

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, June 16, 2020, 12:00 pm

REMOTE MEETING VIA VIDEOCONFERENCE

Watch via Zoom: <https://sfdistrictattorney.zoom.us/j/93545281233>

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

Meeting ID: 935 4528 1233

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. Welcome (discussion).
2. Public Comment (discussion).
3. General Updates (discussion).
 - a. Review of SJC Strategies and Activities
 - b. Brief Updates on Recent Activities
 - c. Buffin Implementation Update
4. Monthly Jail Population Report (discussion).
5. COVID-19 Response (discussion).
6. Closure of San Francisco County Jail 4 (discussion).
 - a. Timeline and Strategies
 - b. Proposed Working Structure
7. Next Steps and Upcoming Activities (discussion).
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.

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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

CELL PHONES

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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.

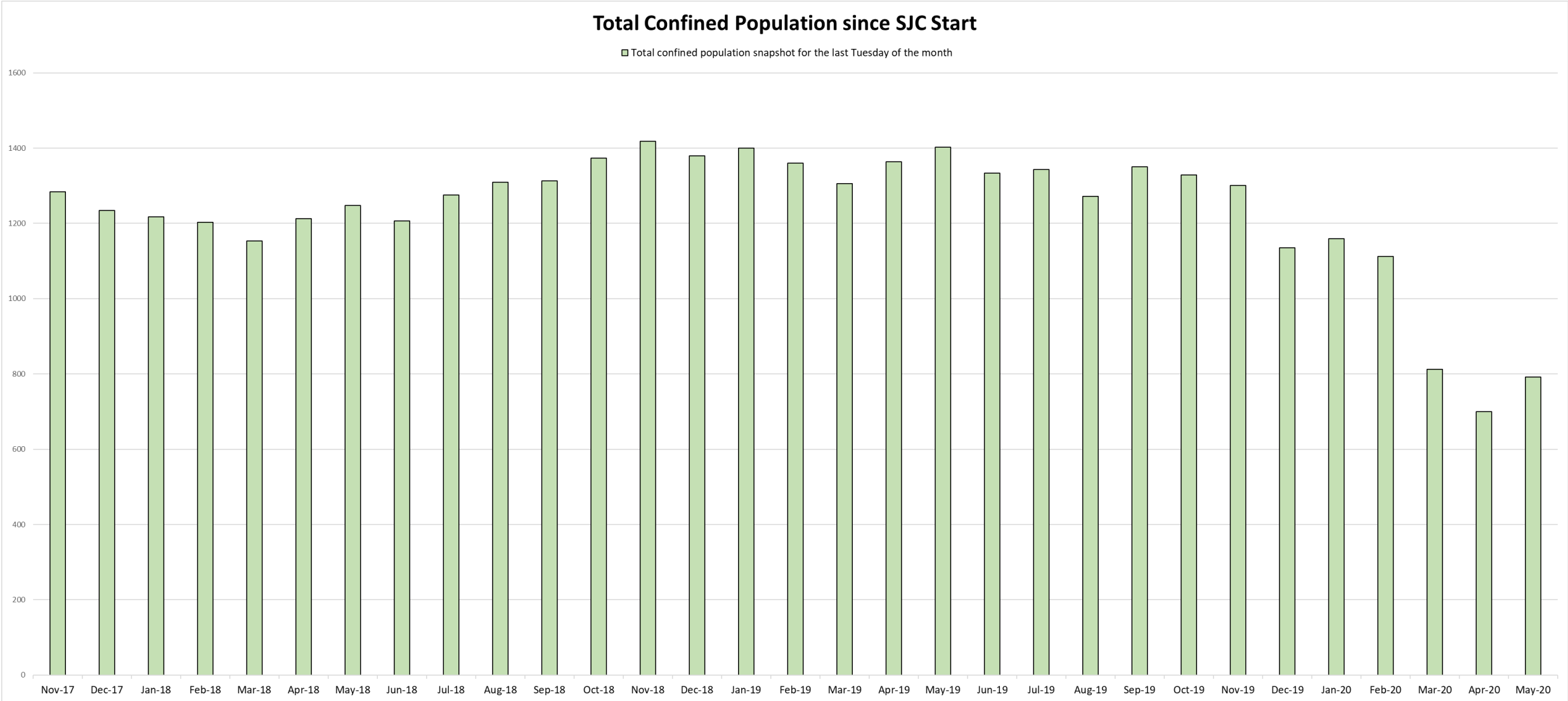
SJC WORKING GROUP MEETING

June 16, 2020

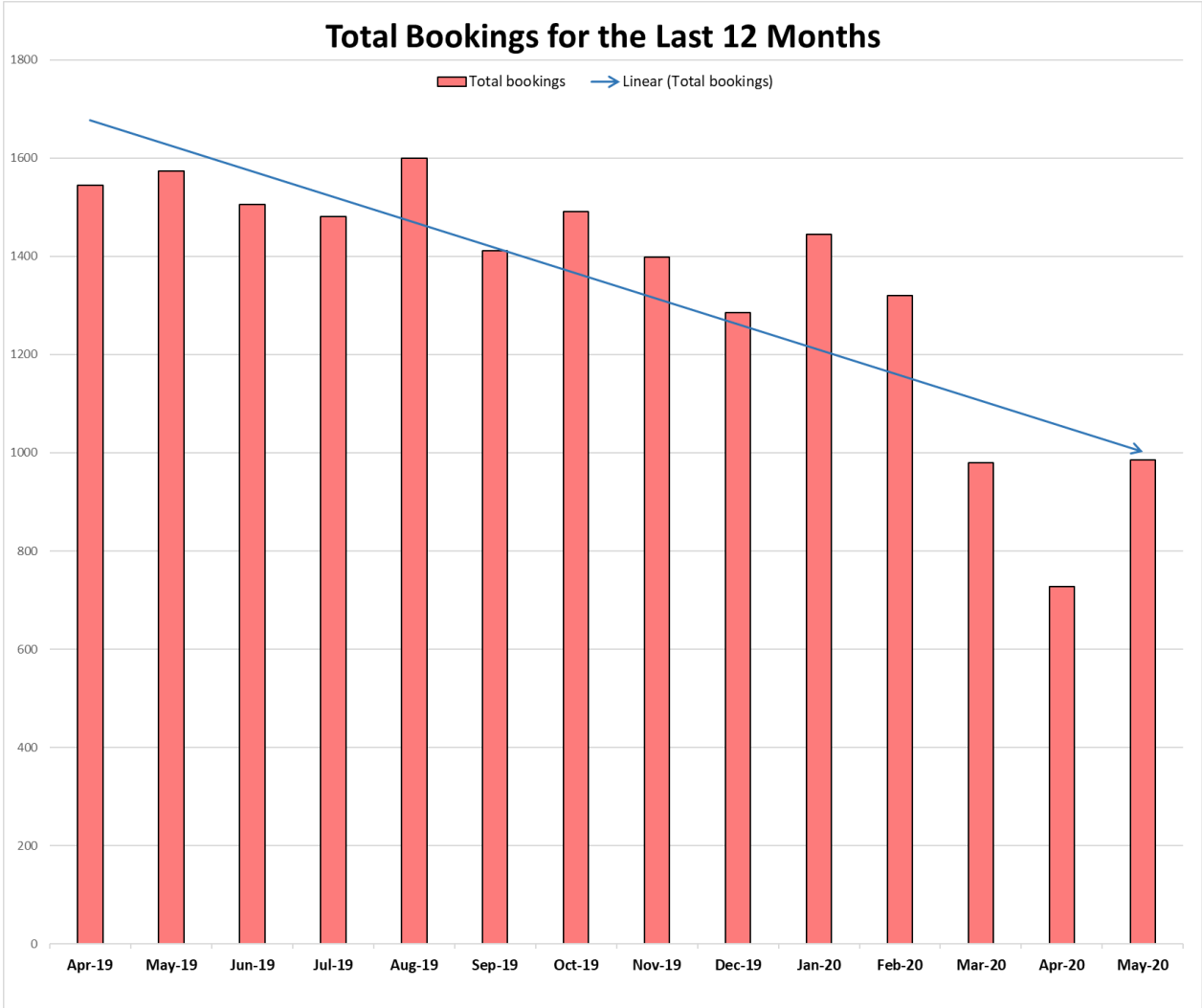
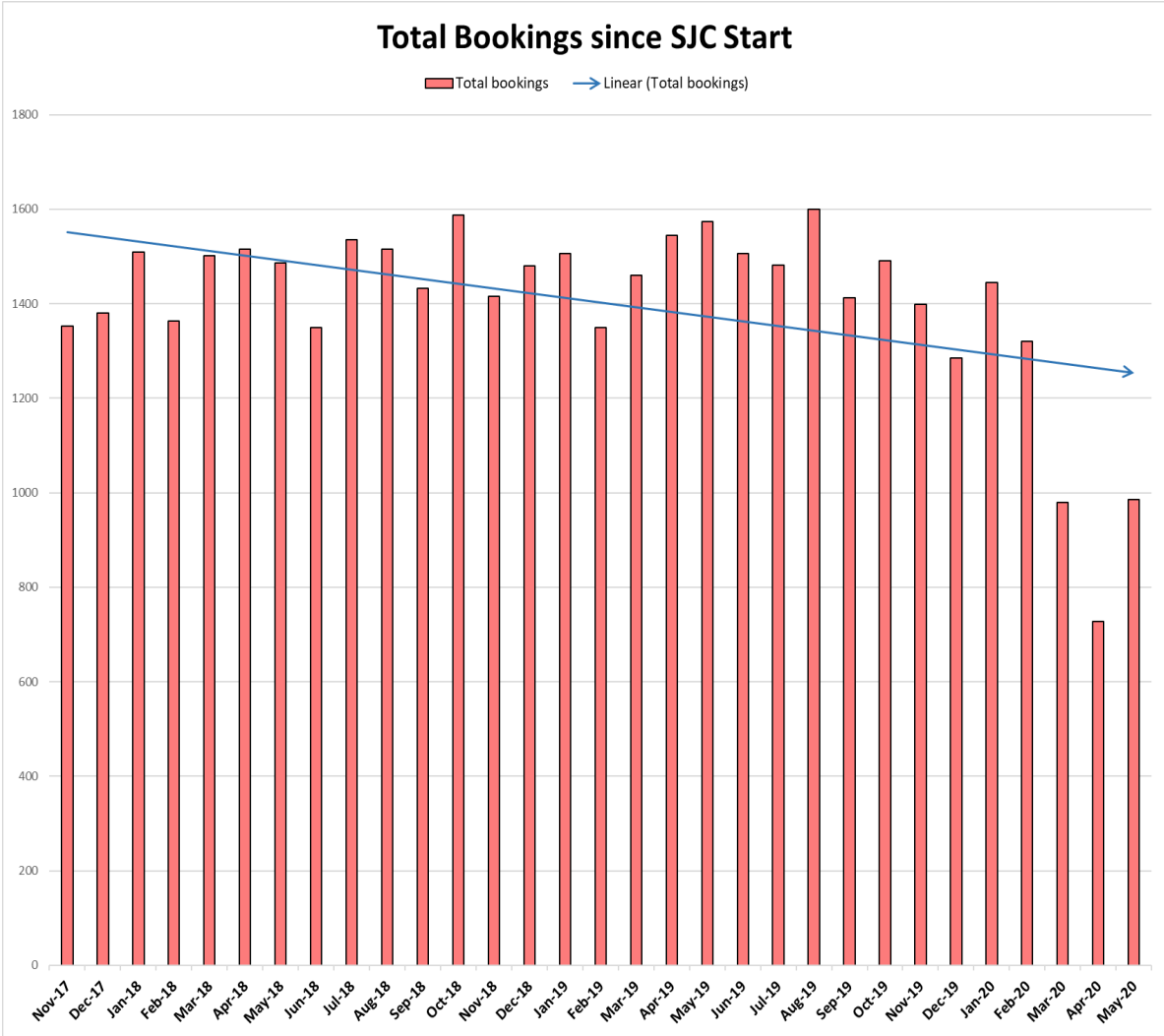


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May Safety and Justice MacArthur Report



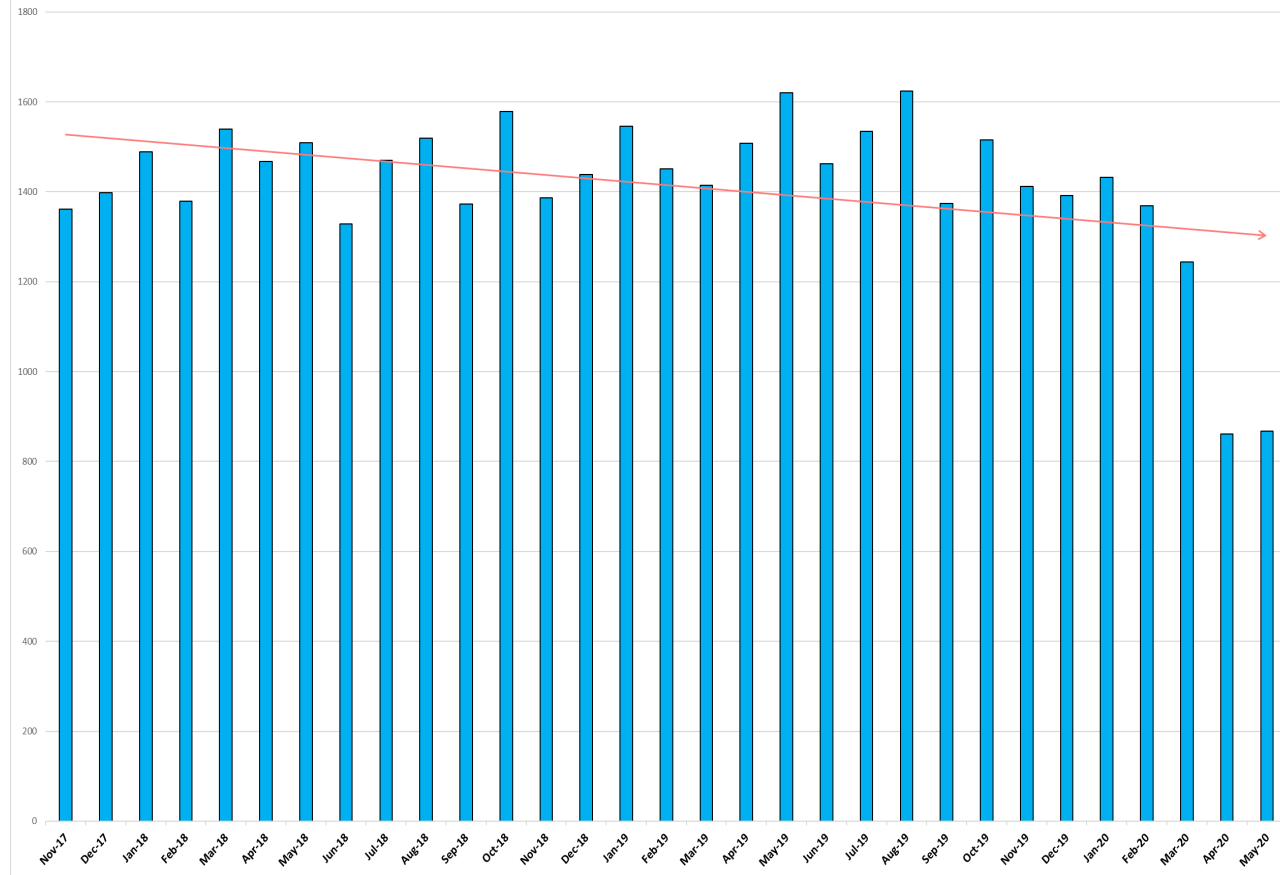
May Safety and Justice MacArthur Report



May Safety and Justice MacArthur Report

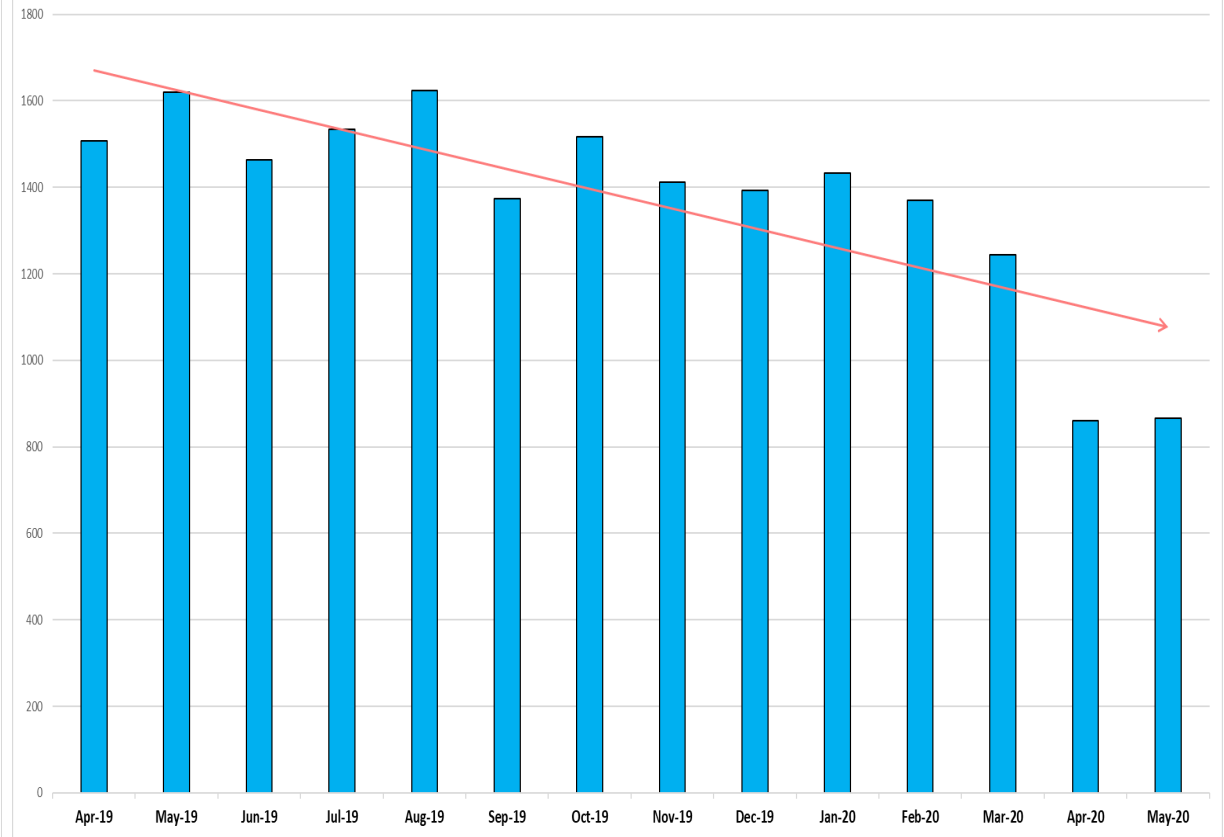
Total Releases since SJC Start

Total releases [1] Linear (Total releases [1])



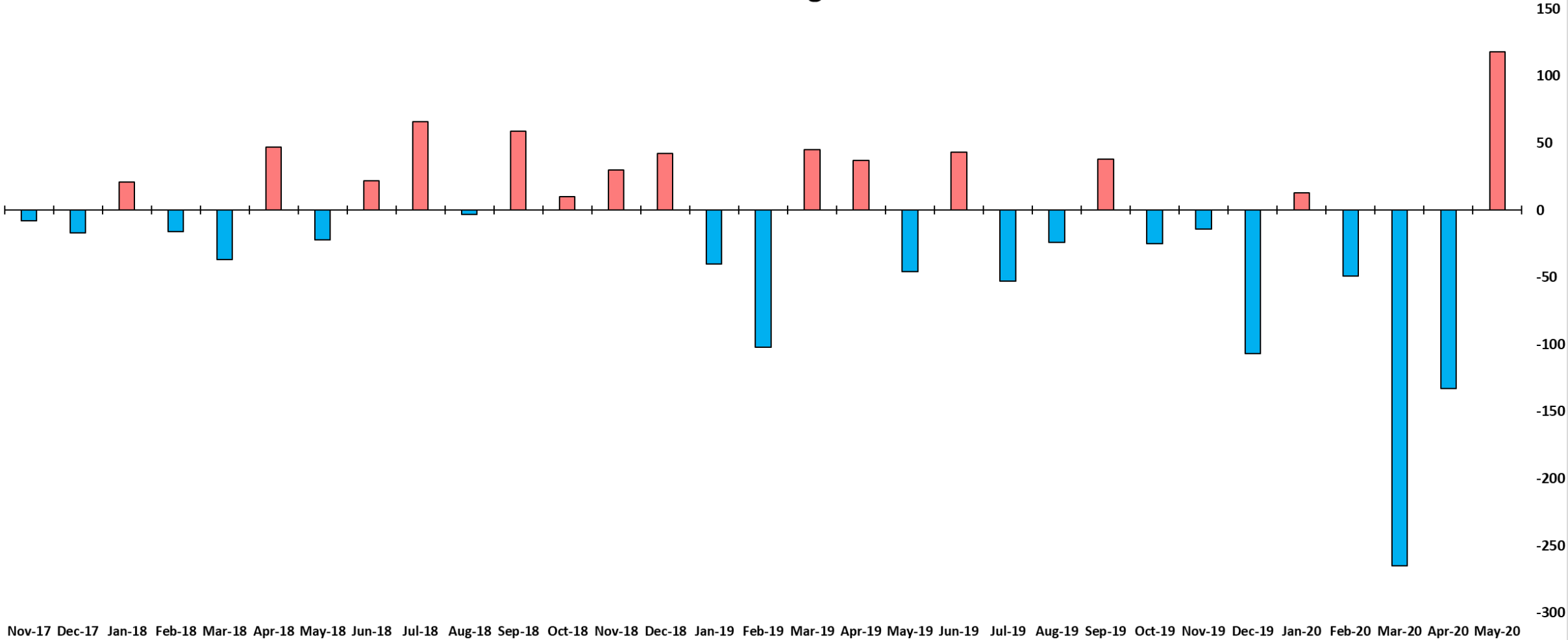
Total Releases for the Last 12 Months

Total releases [1] Linear (Total releases [1])



May Safety and Justice MacArthur Report

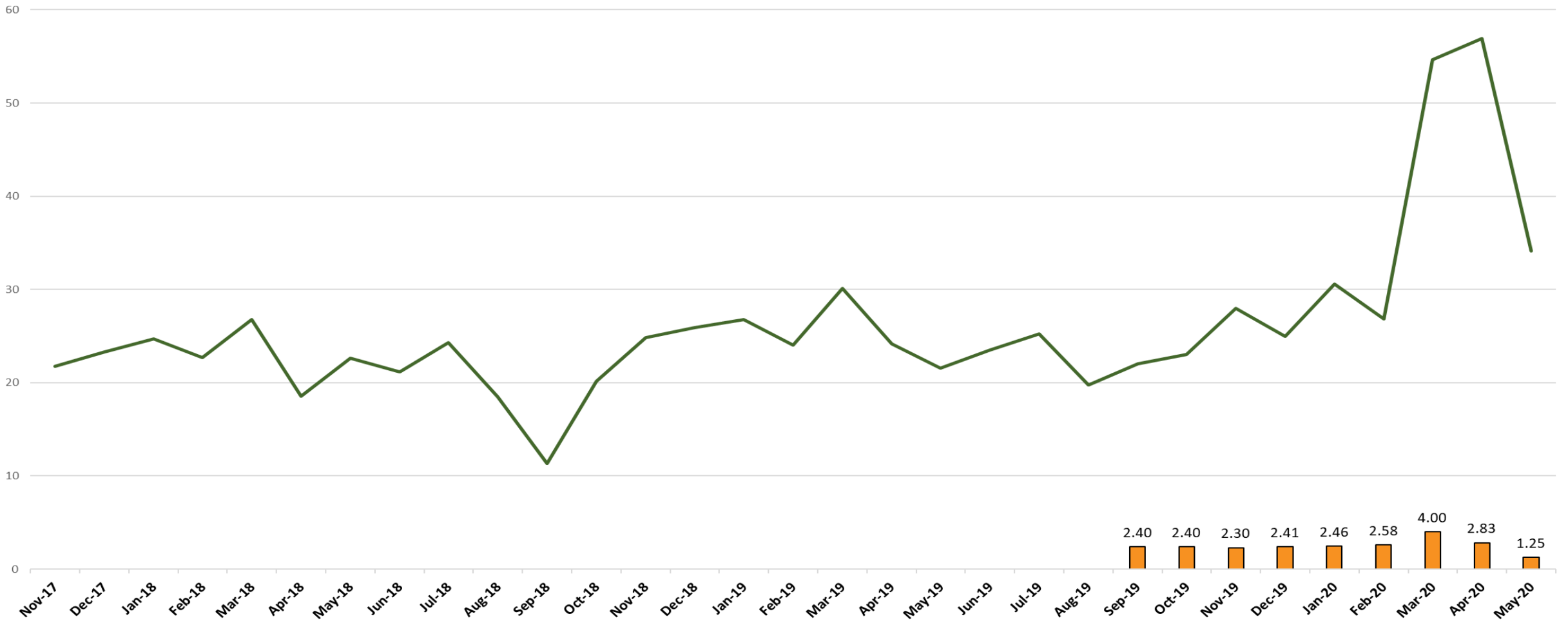
Difference in Bookings and Releases



May Safety and Justice MacArthur Report

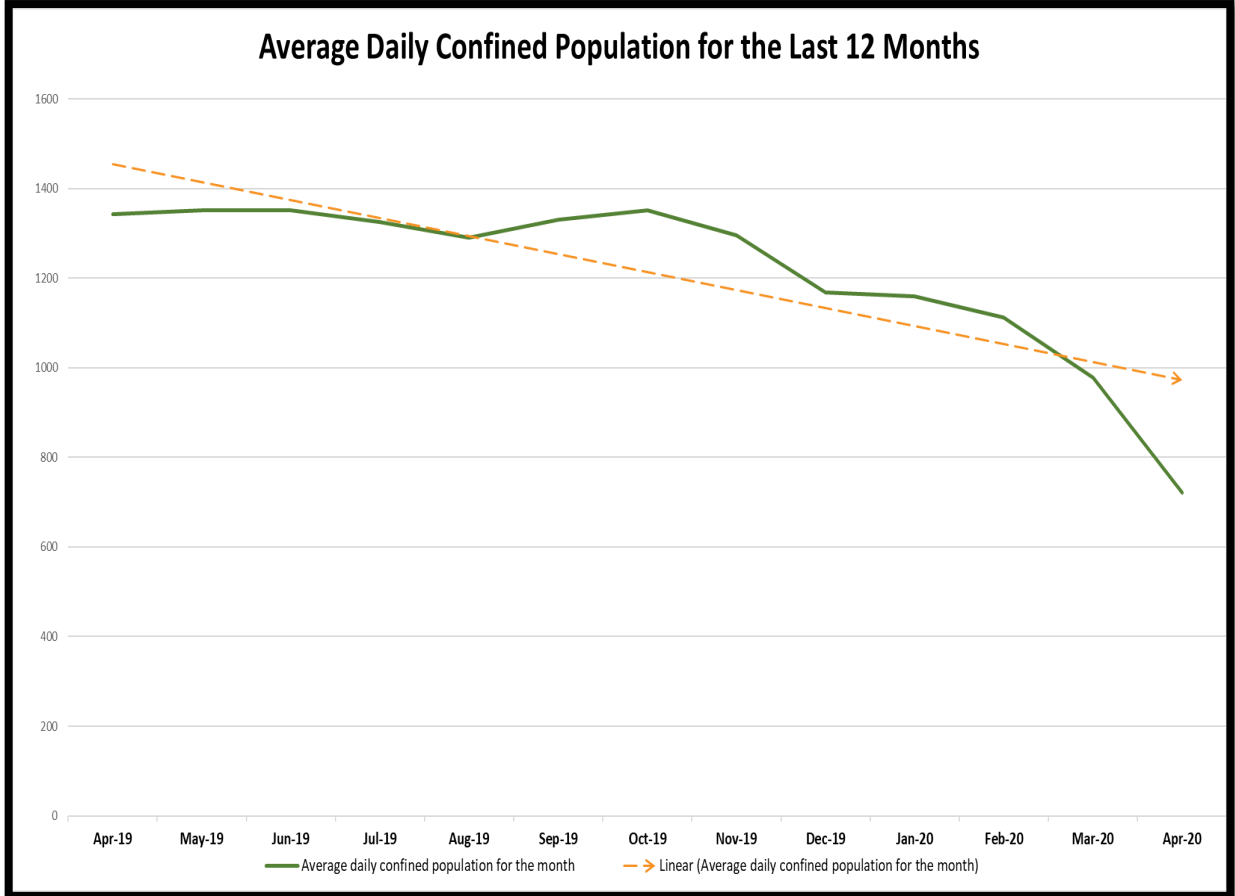
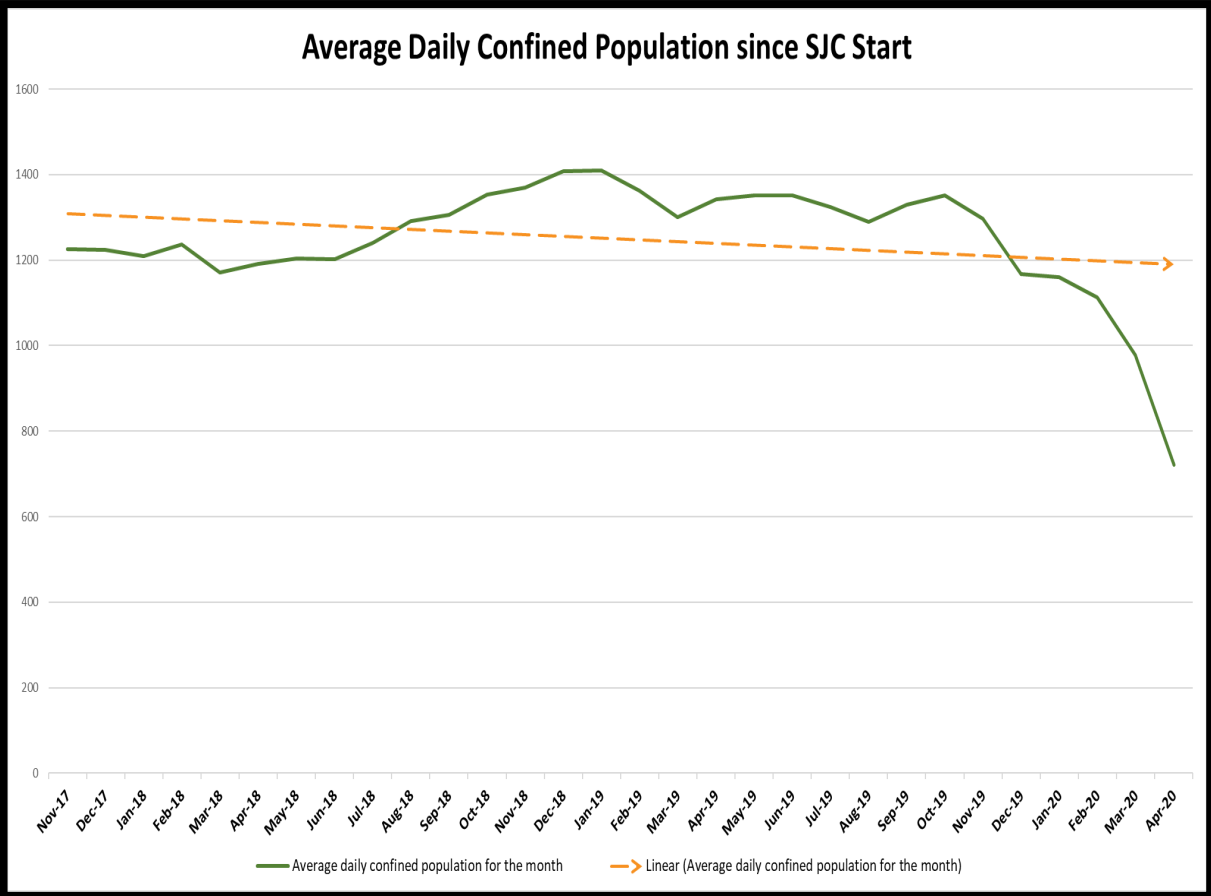
Released Individuals: Average Length of Stay vs Median Length of Stay

Median length of stay (in days) among individuals released during the month Reported average length of stay (in days) among individuals released during the month [7]



May Safety and Justice MacArthur Report

*Date on this slide only through the end of April 2020

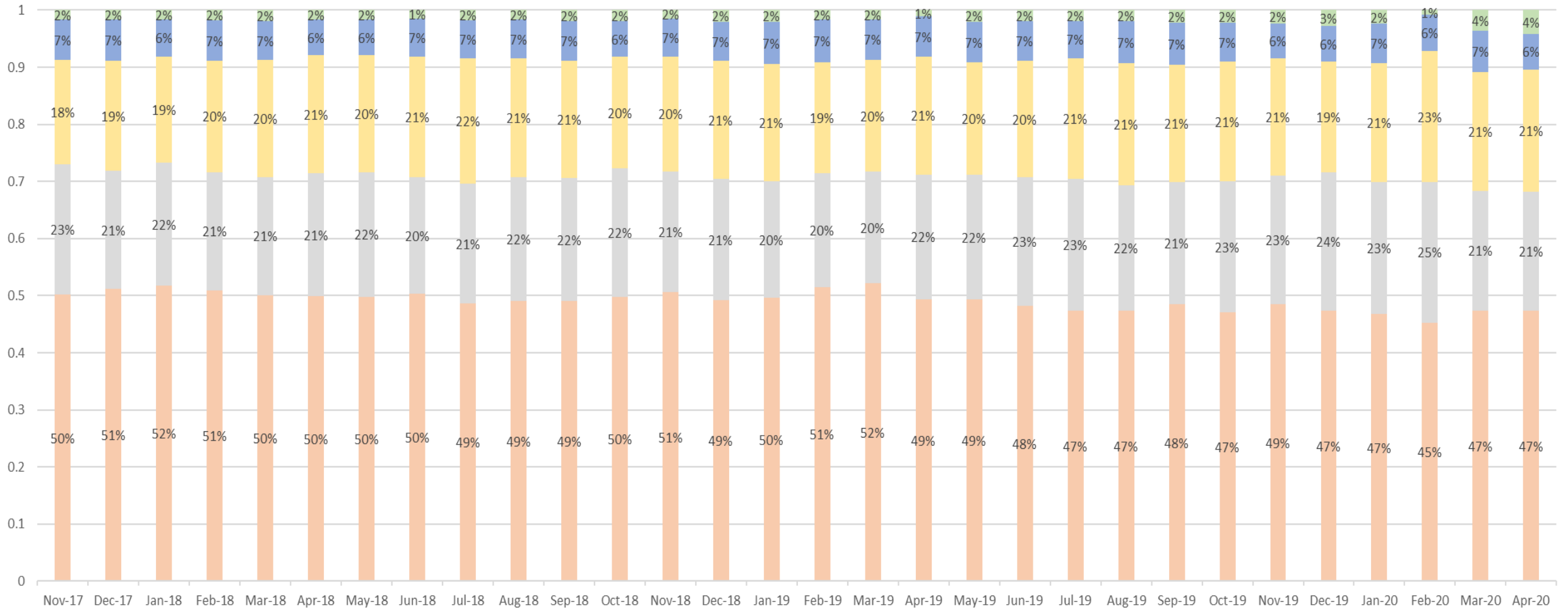


May Safety and Justice MacArthur Report

*Date on this slide only through the end of April 2020

Population Racial Category Percentge of Daily Snapshot

Black Population White Population Latino Population API Population Other RE1



END OF SLIDESHOW



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SUMMARY: ADMINISTRATIVE CODE – COUNTY JAIL NO. 4 CLOSURE

TIMELINE

- May 12, 2020: Legislation “finally passed” by the Board of Supervisors
- June 21, 2020: Date when the ordinance becomes effective
- August 1, 2020: Progress Report Due to Board of Supervisors
- October 1, 2020: Final Report Due to Board of Supervisors
- November 1, 2020: County Jail 4 Closure Deadline

KEY ELEMENTS

Summary of Full Legislation	
Section I	Determination that the ordinance complies with the CA Environmental Quality Act.
Section II	General background on the history of County Jail 4 (CJ4), including: the consensus that County Jail 4 needs to close; the action of the Board to prevent construction of a new jail; the activities and findings of the Re-envision the Jail Work Group; description of jail capacity and the needs of people in jail in San Francisco; commitment among criminal justice partners to prioritize racial equity; descriptions of declining violence and reductions of the number of people in jail; statement of urgency related to COVID-19; description of the Safety and Justice grant; and intention to avoid layoffs or job loss among staff at CJ4.
Section III	Adds Chapter 122, Section 122.1, to the Administrative Code. See below for summary.
Summary of Chapter 122, Section 122.1: Closure of County Jail 4	
<i>Sec. 122.1. (a)</i>	The City shall close CJ4 as soon as possible, by no later than November 1, 2020.
<i>Sec. 122.1. (b)</i>	Before CJ4 is closed: <ul style="list-style-type: none"> • The Department of Human Resources (DHR) must give notice to unions representing affected employees, and meet and confer as legally required; and • The Division of Real Estate (DRE) must ensure compliance with existing agreements with the Judicial Council concerning occupancy of 850 Bryant.
<i>Sec. 122.1. (c)</i>	Lists the following as <u>required</u> actions before CJ4 can be closed: <ul style="list-style-type: none"> • DHR submits written certification to the Board and Mayor that meet and confer obligations have been met; • DHR submits written certification to the Board and Mayor that obligations related to occupancy have been met; and • The Board either (A) receives the final report from the Safety and Justice Challenge Subcommittee, or (B) the jail population has been below 1,044 for 60 consecutive days and both the Sheriff and the Safety and Justice Challenge Subcommittee notify the Board that CJ4 may be safely closed. Whichever of these happens sooner satisfies the requirement.

SUMMARY: ADMINISTRATIVE CODE – COUNTY JAIL NO. 4 CLOSURE

Sec. 122.1. (d)	While the Hall of Justice is open, the Sheriff may use the 7 th floor of 850 Bryant after the deadline for CJ4 closure for administrative, laundry, and kitchen purposes.
<i>End of Summary of Chapter 122, Section 122.1.</i>	
Section IV	Amends Article XXV of Chapter 5 of the Administrative Code, adding a new Section 5.25-4 (and renumbering the existing Section 5.25-4 as Section 5.25-5). See below for summary.
<i>Summary of Amended Section 5.25-4: Safety and Justice Challenge Subcommittee</i>	
Sec. 5.25-4. (a)	Defines the San Francisco jails by location.
Sec. 5.25-4. (b)	Requires the Sentencing Commission to establish the Safety and Justice Challenge Subcommittee (“Subcommittee”).
Sec. 5.25-4. (c)	Specifies the Sentencing Commission members (or designees) that should serve in the Subcommittee, and specifies that a representative of each of these entities should be invited to each Subcommittee meeting: <ul style="list-style-type: none"> • District Attorney • Sheriff • Public Defender • Adult Probation • Department of Public Health • Reentry Council • Member of a nonprofit that serves victims (selected by the Family Violence Council) • Member of a nonprofit that serves formerly incarcerated people (selected by the Reentry Council) • Superior Court (if it so chooses)
Sec. 5.25-4. (d)	By October 1, 2020 the Subcommittee will identify measures and strategies to keep the average daily jail population below 1,044. These strategies will address inefficiencies, racial and economic disparities, behavioral health and substance use needs, and include non-jail options for people with low levels of risk.
Sec. 5.25-4. (e)	The Subcommittee may consult with: the Capital Planning Committee, the Division of Real Estate, the Police Department, the Department of Public Health, labor union representatives, and SF Pretrial.
Sec. 5.25-4. (f)	Outlines the 21 strategies and measures the Subcommittee should consider as part of its work – details and a comparison to current SJC strategies are included following this summary of the legislation.
Sec. 5.25-4. (g)	Specifies that the Subcommittee may not include the following measures or strategies: <ol style="list-style-type: none"> 1. Adding new jail beds beyond the current rated capacity of County Jails 2 and 5, except for rehabilitating an existing facility like County Jail 2; or 2. Transferring people in jail to placements out of county.
Sec. 5.25-4. (h)	The Subcommittee may retain subject matter experts, subject to fiscal and civil service constraints.

SUMMARY: ADMINISTRATIVE CODE – COUNTY JAIL NO. 4 CLOSURE

<i>Sec. 5.25-4. (i)</i>	<p>The Subcommittee will submit two reports to the Board:</p> <ol style="list-style-type: none"> 1. A preliminary progress report due August 1, 2020 2. A final report due October 1, 2020. <p>Both reports must include:</p> <ul style="list-style-type: none"> • Progress and data related to sustaining a daily total jail population below 1,044; • Measures and strategies implemented across justice agencies; • Outstanding tasks, challenges, or needs; and • Assessment of COVID-19 impact on the jail population, including the ability to achieve needed distancing, temporary facilities for distancing, and policy recommendations to protect public health. <p>A Board resolution will accompany both reports. The Subcommittee will submit both reports to the Mayor, any City department or office responsible for a program identified in the report, and the City Administrator. The reports shall be available to the public and posted on the City Administrator’s website.</p>
<i>Sec. 5.25-4. (j)</i>	Instructs all City departments, offices, officers, and employees to provide prompt and full cooperation and assistance, including any records and reports requested, to the Subcommittee.
<i>Sec. 5.25-4. (k)</i>	The Subcommittee will terminate when the Sheriff certifies in writing that CJ4 is closed. After that, the City Attorney will remove Section 5.25-4 from the Administrative Code.
<i>Sec. 5.25-4. (l)</i>	Nothing in this section should be interpreted to interfere with the duties of the District Attorney, Sheriff, or Adult Probation Chief, under State law.
<i>End of Summary of Amended Section 5.25-4</i>	
Section V	Provides the date when the ordinance becomes effective: June 21, 2020 (30 days after it was enacted on 5/22/2020).
Section VI	Clarifies that the Board only intends to amend the Municipal Code as explicitly shown in the final legislation.
Section VII	The City is seeking to promote the general welfare through the ordinance, not assuming an obligation that can be breached.
[End of Summary of Full Legislation]	

SUMMARY: ADMINISTRATIVE CODE – COUNTY JAIL NO. 4 CLOSURE

STRATEGIES TO BE CONSIDERED PER LEGISLATION– COMPARISON WITH FUNDED SAFETY AND JUSTICE CHALLENGE STRATEGIES

SJC Funded Strategy	Measures/Strategies Named in Legislation for Consideration
<p>1) Enhance data-driven decision-making: Develop strong data-sharing parameters and develop the role of the Justice Tracking Information System (“JUSTIS”) in tracking system outcomes.</p>	<p>L8) Maximize data-sharing among all criminal justice partners to facilitate a cohesive assessment of the jail population, using JUSTIS.</p>
<p>2) Increase transparency and reduce repeat bookings: Stand up a jail population review that looks at trends among specific case types and at real cases, to develop release options and policy recommendations.</p>	<p>L1) Expansion of pretrial release through review of denied releases. L2) Expansion of non-custodial supervision and support, including referrals to community courts, collaborative courts, and diversion programs. L13) Release processes that maximize release from jail before noon to allow access to same-day essential services, and same-day transport to court-ordered placements with verified bed space. L14) Examine probation holds, search and seizure conditions, electronic monitoring violations, and other practices related to incarceration.</p>
<p>3) Explore expedited case processing: Work with the Superior Court and across justice system partners to develop and adopt case processing standards.</p>	<p>L5) Evaluation and reduction of redundancies among agencies with regards to multiple court numbers for a single booking, hold and report to the court for short-term stays. L6) Participation and cooperation with the Superior Court’s plans to address lengthy court case processing and unnecessary continuances. L7) Expedited and streamlined sentencing and sentencing-recommendation processes. L10) Expedited processes for providing and sharing police reports and rebooking packets with criminal justice partners.</p>
<p>4) Increase and maintain healthy connections: Assess and connect individuals to existing behavioral health supports, identify gaps and needed interventions.</p>	<p>L15) Evaluate the correlation between individuals who reoffend and behavioral health issues and explore policies to reduce recidivism. L16) Evaluate and make recommendations about resources that ensure stability and prevent recidivism upon release, including: bridge housing with case management; treatments beds and wraparound supports; substance use treatment; mental health supports; and employment services. L17) Evaluate and develop targeted mental health diversion and coordination to facilitate quick entry into behavioral health programs.</p>

SUMMARY: ADMINISTRATIVE CODE – COUNTY JAIL NO. 4 CLOSURE

SJC Funded Strategy	Measures/Strategies Named in Legislation for Consideration
<p>5) Root out implicit bias: Track racial disparities in each strategy; make policy adjustments and provide training in each to reduce.</p>	<p>The legislation explicitly names reducing racial disparities as a primary responsibility of the Subcommittee; the Subcommittee should evaluate which measures or strategies will have an impact on disparities.</p>
<p>OTHER STRATEGIES NAMED IN LEGISLATION, and not directly connected to SJC-funded strategies.</p>	<p>L3) Evaluate the use of electronic monitoring. L4) Expansion of eligibility and capacity for programming, including milestone credits and work alternative programs. L9) Explore discontinuing “safe-keeping” arrangements for federal arrestees. L11) Increased transparency around the jail classification system and its impact on jail capacity. L12) Expedited and streamlined booking into CJ1. L18) Elimination of out-of-county custodial placements. L19) Consideration of the Board endorsement of the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership. L20) Formulation of a plan to prepare for an increase in the average daily population above 1,044 after the closure of County Jail 4. L21) Measures to protect public health in the jails, including identifying incarcerated people and jail staff as priority populations for infectious disease testing, and developing policy recommendations for temporary housing facilities if needed to prevent the spread of infectious disease.</p>

DRAFT MILESTONES & ACTIVITIES: JUNE - NOVEMBER 2020

	June	July	August	September	October	November 2020
Milestones	SJC Subcommittee Re/Convenes		Progress Report Due: 8/1		Final Report Due: 10/1	
	Teams Re/Convene; Draft Progress Report			Draft Final Report		Jail Closure Deadline: 11/1
Activities	Reconvene SJC membership, invite participants Assign roles/responsibilities Teams review strategies Re-start JPR case review	Teams report-out on strategies/activities Meet with community stakeholders Launch housing fund Draft/review progress report	Share progress report Refine strategies	Draft/review final report Meet & confer with unions (as needed)	Share final report	

SJC SUBCOMMITTEE WORKING GROUPS

ROLE	DESCRIPTION OF RESPONSIBILITIES	LEAD AGENCY
Sentencing Commission	The Sentencing Commission advises the Mayor and the Board of Supervisors on strategies to improve public safety, reduce recidivism, and reform criminal sentencing. The San Francisco Sentencing Commission was formed in 2012 and includes 13 member organizations .	Convened and staffed by the District Attorney's Office.
Safety and Justice Challenge Subcommittee	In 2018, the San Francisco District Attorney's Office secured a grant from the MacArthur Foundation to implement strategies to safely reduce the local jail population and eliminate racial disparities in the justice system. The Board of Supervisors named the SJC partnership a Subcommittee of the Sentencing Commission in May 2020 and gave it responsibility for the plan to close County Jail 4 by November 2020.	Convened and staffed by the District Attorney's Office, as lead agency administering the Safety and Justice Challenge MacArthur Foundation grant.
Criminal Justice Racial Equity Working Group	The CJ Racial Equity Working Group is composed of justice system partners seeking to eliminate racial disparities in the system. The group is implementing the Criminal Justice Equity Statement and Agenda for Action. The SJC Subcommittee will work with the group to prioritize this work across SJC strategies and to identify new strategies needed.	Co-convened by staff from the Reentry Council, Community Corrections Partnership, and the Sentencing Commission.
Jail Population Review Team	The Jail Population Review is a multi-disciplinary team that meets regularly to review jail population trends, problem-solve around specific cases, and identify areas for policy change. On individual cases, partners from different departments work together to identify resources that could support an alternative to incarceration.	SJC Project Director convenes
Data Team	Provides general jail population trend data to the SJC Subcommittee to ground discussion, and to highlight places to focus collective efforts to sustain reductions and dramatically reduce racial disparities. The Data Team also seeks to enhance collaboration and lawful data-sharing among justice partners in a timely fashion.	SJC Project Director convenes
Operations and Efficiency Lead	Addresses strategies and tasks related to operations (such as coordinating with Human Resources and Capital Planning) and efficiency (such as booking).	TBD
Case Processing Lead	Develop policies and protocols to address delays in case processing that can prolong incarceration.	TBD
Healthy Connections Lead	Improve connections to behavioral health, substance use, and housing supports that provide an alternative to custody and/or improve outcomes for people leaving jail.	TBD