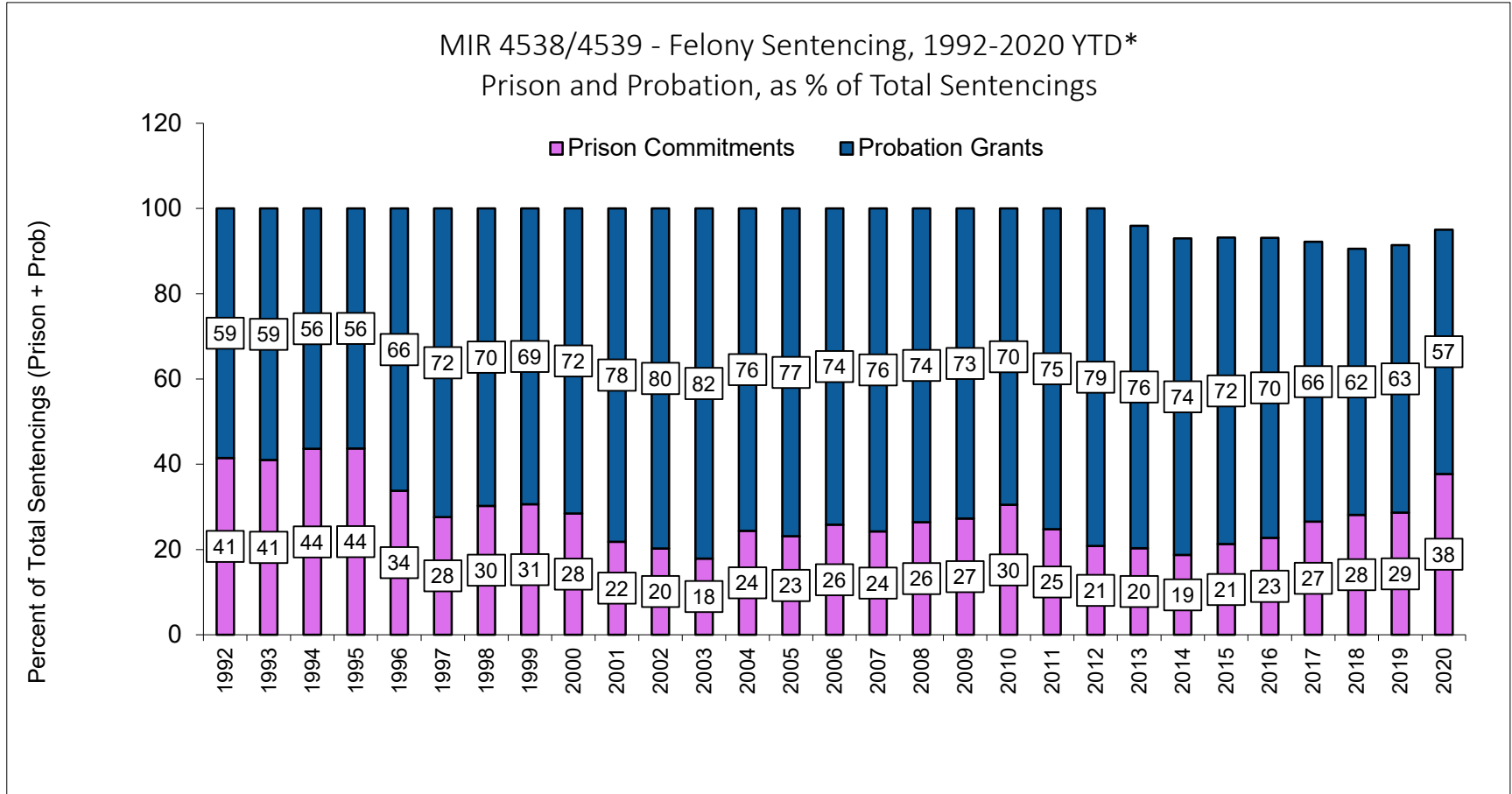
IV. Superior Court: Felony Sentencings, 1992-2020 YTD



Source: CMS; Unit: Court Numbers

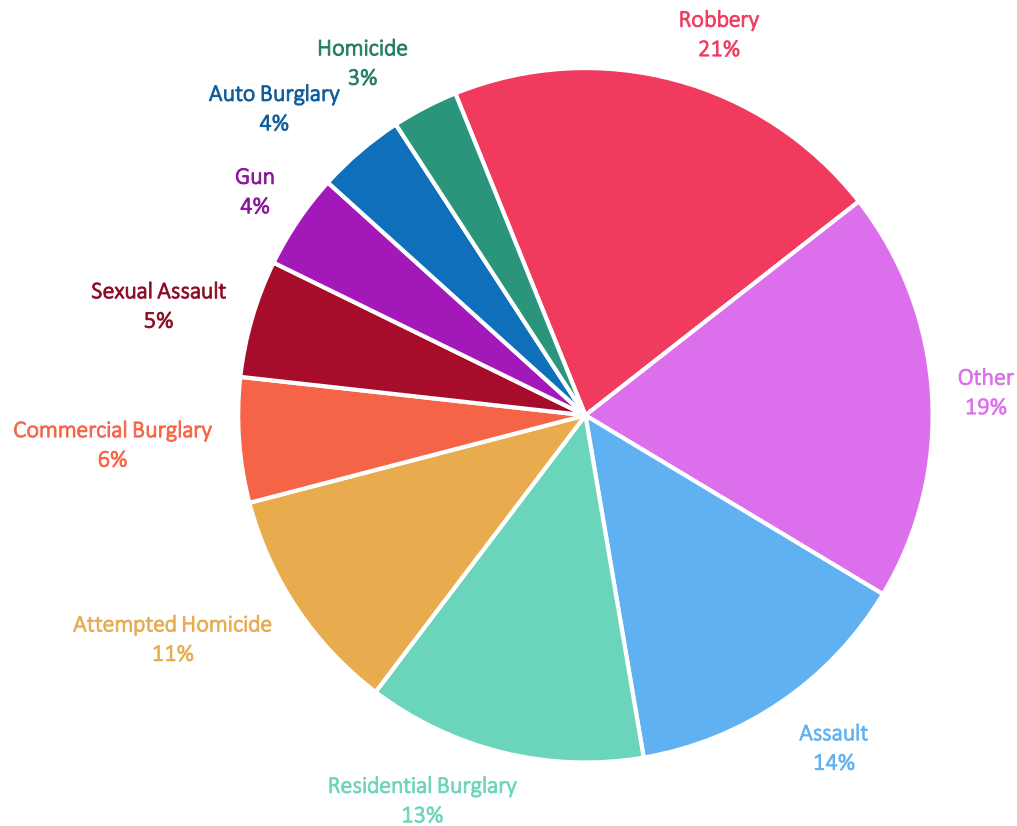
*Data through May 2020

V. Superior Court: Felony Sentencing, Probation vs. Prison %, 1992-2020



VI. San Francisco State Prison Commitments 2019, by Crime Type

State Prison Commitments by Crime Type, 2019



Source: DAMION, Unit: Court Numbers; Other Category includes crimes with 5 or fewer commitments



San Francisco Adult Probation Department

Karen L. Fletcher
Chief Adult
Probation Officer

Agenda Item #8

7/15/2020

SFAPD Mission:

Protecting the Community, Serving Justice, and
Changing Lives

Populations We Serve:

- Individuals on Probation, Mandatory Supervision, & Post Release Community Supervision (PRCS)
- Individuals in Need of Services Who are/were Justice-Involved

Releases from Prison

Collaboration on Violations (Motions to Revoke MTRs)

Population Overview

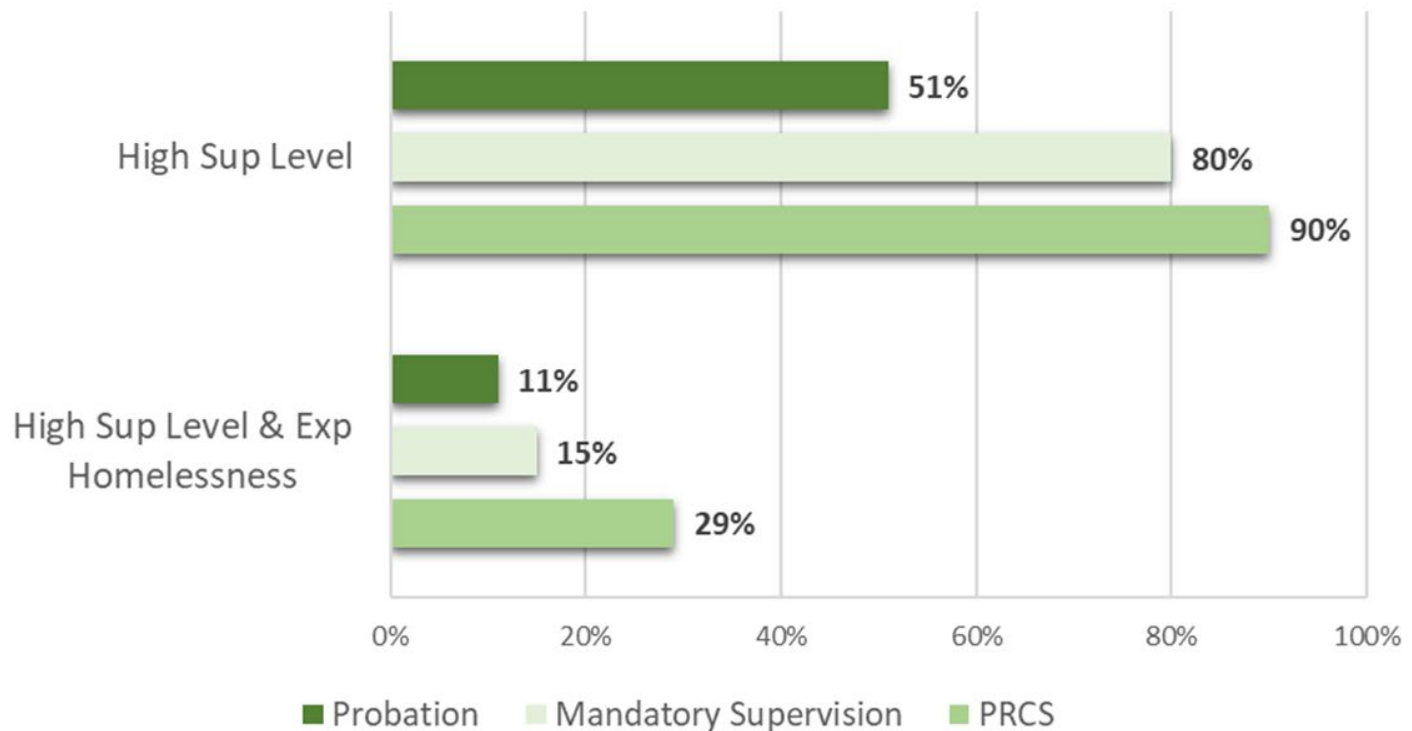
Racial Equity Efforts

Comprehensive Reentry Services

Adult Probation Department: Population Overview

Total Client Population	6499
Felony	82%
Male	86%
18-25 years old	14%
African American	38%

Client Supervision Level & Homelessness



Racial Equity Efforts

- **APD Racial Equity Working Group**
- **Commitment to Hiring Diverse Staff**
- **NEW Risk & Needs Assessment Tool**
- **Data Transparency Efforts**
- **Participation in GARE, Policy Bodies, & Working Groups**
- **Community Engagement**



Reentry Division



REENTRY
SERVICES



REENTRY COUNCIL &
COMMUNITY CORRECTIONS
PARTNERSHIP



WOMEN'S GENDER
RESPONSIVE POLICY
AND SERVICES

Reentry Services: Community Partners



Portfolio of Reentry Services

- ✓ Invest \$15m Annually
- ✓ 28 Reentry Programs
- ✓ 50 Residential Treatment & 5 Detox Beds

Diversity/Equity

- ✓ 68% People of Color
- ✓ 58% Women
- ✓ 33% Formerly Incarcerated



CASC

Community Assessment & Services Center

- **One-Stop, Multi-Services Reentry Center**

- ✓ Behavioral Health Focus
- ✓ Justice Involved Adults

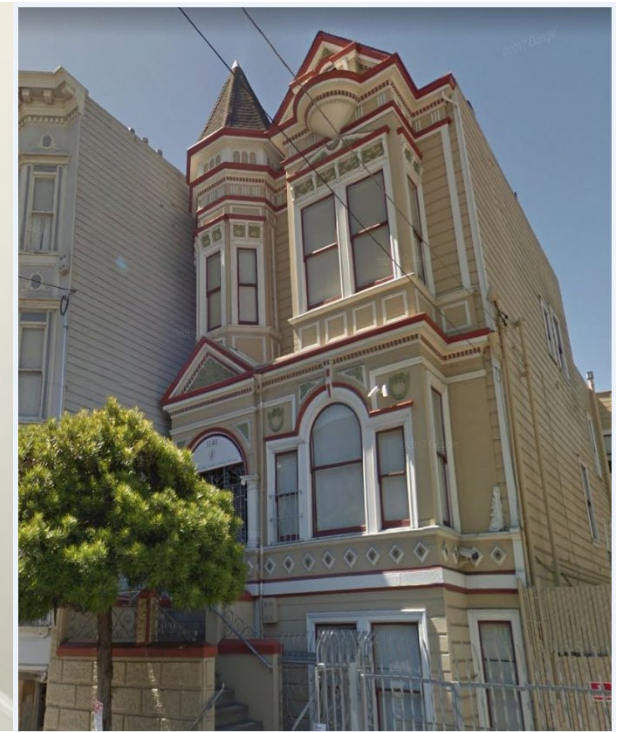
- **UCSF/Citywide Forensics**

- ✓ Clinical & Reentry Case Management
- ✓ Medication Management & Distribution
- ✓ Substance Treatment Outpatient Program
- ✓ Peer Mentoring
- ✓ Employment Services
- ✓ Cognitive Behavioral Interventions
- ✓ Groups and Classes
- ✓ Outings and Activities

- **City Partners**

- ✓ HSA: Eligibility Worker
- ✓ DPH: 1:1 Therapy, Treatment Placement, STARR
- ✓ OEWD: Access Point - Reentry Employment

Transitional Housing Programs



SRO Hotels: 227 Units

- ✓ 5 Master Lease Buildings
- ✓ 2 Block Rentals
- ✓ 50 Residential Treatment & 5 Detox Beds

Congregate Living: 39

- ✓ Victorians
- ✓ Gender Responsive Housing

Rental Subsidy: 48 Units

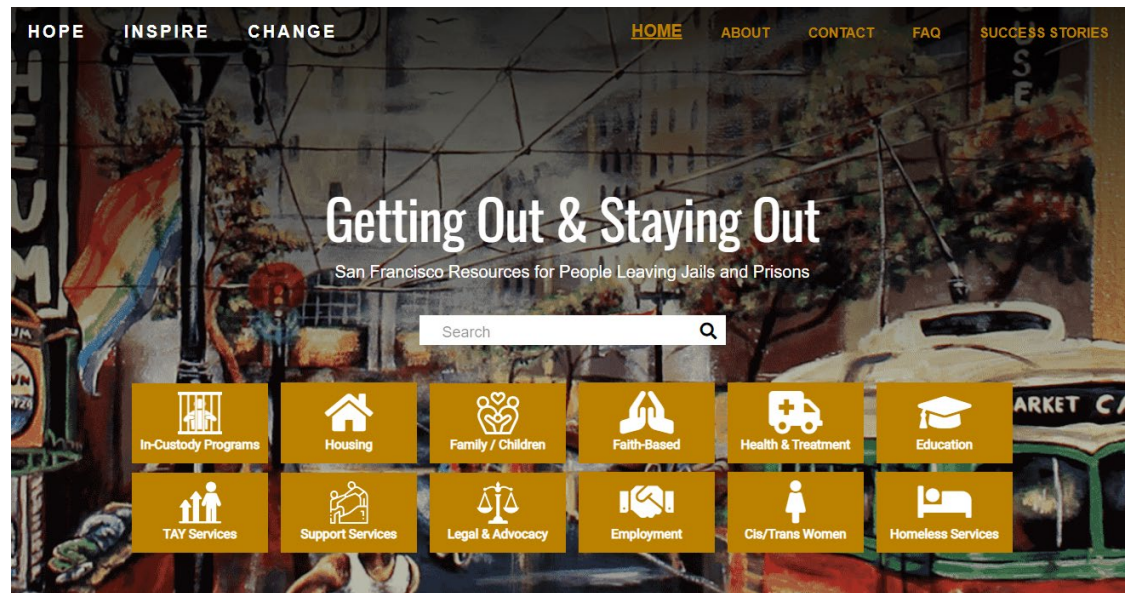
- ✓ Probation or Parole
- ✓ 3 Year Subsidy

Housing Providers

- ✓ Tenderloin Housing Clinic
- ✓ Recovery Survival Network
- ✓ Westside Community Services
- ✓ Phatt Chance
- ✓ CJ CJ Cameo House

Getting Out & Staying Out

sf-goso.org



Learn More

Steve Adami

Interim Director, Reentry Division

Email: steve.adami@sfgov.org

Phone: 415-489-7308

Phone: <https://sfgov.org/adultprobation/reentry-division>

Six Strategies to Reduce Felony Case Delay

May 5, 2020: *In response to COVID-19, many courts have reduced operations to focus only on essential matters and postponing all other matters. The impact of the reduced operations will likely produce significant delays in case processing and backlogs of pending cases. The strategies below are considered best practices under normal conditions but can be adapted to help courts be proactive in taking steps now, before stay at home orders are lifted, to mitigate the effects of the shutdown. These adaptations are shown in italics.*

The following six strategies are designed to reduce felony case delay, especially for cases in which the defendant is incarcerated pretrial. A criminal case management plan and the efforts to implement it include these strategies and a holistic approach to improving procedural justice and changing local legal culture. These recommendations all include a monitoring component and assume that the court will create and maintain a reporting system to track pending cases and determine if the strategies are being implemented and succeeding. The strategies are organized into two categories: eliminate backlog and reduce delay.

Eliminate Backlog

1

Adopt a one year or faster time standard for felony cases and prioritize scheduling of older cases, particularly for those in custody, to be among the first heard when operations resume.

Adopt, by agreement of the bench, administrative order, or court rule, a time standard of 365 days for felony cases if your court or state does not already have one. A time standard is not a speedy trial law. If your state's speedy trial law is 120 days or longer, then this should be the time standard.

- Notify and work with the prosecutor and defense to ensure buy-in when appropriate.
- Make a list of all felony cases older than one year for the whole court and for each judge that is individually assigned felony cases. Call the list of old cases the "backlog."
- When counting the age of cases do not include bench warrant time due to failures to appear, competency evaluation time, or pre-adjudication diversion or specialty court.

Average percentage and age of backlog felony cases:

- I. Count the total number of pending felony cases
- II. Count the backlog of pending felony cases older than 365 days
- III. Calculate the backlog percentage = backlog / pending
- IV. Sum the case age of felony cases in backlog
- V. Divide by the total number of pending felony cases – 365 days = average backlog delay

2 Attack the felony backlog.

Attack the backlog, by prioritizing cases older than the time standard with the highest priority on incarcerated defendants.

- *Identify cases and schedule a virtual status conference with the prosecutor and defense to determine the status of plea negotiations or trial readiness.*
- *Use video technology for plea hearings when pleas have been reached to dispose of cases.*
- *Notify and work with the prosecutor and defense to organize calendars and ensure buy-in. This should include putting backlog cases built up during the pandemic on a separate track for assignment and resolution.*
- *For jurisdictions with high percentages (more than 20% of the pending cases) of backlog cases, or very old cases (older than 18 months), set up a special backlog assignment for visiting or ad hoc judge(s). This must be coordinated with the prosecutor and defense.*
- *Alternatively, the presiding judge or judges should prioritize old cases for review and a trial date within 60 days of notice to the parties. This may be disruptive to the normal trial calendar, so backup systems should be established for judges, when needed, to help out other judges on trial dates.*
- *For all cases placed on a special backlog docket, a bond review should be conducted. Many of the cases filed during the pandemic will not have made progress and will require expedited discovery and resolution.*

Average daily population (ADP) of the jail for pending felony cases in backlog:

- I. Count the total number of pending felony cases with a defendant in jail.
- II. Count the backlog of jailed defendant cases = number of cases older than 365 days = ADP.
- III. Sum the case age – 365 days of jailed defendant cases in backlog.
- IV. Divide by the ADP = average length of stay (ALOS) of jail cases in backlog.

To calculate the impact on ADP:

- V. $\text{Reduction in days of ALOS} / 365 \text{ days} \times \text{ADP} = \text{net reduction in ADP}$

Reduce Delay

3 Adopt court-wide, one-page scheduling orders.

Adopt, by agreement of the bench, administrative order, or court rule, short (one to two pages) scheduling orders for three or more tracks: expedited, standard, and complex. *If the court has built a backlog during the pandemic, these cases should become a separate track with the highest priority for resolution.* The three baseline tracks should correspond to the severity of the highest charge or to complexity such as for multi-defendant cases. Scheduling orders should be signed by the parties when appropriate, such as for complex cases that require additional planning.

- Expedited and standard scheduling orders should be pro-forma, generated automatically by the case management system if possible, and issued at formal arraignment after the filing of the formal charges by the prosecutor. The parties may modify the scheduling order by written request within 14 days. If the defendant is self-represented, a hearing shall be set to ensure representation and/or ensure defendant buy-in.
- Complex scheduling orders should be negotiated at a scheduling conference within 14-30 days of the arraignment.
- All changes to scheduling orders after the initial modification period shall be considered a continuance request (see below).
- Scheduling orders shall include the following milestone dates:
 - (a) Pretrial motions deadline;
 - (b) Discovery deadline, with a placeholder date for an evidentiary hearing on or within 14 days of the discovery deadline; and
 - (c) Disposition or plea hearing on or within 30 days of the discovery deadline. At this juncture, the case will plead or a trial order issued with the standard and complex cases set to a pretrial conference and trial dates. Expedited cases will not include a pretrial conference.

4 Adopt a continuance policy and monitor continuances.

Adopt, by agreement of the bench, administrative order, or court rule, a court-wide continuance policy – a key method to ensure that cases will not simply become old again. A continuance policy can be effective even in jurisdictions that allow one continuance per side by statute or court rule. The one continuance must have good cause. The elements of an effective continuance policy include the following:

- Define a continuance as the resetting of a scheduled hearing or trial to a future date due to a prosecution or defense conflict or by motion of the court. A continuance is not a suspension of case time.
- No continuances will be granted by agreement of both parties, without a good cause reason.
- All continuances, except for emergencies, will only be granted if requested in writing at least seven days in advance of any hearing date or 14 days in advance of a trial date.
- All advance requests for continuances must include proof of notification of the other party and a proposed reset date coordinated with the clerk or judge's staff in advance of the request.
- Reset dates must be to the next available docket for the hearing or trial, subject to the reason for the continuance. Under no circumstances should a trial be set out longer than 30 days.
- The court should adopt as part of the policy a list of good cause reasons for a continuance. If in advance, the good cause reasons may require documentation of the reason.
- The court should adopt as part of the policy a list of emergency good cause reasons for a continuance within seven days of or on the hearing date or within 14 days of or on the trial date. Most emergency continuances shall be for family or health emergencies.
- Judges must have the power of discretion to deny a continuance request if good cause reasons are not properly documented.

5 Adopt and monitor a court-wide probation revocation review policy.

Adopt, by agreement of the bench, administrative order, or court rule, a court-wide probation revocation review policy *and expedited process for conducting probation revocation hearings*. The court should create a policy appropriate to each jurisdiction and collaborate with the prosecutor, defense, jail, and probation in order to ensure buy-in. The policy should include the following elements:

- All arrested and jailed defendants should appear before a judge or judicial officer within the same statutory time constraints as any new felony case to determine release or hold and conditions.
- The first formal judicial review of a probation revocation case should ideally occur within 48 hours of arrest and seven days of summons, in other words, concurrent with the first appearance above.
- For jurisdictions where this is not possible due to probation not being under court supervision, and due to delays in submitting the probation revocation report, a review hearing should be set within seven days regardless and the probation officer and witness (e.g. police officer) should be subpoenaed to appear and present orally.
- *Establish a specialized docket or set time on calendars for revocation hearings.*
- The policy should define technical and substantive violations and identify which technical violations would allow for immediate release on own or personal recognizance bonds.

Average daily population (ADP) of the jail for probation revocation cases:

- I. Count the total number of pending felony revocation cases with a defendant in jail = ADP.
- II. Count the number of days in jail for felony revocation cases.
- III. Sum the case age of jailed defendants with felony revocation cases / ADP = ALOS.

6 Adopt and monitor a court-wide pre-sentence investigation (PSI) and sentencing policy

Adopt, by agreement of the bench, administrative order, or court rule, a court-wide pre-sentence investigation and sentencing policy. The policy should include the following elements:

- A presumption that a negotiated plea will include a waiver of the PSI requirement and that plea and sentencing will take place on the same date and time, subject to statute or local rule. The court, on its own motion or at the request of the parties, may require, in its discretion, a PSI after a negotiated plea. If the court requires a PSI, the remainder of the policy would apply.
- Use of criminal history and a short-form (one-page) PSI, where required, for low-level felony cases and first or second-time offenders to be provided within two to three days and sentencing hearing set within five to seven days of verdict or guilty plea.
- On all other felony cases, PSIs to be provided within 14 days and a sentencing hearing set within 30 days. If plea and sentencing do not take place at the same time, and the defendant is to be released to probation upon sentencing, bond may be reviewed at the taking of the plea.
- Issuance of sentencing order within 48 hours, or simultaneous with the sentencing hearing.

Average daily population (ADP) of the jail for PSIs:

- I. Count the total number of pending felony cases with a defendant in jail waiting for a PSI = ADP.
- II. Count the number of days, from verdict or plea, in jail for felony PSI cases.
- III. Sum the case age of jailed defendants with waiting for PSIs / ADP = ALOS.

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Reopening Courts Checklist for Criminal Cases

May 12, 2020

☐ **Docket lists**

Provide the court/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.
- 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).

City and County of San Francisco
Sentencing Commission

Case Processing Technical Assistance

July 15, 2020

Agenda Item # 9

Presenter: Tim Dibble, Vice President Justice Management Institute



Justice System Partners

The Justice Management Institute

Agenda

- Background – 2019 case management technical assistance
- Justice systems reopening – a new reality
- Ideas and recommendations for discussion

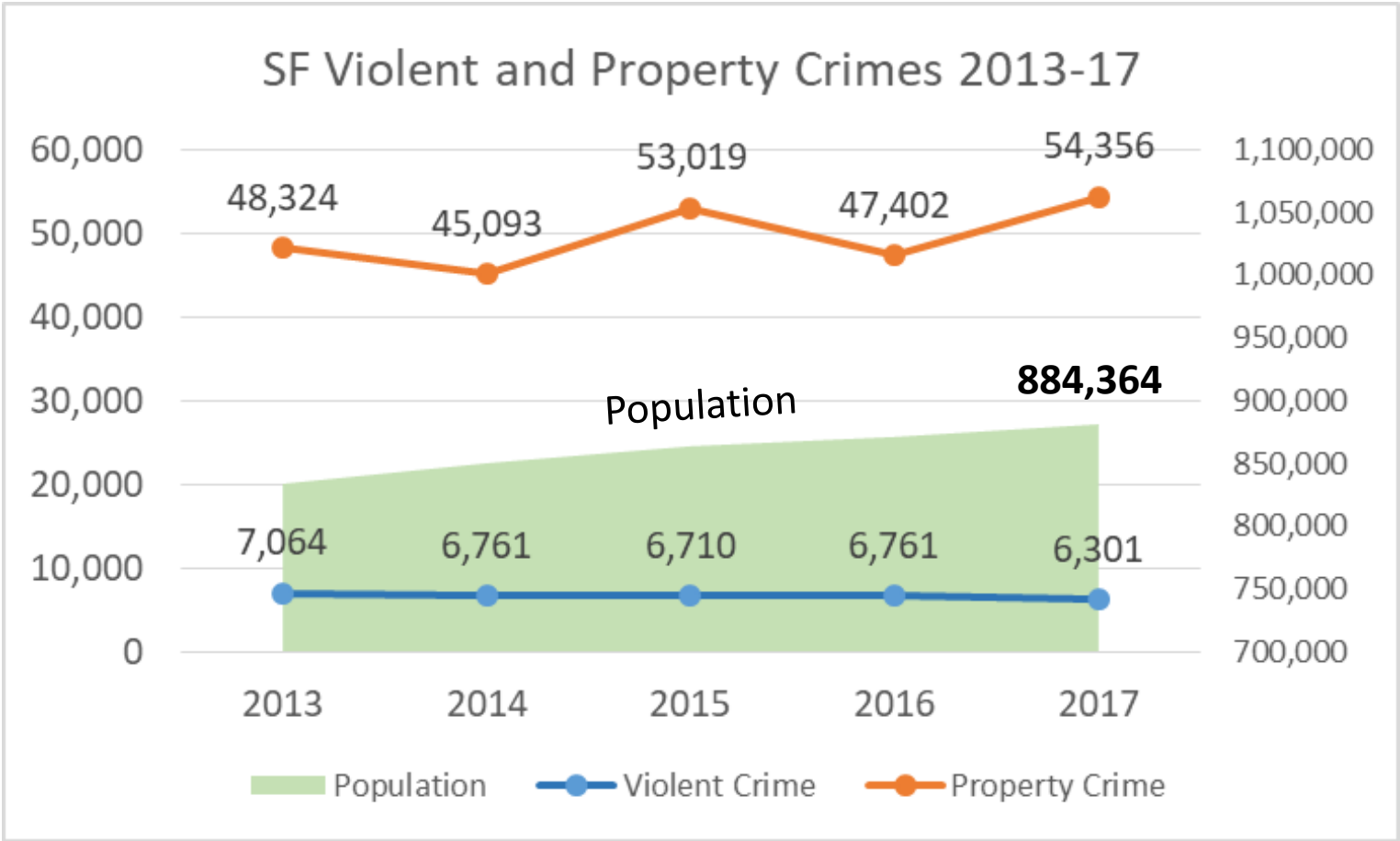
Case processing study goal

The criminal justice stakeholders in San Francisco have been working with Justice System Partners (JSP) and the Justice Management Institute (JMI) to document, assess, improve, and streamline case processing.

11% Decrease in Violent Crime 2013-17

12% Increase in Property Crime 2013-17

Needs updating



2018 reported crime

49,214
Property crimes
12-15% fluctuations

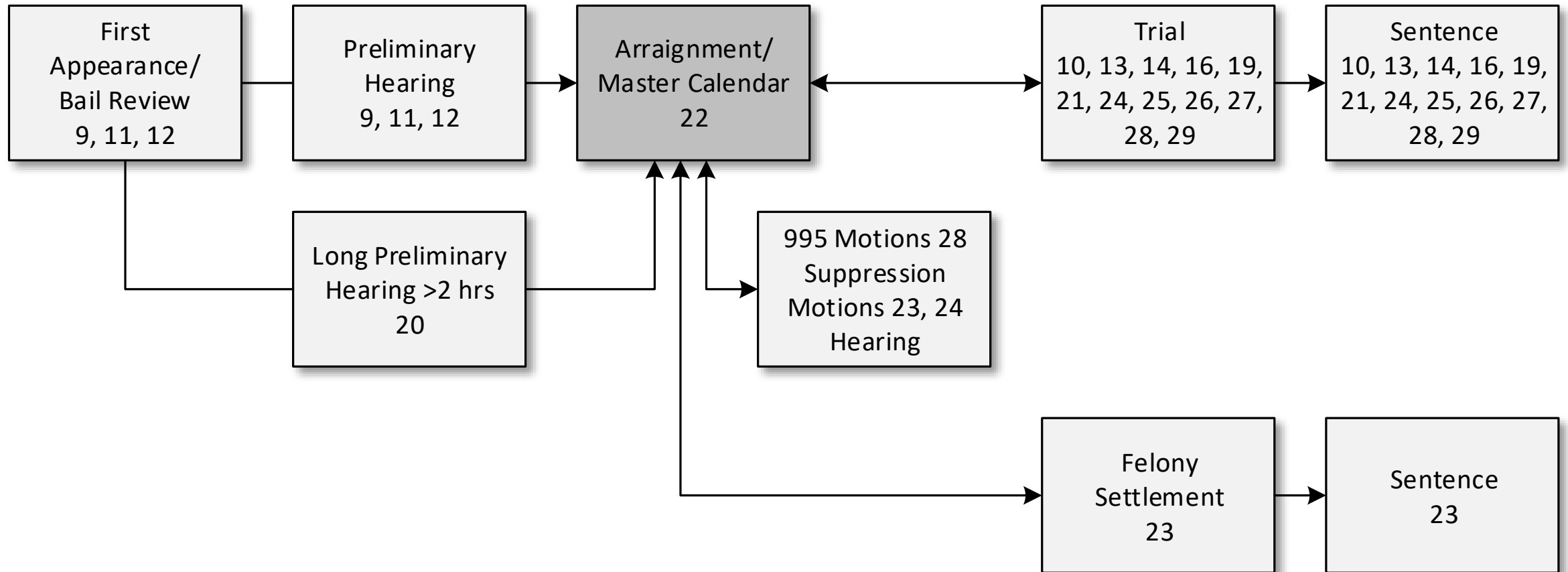
6,144
Violent crimes

FBI UCR Data – 2013-17 (2018 not yet available)

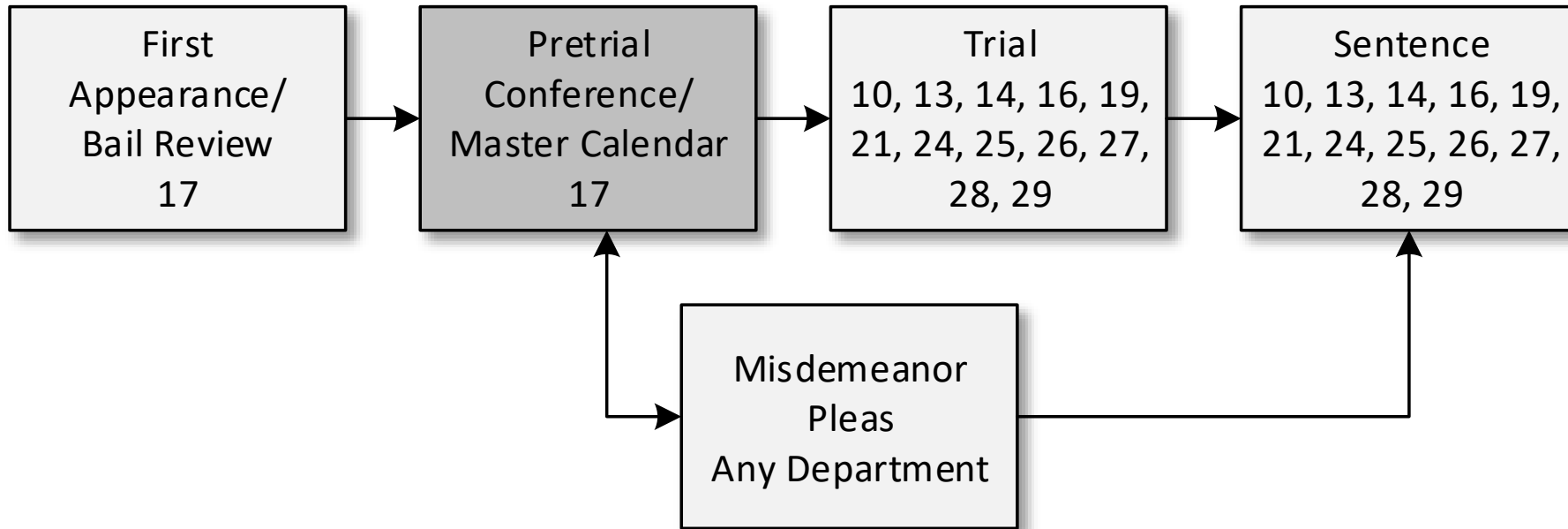
Caseflow management is the court supervision of the progress of all cases filed in that court.



Felony Case Processing



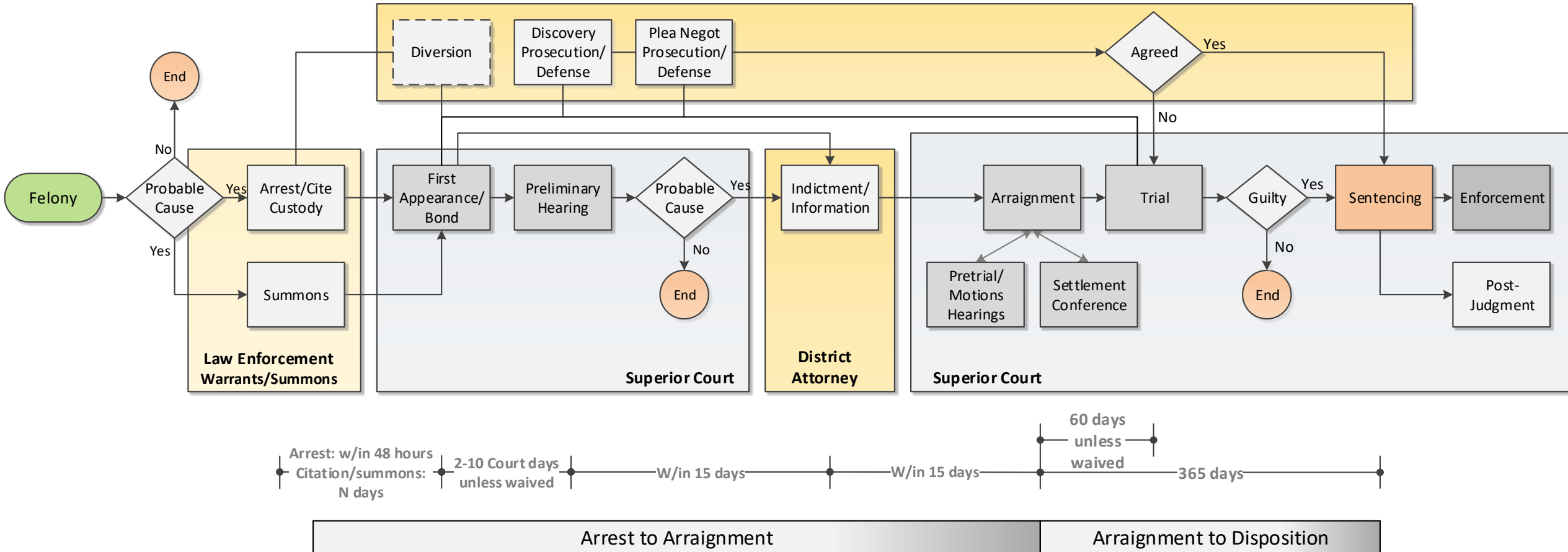
Misdemeanor Case Processing



Systems Approach

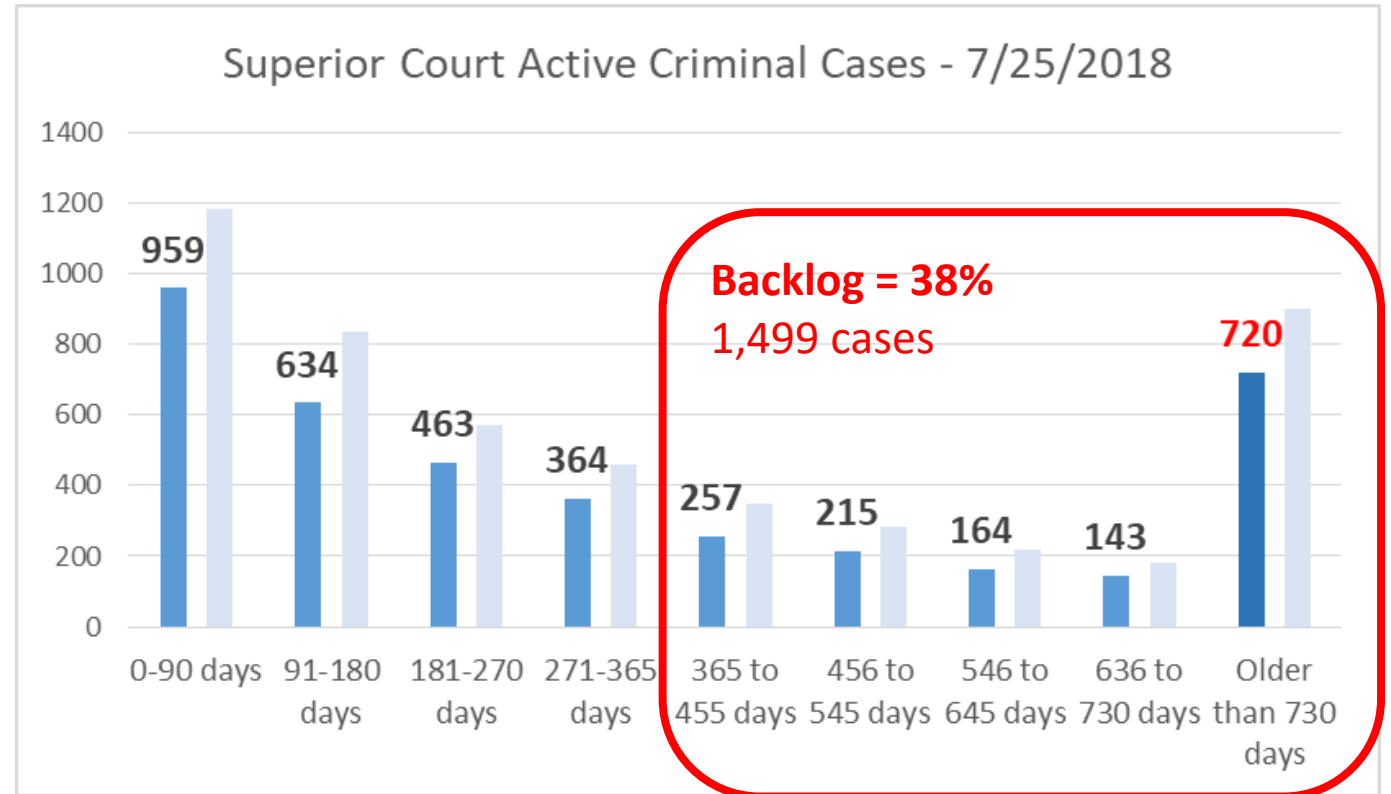
- Accountability for performance
- Regularity and predictability
- Consistent case management
- Reduction of backlog

Felony Case Processing



Superior Court Active Pending Case Age 7/25/18

Active Pending Case Age	Cases w/o BW/MH	All Case Time
0-90 days	959	1185
91-180 days	634	835
181-270 days	463	569
271-365 days	364	459
365 to 455 days	257	348
456 to 545 days	215	283
546 to 645 days	164	220
636 to 730 days	143	181
Older than 730 days	720	902
Total sample	3919	4982



Suspension time includes bench warrants and mental health evaluations = 21%

Sample is reduced due to cases in suspension on 7/25 or bad data

San Francisco District Attorney data imported from Superior Court – includes felonies and misdemeanors

Reopening Technical Assistance

- Oklahoma District Courts (Judge Walkley)
- Orleans Parish District and Municipal Courts
- Harris County District Court
- Larimer County, Colorado District Courts
- Texas Office of Court Administration

Resources

- State Justice Institute grants
- Justice Management Institute website
- Reopening checklist (agenda package)
- Six strategies to reduce case processing delay

Reasonableness Time Expectations – Most Cases

Track	Description	Expected Duration
Original Cases		
Track 1 1a 1b 1c	Non-Complex Felonies and Misdemeanors Felonies State Jail Felonies Misdemeanors	120 days (proposed) 80% of cases
Track 2 2a 2b	Serious Felonies 3 rd Degree Felonies 2 nd Degree Felonies	180 days (proposed) 80% of cases
Track 3 3a 3b	Complex Felonies 1 st Degree Felonies FC – Capital Murders	365 days (proposed) 98% of cases

Reasonableness Time Expectations – 80% of Cases

Non-Original Cases		
Track 4	Post-Adjudication Cases Including probation revocations, violations of probation, post-judgment modifications, and remands on appeal	2 months without new cases Aligned with original case for probation revocations and violations
Track 5	Specialty Courts Drug, behavioral health, and veterans court	Custom-managed

Ideas and recommendations for discussion

- Continued use and efficacy of short cause hearings by video
- Plea negotiations and sentencing in court or by video?
- Preliminary hearings – in court, maintain safe environment
- Evidentiary hearings and oral argument in court, maintain safe environment
- Due process issues – time standards and exceptions to the standards
- Delay – does it matter?

Ideas and recommendations for discussion

Jury Trials

- Restarting them next week
- Plan and process
- Impact of COVID-19
- People accused of felonies are in jail...awaiting trial

Reopening Checklist

1. Docket lists
2. Status conferences
3. Scheduling orders
4. Calendars

Opportunity for improvement

Questions?

Thank you

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
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.

³³ “[Justice That Heals](#).” *San Francisco District Attorney’s Office*, 3.

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.

Sentencing Commission Agenda Item #10: Discussion on Coordinated Crisis Response

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.