



# OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

1 DR. CARLTON B. GOODLETT PLACE  
ROOM 456, CITY HALL  
SAN FRANCISCO, CALIFORNIA 94102



**PAUL MIYAMOTO  
SHERIFF**

April 9, 2020  
Reference: 2020-040

The Honorable Sandra Fewer  
Supervisor, District 1  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

Dear Supervisor Fewer,

The San Francisco Sheriff's Office is deeply committed to closing County Jail 4 for the health and safety of inmates and staff alike. It is seismically unsafe, outdated, and dilapidated. I appreciate your efforts to draft legislation that sets a timeline for this process. Closing the county jail at 850 Bryant was a top priority for former Sheriff Vicky Hennessy, and remains an urgent concern of mine. During my career, I have been involved in the planning of the closure of the jail since 2012.

I have reviewed the draft legislation with my command staff and my legal team. We made some very specific changes to the text that we would ask you to incorporate. However, I believe that it is prudent to take into consideration our current COVID-19 pandemic. I feel strongly that we should postpone *any action* on this legislation until the State of Emergency in California has ended. We have been preparing for the July 2021 closure date and any changes to that schedule should not be considered when we are in the midst of this crisis. The pandemic reveals just how radically and quickly our lives can change in ways that we could not have predicted. Although our efforts to reduce the jail population coincide with the public health efforts to minimize any COVID-19 exposures in the jails, we do not yet know how this will change over time.

To illustrate my concern, the legislation provides a benchmark of when the jail population has remained below 1044 for 60 consecutive days for determining when CJ4 may be closed and then prohibits any change, renovation to existing structures, or construction of new facilities that would increase bed capacity. While that number may

be realistic with the rapid and emergency reduction of the jail population due to the virus, to use that number as a basis for the future would be both reckless and meaningless. Right now, I am unable to assess how many beds will be needed next week, much less commit to a fixed bed capacity going forward.

I am also concerned that if and when the coronavirus crisis abates in San Francisco, we may get a second wave of cases this fall that could overwhelm the jail. To date, we have managed to keep the virus out of the inmate population, and only a few staff have tested positive for COVID-19. Since we have available space in County Jail 4, I am able to implement successful social distancing measures to safely house the inmates in all of our jails. If this legislation becomes law and this pandemic is *not* over, or if other unforeseen circumstances arise, I will not have the flexibility to safely distance inmates to protect their health, the health of the staff, and the health of the community.

As to the specifics of the legislation, the SFSO has been part of the Sentencing Commission, and also collaborated with our justice partners on the Safety and Justice Challenge since the grant was awarded to the Office of the District Attorney. We support the creation of a Safety and Justice Challenge Subcommittee to explore strategies and measures to reduce the jail population in a way that protects both public health and public safety. It is our view that the current draft goes well beyond the goal of simply closing the jail and may interfere with some of my duties as elected Sheriff of the county. The language we have added in Sec. 5.25-4 makes it clear that the recommendations of the subcommittee are advisory in nature and not binding on me as the Sheriff of San Francisco.

I want to thank you for the collaboration and opportunity to work with you and your staff on this legislation and share our perspective and concerns. Ultimately, we share the same goal in closing County Jail 4 and ensuring there are informed, prudent options in response to the challenges of the COVID-19 pandemic that do not include the use of County Jail 4 ever again.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Miyamoto', written over a horizontal line.

Paul Miyamoto, Sheriff  
City and County of San Francisco

FILE NO.

ORDINANCE NO.

1 [Administrative Code – County Jail 4 Closure]

2  
3 **Ordinance amending the Administrative Code to require the City to close County Jail 4,**  
4 **located on the seventh floor of the Hall of Justice, by November 1, 2020; to require the**  
5 **Sentencing Commission to establish a Safety and Justice Challenge subcommittee to**  
6 **plan for the reduction of the daily jail population and closure of County Jail 4; and**  
7 **affirming the Planning Department’s determination under the California Environmental**  
8 **Quality Act; and making findings of consistency with the General Plan and the eight**  
9 **priority policies of Planning Code Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
12 **Deletions to Codes** are in *strikethrough-italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_ and is incorporated herein by reference. The Board affirms this  
23 determination.

24 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
25 adopted findings [OR, the Planning Department determined] that the actions contemplated in  
this ordinance are consistent, on balance, with the City's General Plan and eight priority

1 policies of Planning Code Section 101.1. The Board adopts these findings [OR, this  
2 determination] as its own. A copy of said Resolution [OR determination] is on file with the  
3 Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by  
4 reference.

5  
6 Section 2. The Administrative Code is hereby amended by adding Chapter XXX  
7 Sections XXX.1 through XXX.5, to read as follows:

8  
9 **CHAPTER XXX: CLOSURE OF COUNTY JAIL 4**

10  
11 **SEC. XXX.1. DEFINITIONS.**

12  
13 "Board" means the San Francisco Board of Supervisors.

14 "County Jail 4" means the jail located on the 7th floor of the Hall of Justice at 850 Bryant  
15 Street in the City and County of San Francisco.

16  
17 **SEC. XXX.2. FINDINGS.**

18  
19 County Jail 4 is a dilapidated and inhumane facility that requires a closure plan. Opened in  
20 1961, it is seismically unsafe. Its plumbing, sewage, kitchen, and laundry facilities are all in disrepair.

21 The Department of Public Works, Department of Real Estate, and The Crosby Group  
22 (independent seismic engineers), have all determined that the building needs to be decommissioned. In  
23 [INSERT DATE], City Administrator Naomi Kelly stated that the building should be closed due to  
24 seismic concerns.

1 In 2015, the Board denied the Sheriff's request for Board approval of an application for State  
2 matching funds to be used to build a new jail. Instead, in 2016, the Board passed Resolution 002-16,  
3 urging the creation of a work group to plan for the permanent closure of County Jails 3 and 4 by the  
4 Department of Public Health and the Sheriff. In response to this resolution, the Work Group to Re-  
5 envision the Jail Replacement Project ("Re-envision Work Group") was established, which proposed  
6 72 policy change recommendations, capital investments, and program investments to reduce the jail  
7 population and close the building located at 850 Bryant Street, without construction of a new jail. The  
8 recommendations include programs such as cooperative supportive housing, increased treatment beds,  
9 co-located neighborhood-based services, and outpatient substance-use treatment. The Re-envision  
10 Work Group identified key findings that informed their recommendations: 1) The majority of jail  
11 inmates are not eligible for release due to a range of reasons, including that many may be in the midst  
12 of the booking process or awaiting transfers, and that many are ineligible due to sentencing terms,  
13 their federal detainee status, parole or probation violations, or bail terms; 2) Closing County Jail #3  
14 and County Jail #4 permanently would require a jail population reduction goal of 83,220 bed days to  
15 accommodate an average daily population of between 1,064 and 1,126 in the remaining facilities; 3) A  
16 small proportion of inmates have long stays in jail, but account for the vast majority of all bed days; 4)  
17 Inmates occupying the most bed days are disproportionately young and African American; and 5) In  
18 2015, African American inmates occupied approximately 53% of all bed days in 2015, but made up  
19 only 6% of San Francisco residents.

20 The Re-envision Work Group found that data limitations complicate the City's ability to  
21 identify, collect, analyze, and predict the impact of most jail population recommendations. The Re-  
22 envision Work Group recommended expanding the role of the Justice Information Tracking System  
23 (JUSTIS) to support use of criminal justice data to inform system improvements and coordinate efforts  
24 across multiple jurisdictions. JUSTIS is uniquely positioned to play a central role in enhancing the  
25 transparency and accountability of San Francisco's criminal justice system. JUSTIS provides a

1 coherent and consistent approach to mechanisms that will enable partners to efficiently provide data  
2 and analysis with the highest reliability.

3 Violent crime rates have decreased in San Francisco over the past decade and homicides are at  
4 a historic low. Over 80 percent of inmates in San Francisco jails are pre-trial detainees.

5 The majority of the inmates in San Francisco's jails have experienced abuse, neglect, trauma,  
6 mental health problems, and family crisis. People in the criminal justice system suffer from serious  
7 mental health issues at a rate far greater than the general population.

8 The San Francisco Health Commission Resolution No. 19-5 entitled "Incarceration is a Public  
9 Health Issue" ("Health Commission Resolution"), which passed in March 2019, states that  
10 incarceration is a public health issue impacting the health and well-being of individuals incarcerated,  
11 and the families and communities of those incarcerated, with a disproportionate impact on low-income  
12 communities and people of color, specifically African American men. The Health Commission  
13 Resolution states that approximately 40% of those incarcerated in San Francisco county jails are  
14 homeless or marginally housed.

15 According to a 2016 report from the San Francisco District Attorney's Office entitled, "Justice  
16 That Heals: Promoting Behavioral Health, Safeguarding the Public, and Ending Our Overreliance on  
17 Jails", 35-40% of individuals detained in San Francisco jails receive care from Jail Behavioral Health  
18 Services.

19 In 2019, in a report entitled "Transitional Aged Youth in San Francisco County Jails", the  
20 Budget and Legislative Analyst reported that, between 2015 and 2017, an average of 11,356  
21 individuals were booked into San Francisco jails, of which 21.5% were transitional aged youth  
22 (between the ages of 18-24).

23 For these high-need populations there is an urgent need for the rapid availability of bridge  
24 housing and behavioral health treatment beds to ensure individuals are being released into stable  
25 environments with supports to help them be successful and prevent a return to jail.

1 While people should be accountable for harm done to others, jails, by themselves, do not repair  
2 that harm nor help individuals make different choices upon release; rather we have a number of people  
3 cycling in and out of our jail system, whereas an expansion of other kinds of supports and resources  
4 could prevent recidivism and invest in healthy individuals and communities.

5 The San Francisco Community Corrections Partnership, Police Commission, Juvenile Justice  
6 Coordinating Council, Reentry Council, and Sentencing Commission have endorsed a statement  
7 prioritizing racial equity in the criminal justice system to allow all people to thrive. San Francisco's  
8 criminal justice policy bodies collectively acknowledge that communities of color have borne the  
9 burdens of inequitable social, environmental, economic and criminal justice policies, practices and  
10 investments. The legacy of these government actions has caused deep racial disparities throughout San  
11 Francisco's juvenile justice and criminal justice system. Racial equity is realized when race can no  
12 longer be used to predict life outcomes. We commit to the elimination of racial disparities in the  
13 criminal justice system.

14 Jailing adds more trauma to the lives of already traumatized people. While imprisoned, people  
15 become more isolated and disconnected from their families and their support networks and are at risk  
16 of losing housing, employment, or child custody and, when detained while awaiting trial, fare far worse  
17 at every stage of their case.

18 A 2016 report entitled, "Children, Parents and Incarceration: Descriptive Overview of Data  
19 from Alameda and San Francisco County Jails" found that 46% of San Francisco parents and  
20 caregivers reported that that their own parents had been incarcerated, and that 57% of those San  
21 Franciscans studied, whose first incarceration occurred before the age of 18, reported that at least one  
22 parent had been incarcerated, both of which indicate a cycle of incarceration if left uninterrupted. The  
23 impact of incarceration on children is incredibly disruptive. The same report stated that: 26% of San  
24 Francisco parents and caregivers who were incarcerated reported that their child(ren) had to change  
25 residences; 16% reported that their child had to change school because they went to jail; of those 16%.

1 11% had to change schools 6 or more times. In addition, 57% of parents and caregivers in San  
2 Francisco jails reported a loss of income because they went to jail, and economic considerations also  
3 were a barrier to contact with children while incarcerated; For 33% a barrier to contact with children  
4 was the cost of phone calls; And for 31% a barrier to contacts with children was the cost of visiting.  
5 Multiple measures will need to be taken to accomplish the necessary reduction to the jail population, as  
6 there are no simple solutions.

7 In March of 2019, the Controller's Office released a report titled, "Update to Evaluation of  
8 Pilot Programs Funded to Reduce the Jail Population". The purpose of the report was to evaluate the  
9 effectiveness of the five pilot programs, supported by the Mayor's Office in fiscal year 2018, to reduce  
10 San Francisco's jail population, but focused only on the two programs implemented in time for the  
11 evaluation – the Public Defender's Pretrial Release Unit and the District Attorney's Weekend  
12 Rebooking. The Controller's Office concluded the following about each of these programs: "It is  
13 unlikely that either program will on its own substantially contribute to the City's goal of reducing the  
14 jail population by 83,220 bed days a year. Each program is designed to serve a segment of the jail  
15 population that is in jail for a short period of time and occupies few jail bed days a year. Even at a full  
16 level of implementation, the populations served do not account for enough bed days each year to make  
17 a [substantial] impact on the reduction goal."

18 A recent settlement in the case of Buffin v. City and County of San Francisco followed a U.S.  
19 District Court Judge's ruling that San Francisco's use of a cash bail schedule is unconstitutional and  
20 that reliance on cash bail creates an unconstitutional inequality between affluent and poor arrestees.  
21 Under the terms of the settlement, the Sheriff's department will perform a public safety assessment on  
22 pre-arraignment detainees within eight hours of a person's identity being confirmed in the jail.

23 The Mayor, District Attorney, Public Defender, Sheriff, and City Administrator have all agreed  
24 that the Hall of Justice must be closed, and the City has set a deadline of July 2021 for the exit of all  
25 administrative functions housed at the facility.



1 In October 2019, Mayor London Breed noted the urgent need to close County Jail 4, and that  
2 same week Supervisors Haney, Yee, Ronen, Fewer and Walton held a hearing on the closure of the jail.

3 In 2018, San Francisco was awarded \$2 million from the MacArthur Foundation's Safety and  
4 Justice Challenge to engage local justice agencies in joint planning and the implementation of strategies  
5 that address the main drivers of the local jail population, including unfair and ineffective practices that  
6 take a particularly heavy toll on people of color, low-income communities, and people with mental  
7 health and substance abuse issues. According to the MacArthur Foundation's Safety and Justice  
8 Challenge, "to continue safely reducing the jail population, the San Francisco Safety and Justice  
9 Challenge Working Group plans to implement five key strategies aimed at addressing system  
10 inefficiencies and disparities, meeting the needs of those with behavioral health and substance abuse  
11 issues, and non-jail options for lower-risk offenders while prioritizing public safety and victim  
12 protection. These strategies include pre-arrest and pretrial diversion strategies, criminal sentencing  
13 and correctional strategies that emphasize rehabilitation and reduce recidivism, improvements to case  
14 processing efficiency, enhanced services for people with mental illness or substance abuse issues  
15 involved with the justice system, and rooting out disparity and racial bias."

16 For several months, the San Francisco jail population has consistently declined, reaching a low  
17 of 1,093 on March 16, 2020. With the closure of County Jail 4, the two remaining jails in the system  
18 (County Jails 2 and 5) have a combined capacity of 1,160, not including C-Pod medical and behavioral  
19 health units, incarcerated people held at San Francisco Zuckerberg General Hospital, or those held in  
20 booking at County Jail 1. At 90% capacity, County Jails 2 and 5 would accommodate a maximum  
21 capacity of 1,044; 85% capacity, preferred by the Sheriff's Department, would allow for a maximum  
22 capacity of 986 for both jails combined.

23 San Francisco, like the nation and the world, is facing a public health crisis caused by the  
24 COVID-19 pandemic, which presents serious risks for facilities with communal living, such as the jail  
25 system. These public health risks could impact incarcerated people, their communities if they are

1 released without knowledge of possible infection, and City employees like deputy sheriffs and jail  
2 health workers. The Public Defender, District Attorney and Sheriff have all publicly announced the  
3 steps that they are taking to address the COVID-19 public health risks, including expediting the release  
4 of incarcerated people who were scheduled to be released within the next 60 days, as well as those with  
5 compromised immune systems. These measures align not only with public health priorities like social  
6 distancing but are consistent with public safety as a whole. On March 16, 2020, the jail population was  
7 1,093. On that same day, the Mayor issued a Shelter-in-Place order in response to COVID-19. The  
8 combined efforts of the District Attorney, Public Defender, and the Sheriff, together with declining  
9 arrests and booking rates, continue to reduce the jail population. On March 20, 2020, the jail  
10 population was 965.

11 The criminal justice agencies currently engaged in the Safety and Justice Challenge Working  
12 Group are committed to the important work of addressing over-incarceration and the need for more  
13 diversion programs. The purpose of this ordinance is to create a subcommittee of the Sentencing  
14 Commission to continue the work of the Safety and Justice Challenge Working Group.

15  
16 **SEC. XXX.3. CLOSURE OF COUNTY JAIL 4.**

17  
18 By no later than November 1, 2020, please see the attached letter the date but as soon as  
19 possible, the City shall close County Jail 4. Prior to the closure of County Jail 4 under this Section  
20 XXX.3, the Department of Human Resources ("DHR") shall provide notice to unions representing  
21 affected employees and, by October 1, 2020, conduct and conclude any necessary meet and confer  
22 under state and local law Notwithstanding the deadline imposed by this Section XXX.3, the City may  
23 close County Jail 4 only after DHR submits a written certification to the Clerk of the Board of  
24 Supervisors and the Mayor that the City has satisfied applicable meet-and-confer obligations.  
25 Additionally, notwithstanding the deadline imposed by this Section XXX.3, the City may not close

1 County Jail 4 until the Board receives the final report from the Sentencing Commission Safety and  
2 Justice Challenge Subcommittee (required by Administrative Code Section 5.25-4), or until the jail  
3 population has remained below 1044 for 60 consecutive days and the Sheriff and the Safety and Justice  
4 Challenge subcommittee both notify the Board that the City may safely close County Jail 4, whichever  
5 is sooner. The ADP of 1044 is also addressed in the cover letter.

6  
7 Section 3. Chapter 5 of the Administrative Code is hereby amended by revising Article  
8 XXV, consisting of Sections 5.25-1 through 5.25-4, and adding Section 5.25-5, to read as  
9 follows:

10  
11 **SEC. 5.25-1. ESTABLISHMENT AND PURPOSE: SAN FRANCISCO SENTENCING**  
12 **COMMISSION.**

13 (a) The City hereby establishes the San Francisco Sentencing Commission  
14 ("Commission").

15 (b) The purpose of the Commission is to encourage the development of criminal  
16 sentencing strategies that reduce recidivism, prioritize public safety and victim protection,  
17 emphasize fairness, employ evidence-based best practices, and efficiently utilize San  
18 Francisco's criminal justice resources.

19  
20 **SEC. 5.25-2. MEMBERSHIP AND ORGANIZATION.**

21  
22 (a) Members. The Commission shall consist of 12 members, or 13 members if the  
23 Superior Court agrees to provide one member. The head or chair of each of the following  
24 agencies and bodies shall serve on or will assign one staff member to serve on the  
25 Commission as a voting member: District Attorney; Public Defender; Adult Probation; Juvenile

1 Probation; Sheriff, Police; the Department of Public Health; and the Reentry Council. If the  
2 Superior Court, agrees to participate on the Commission, its head, chair, or assigned staff  
3 member may elect to participate as a voting member or non-voting member. In addition, the  
4 following additional voting public members will be appointed: a member of a nonprofit  
5 organization that works with victims, chosen by the Family Violence Council (Article XIX of this  
6 Chapter 5); a member of a nonprofit organization that works with ex-offenders, chosen by the  
7 Reentry Council (Article I of this Chapter 5); a sentencing expert chosen by the Board of  
8 Supervisors; and an academic researcher with expertise in data analysis appointed by the  
9 Mayor.

10 (b) Quorum. Ten voting members of the Commission shall constitute a quorum, and  
11 the Commission shall have the authority to act on the vote of a majority of the quorum.

12 (c) Officers. The District Attorney or the staff member of the District Attorney serving  
13 on the Commission shall chair the Commission.

14 (d) Staff Support. The District Attorney's Office shall provide staff support and  
15 administrative assistance to the Commission.

16 (e) Meeting Frequency. The Commission shall meet at least three times a year.

17 (f) The members of the Commission chosen by the Family Violence Council, the  
18 Reentry Council, the Board of Supervisors, and the Mayor (collectively the "public members"  
19 of the Commission) shall serve at the pleasure of the appointing authority and can be  
20 removed at any time, with or without cause.

21 (g) Any public member who fails to attend at least half of the meetings in any fiscal  
22 year, without the express approval of the Commission at or before each missed meeting, shall  
23 be deemed to have resigned from the Commission 10 days after the next regular meeting  
24 following the last unapproved absence, and the Commission shall inform the appointing  
25 authority of the resignation.

1  
2       **SEC. 5.25-3. POWERS AND DUTIES.**  
3

4       The Commission shall have the following powers and duties:

5       (a) Review and assess sentencing approaches locally and compare to other  
6 jurisdictions.

7       (b) Review and assess the City's capacity and utilization of services and alternatives to  
8 incarceration throughout the criminal justice continuum, including pre-adjudication, and post-  
9 release.

10       (c) Review and assess the Justice Reinvestment Initiative recommendations to invest  
11 in best practices to reduce recidivism.

12       (d) Develop a recommended system of uniform definitions of recidivism for City  
13 departments to track and report on the outcomes of various criminal sentences and City  
14 programs meant to aid in reducing recidivism.

15       (e) Develop data collection standards and recidivism reporting standards.

16       (f) Develop and recommend department-specific goals to reduce recidivism for the City  
17 departments represented on the Sentencing Commission, and other relevant City  
18 departments.

19       (g) Make recommendations regarding changes that should be made to the Penal Code  
20 and any other state laws to remove barriers to effective implementation of best practices in  
21 criminal justice.

22       (h) Facilitate trainings on best practices in sentencing for various criminal justice  
23 agencies.  
24  
25

1 (i) Share information and work in collaboration with the Reentry Council, established  
2 pursuant to Administrative Code Sections 5.1-1et seq., and the Community Corrections  
3 Partnership, as established by the California Penal Code.

4 (j) In December 2012, and on an annual basis thereafter, submit a report to the Mayor  
5 and the Board of Supervisors summarizing the findings of the Commission and making  
6 recommendations on the aforementioned categories.

7 Provided, however, that nothing in this Article XXV shall infringe on any agency's  
8 legally mandated responsibilities in the criminal justice system, and, as such,  
9 recommendations are not statutorily binding on any City department.

10  
11 **SEC. 5.25-4. SAFETY AND JUSTICE CHALLENGE SUBCOMMITTEE**

12  
13 *(a) The Commission shall establish the Safety and Justice Challenge subcommittee*  
14 *("Subcommittee"). So is the intent to create a subcommittee for the Safety and Justice Challenge*  
15 *committee, which is already in existence? What would this subcommittee do differently?*

16 *(b) The following Commission members or their designee shall serve on the Subcommittee:*  
17 *District Attorney, Sheriff, Public Defender, Adult Probation, the Department of Public Health, Reentry*  
18 *Council, a member of a nonprofit organization that works with victims, chosen by the Family Violence*  
19 *Council (Article XIX of this Chapter 5), a member of a nonprofit organization that works with ex-*  
20 *offenders, chosen by the Reentry Council (Article I of this Chapter 5), and the Superior Court if it elects*  
21 *to participate on the Commission and the Subcommittee. The Subcommittee shall invite a*  
22 *representative from the contractor or agency responsible for provision of pretrial diversion services to*  
23 *attend and present at Subcommittee meetings.*

24 *(c) In order to facilitate the closure of County Jail 4 as soon as possible, as set forth in*  
25 *Administrative Code Section XXX.3, by October 1, 2020, the Subcommittee shall develop measures and*

1 strategies to accomplish the goal of reducing and sustaining an average daily jail population of no  
2 more than 1,044 incarcerated people combined in County Jails 2 and 5. Those measures and strategies  
3 shall address system inefficiencies and disparities, meet the needs of those with behavioral health and  
4 substance abuse issues, and include non-jail options for lower risk offenders that prioritize public  
5 safety.

6 (d) In carrying out its duties, the Subcommittee shall consult with the Capital Planning  
7 Committee, the Department of Real Estate, and the Police Department. The Subcommittee also shall  
8 invite a representative of each of these entities to all Subcommittee meetings.

9 (e) In carrying out its duties, the Subcommittee shall consider and develop the following  
10 measures and strategies:

11 (1) The establishment of a "second look" program, including reviews at the fourteen,  
12 thirty, and sixty-day marks, by the contractor or agency responsible for the provision of pretrial  
13 diversion services, to expand the number of incarcerated persons eligible for pretrial  
14 release. Duplicative. Pretrial already performs a second look as directed by the courts;

15 (2) Non-custodial supervision and support for those released, including referrals to  
16 community and collaborative courts and diversion programs, excluding money bail. Duplicative. SFSO  
17 and Pretrial SF already perform these functions. Additionally, the SFSO engaged with the federal court  
18 in a mediated settlement which enjoined the sheriff from the use of the schedule bail.

19 (3) Evaluation of use of electronic monitoring. Evaluation of use of electronic  
20 monitoring.

21 (4) Expansion of eligibility and capacity for programming, including milestone credits  
22 and work alternative programs. Programming is determined by the sheriff, taking into account, jail  
23 safety and security, classification, efficacy of program and many other factors. Milestone credits and  
24 work alternative credits are determined by the sheriff and codified in CA law.

Commented [JK(1)]: This language is okay with the SFSO.

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(4) Reduction of redundancies among agencies with regards to holds and reports for short term stays; Evaluation of redundancies among agencies with regards to holds and reports for short term stay.

(5) Elimination of duplicate bookings for the same person during the same jail stay. We are unclear regarding the meaning of this statement. The booking process is mandated by law.

(6) Participation and cooperation with the Superior Court's plans to address lengthy court case processing and unnecessary continuances.

(7) Expedited and streamlined sentencing and sentencing-recommendation processes, utilizing reports not legally required only upon a specific, articulated need.

(8) Maximization of data-sharing among all justice partners to facilitate a cohesive assessment of the jail population, using the Justice Tracking Information System ("J.U.S.T.I.S.");

(7) Discontinuation of "safe-keeping" arrangements for federal arrestees. The sheriff needs to maintain his discretion and authority to allow for the safekeep of federal arrestees.

(8) Expedited processes for providing and sharing police reports and rebooking packets. This process is mandated by legal requirements, but for those agencies eligible to receive such reports, this process has been expedited under Buffin.

(9) Evaluation of the current classification system to provide transparency around jail classification decisions and the impact of those decisions on jail capacity to the extent permitted by law. This language is unclear, the classification system is a validated process which is within the authority of the sheriff, with the purpose maintaining the safety of staff, inmates and visitors.

(10) Expedited and streamlined booking in County Jail. The booking process is within the authority of the sheriff.

(11) Release processes that maximize release from jail before noon to allow access to same-day essential services, and transport to court-ordered placements with verified bed space. Release



1 processes and procedures are carried out in an expedient manner pursuant to public safety and  
2 operational needs and legal requirements.

3 \_\_\_\_\_ (12) Examination of probation holds, search and seizure conditions, electronic  
4 monitoring violations and other practices that may result in unnecessary detention and criminal  
5 records; This item is broad and unclear, and we are unable to identify a nexus between this language  
6 and the closure of CJ#4.

7 \_\_\_\_\_ (13) Evaluation of the correlation between recidivism and behavioral health issues and  
8 policies shown to reduce recidivism amongst persons with behavioral health issues; What is the  
9 definition of recidivism for this language?

10 \_\_\_\_\_ (14) Evaluation and recommendations to ensure that resources are in place for  
11 incarcerated people upon release that ensure stability and support and prevent recidivism, including:  
12 bridge housing with case management; models like Hummingbird Place with treatment beds and wrap-  
13 around supports, substance use treatment and mental health supports; and employment services.

14 \_\_\_\_\_ (15) Evaluation and development of targeted mental health diversion and coordination  
15 between all agencies to facilitate quick entry into behavioral health programs that ensure that persons  
16 otherwise eligible for release from jail are not held longer than necessary while waiting for treatments  
17 beds;

18 \_\_\_\_\_ (16) Elimination of out-of-county custodial placements; and Search for alternatives to  
19 out of county jail placements, when there are an insufficient number of beds available in the SF county  
20 jail facilities. <sup>1</sup>

21 \_\_\_\_\_ (17) Consideration of the 2005 Board of Supervisors Resolution No. 545-05 endorsing  
22 the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership.

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24 <sup>1</sup> The sheriff must maintain the authority to house individual inmates in another county jail  
25 facility when the safety or protection of either the inmate or staff dictate such placement.

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(g) In carrying out its duties, the Subcommittee shall not consider or develop measures or strategies that add new jail beds beyond the current rated capacity of County Jails 2 and 5 through construction, renovation, or reopening of another facility to replace County Jail 4) In carrying out its duties, the Subcommittee shall strive to develop measure or strategies that do not add new jail beds beyond the current rated and unrated capacities at CJ#2 and CJ#5. However, if jail capacity exceeds 1044 ADP, the subcommittee shall assist the Sheriff in obtaining funding for renovation of an existing facility or assist the sheriff to seek funding for the construction of a new facility.

(h) Subject to the fiscal, budgetary, and civil service provisions of the Charter, and to the extent consistent with open government laws, the Subcommittee shall investigate criminal justice best practices by visiting other jurisdictions and retaining subject matter experts, as needed.

(i) Reports. The Subcommittee shall prepare and submit to the Board of Supervisors two reports that describe the Subcommittee's progress in fulfilling the duties set forth in this Section 5.25-4; a preliminary progress report and a final progress report. The preliminary progress report shall be due June 1, 2020, and the final progress report shall be due October 1, 2020. Each of these reports shall include an assessment on progress made in reducing and sustaining the daily jail population to no more than 1,044, data on the average daily population, the measures and strategies that have been implemented across all justice agencies to accomplish this shared goal, and any outstanding tasks, challenges or needs. Each report shall be accompanied by a proposed resolution accepting the report, and the Board may act by resolution to accept, reject, or modify the report. The Subcommittee also shall submit each report 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 the City Administrator shall post the reports on the City Administrator's website.

~~(j) In carrying out its duties, the Subcommittee shall receive prompt and full cooperation and assistance from all City departments, offices, officers, and employees. ) In carrying out its duties, the~~

Commented [JK(2)]: This section was deleted in error, I reinserted the exact language.

1 Subcommittee shall receive prompt and full cooperation and assistance from all City departments,  
2 offices, officers, and employees.

3 All components of City government shall promptly produce all records and information  
4 requested by the Subcommittee, unless prohibited from doing so by state or federal law.

5 (k) This Subsection 5.25-4 shall expire by operation of law, and the Subcommittee shall  
6 terminate, when the Sheriff certifies in writing that County Jail 4 is closed. In that event, after the  
7 sunset date, the City Attorney shall cause this Subsection 5.25-4 to be removed from the Administrative  
8 Code.

9 (l) Nothing in this Subsection 5.25-4 shall be interpreted to interfere with the duties of the  
10 District Attorney, Sheriff, or Adult Probation Chief, under State law.

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12 **SEC. 5.25-45. SUNSET CLAUSE.**

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14 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides  
15 that advisory bodies created by the Board should sunset within three years, this Article XXV  
16 shall expire on June 30, 2023 unless the Board of Supervisors adopts an ordinance  
17 continuing its existence. In the event this Article expires, the City Attorney shall cause it to be  
18 removed from the Administrative Code. The Commission shall submit a report to the Board of  
19 Supervisors by January 1, 2023 recommending whether the Commission should continue to  
20 operate, and if so, whether the Board of Supervisors should consider legislative changes that  
21 would enhance the capacity of the Commission to achieve the goals underlying this Article.  
22 The Commission's recommendations shall include drafts of ordinances that would implement  
23 its recommendations.  
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1           Section \_\_\_\_\_. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6           Section \_\_\_\_\_. Scope of Ordinance. In enacting this ordinance, the Board of  
7 Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections,  
8 articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the  
9 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board  
10 amendment additions, and Board amendment deletions in accordance with the "Note" that  
11 appears under the official title of the ordinance.

12  
13           Section \_\_\_\_\_. Undertaking For The General Welfare. In enacting and implementing this  
14 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
15 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
16 is liable in money damages to any person who claims that such breach proximately caused  
17 injury.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_  
22       JON GIVNER  
23       Deputy City Attorney

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