



# OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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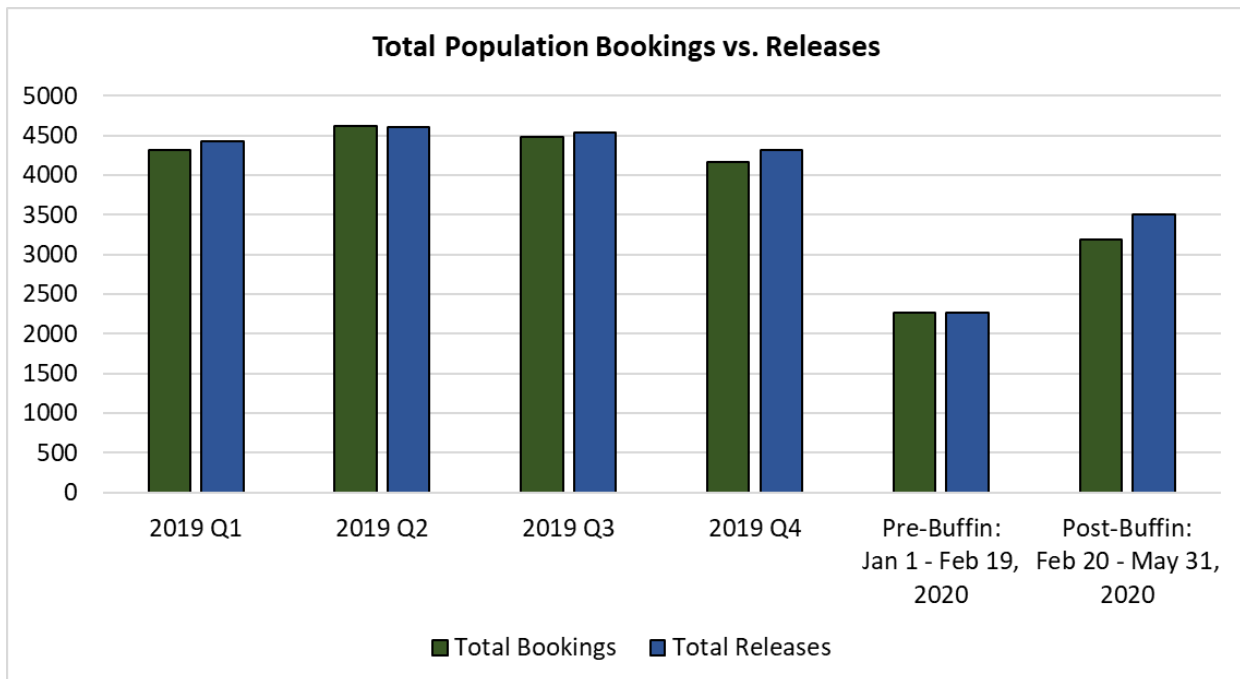
**PAUL MIYAMOTO**  
SHERIFF

## San Francisco Sheriff's Office Implementation of Pre-Arrestment Release Timelines per the *Buffin* Injunction

This report summarizes data produced to Plaintiffs' counsel in accordance with Section VII of the Injunction. The Sheriff notes that the data summarized in this report reflects the impact of the COVID-19 pandemic, including a drop in the number of bookings following the Health Officer's Shelter-in-Place Order on March 16, 2020. The data also reflects a reduction in the number of cases presented for judicial review (and increase in the number of releases) following the Judicial Council's establishment of the Emergency Bail Schedule (Zero Bail) on April 13, 2020.

### Section 1 Historical Data

#### A. Bookings and Releases

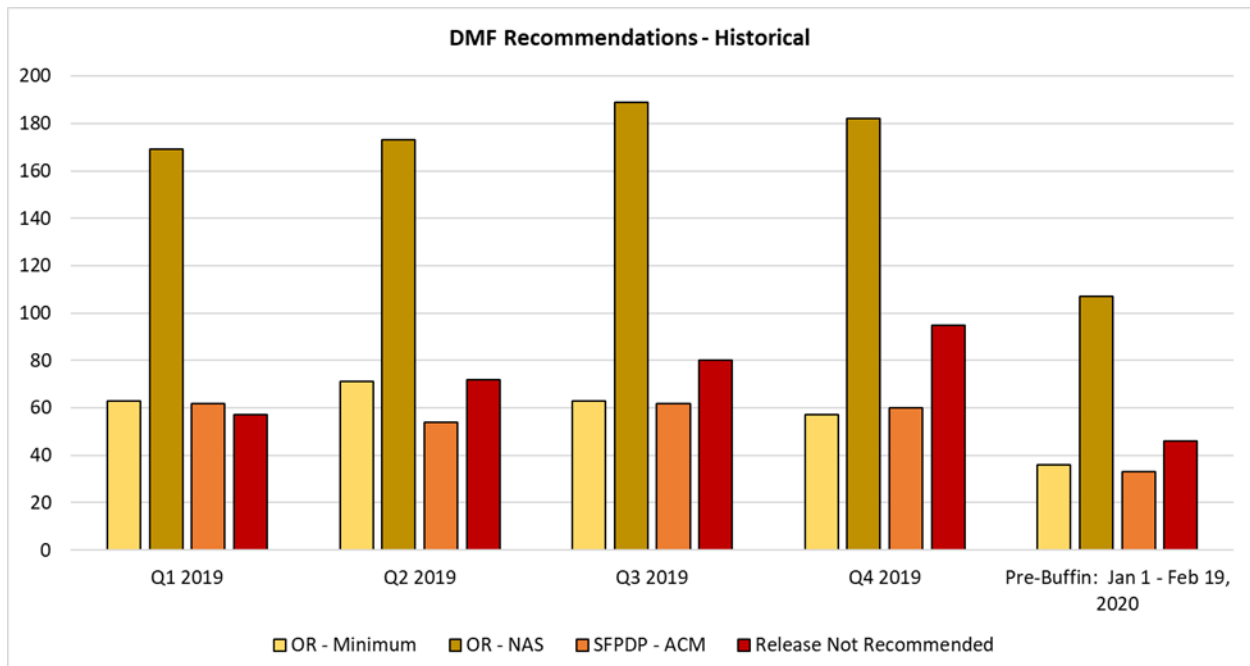


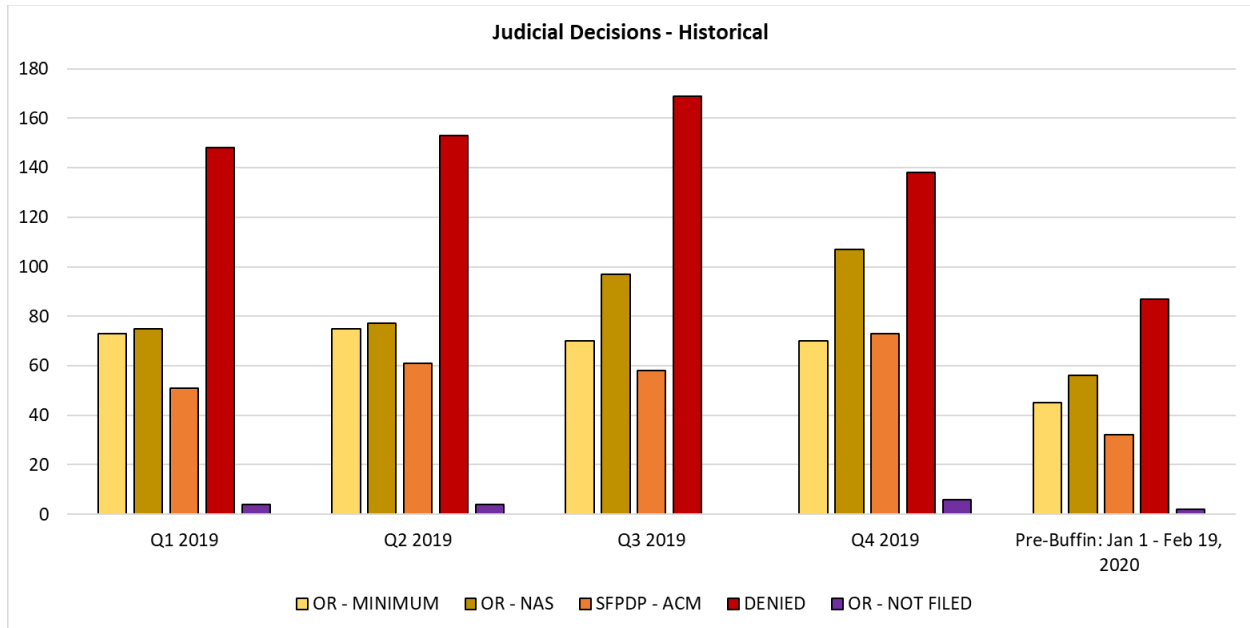
The information presented below on average length of stay is calculated for *all* persons released during the time period, regardless of their original booking date. During the COVID-19 crisis, the criminal justice stakeholders worked together to reduce the jail population to allow for social distancing. These efforts included the early release of sentenced persons and the focused resolution of cases that had been in the pretrial phase for multiple years. The increase in average length of stay is a reflection of those additional releases (otherwise those people would not likely have been released during that period).

Quarter	Total Bookings	Total Releases	Average Length of Stay in Days All Releases
2019 Q1	4311	4428	29
2019 Q2	4615	4608	28
2019 Q3	4486	4537	24
2019 Q4	4171	4322	26
Pre-Buffin: Jan 1 – Feb 19, 2020	2268	2269	30

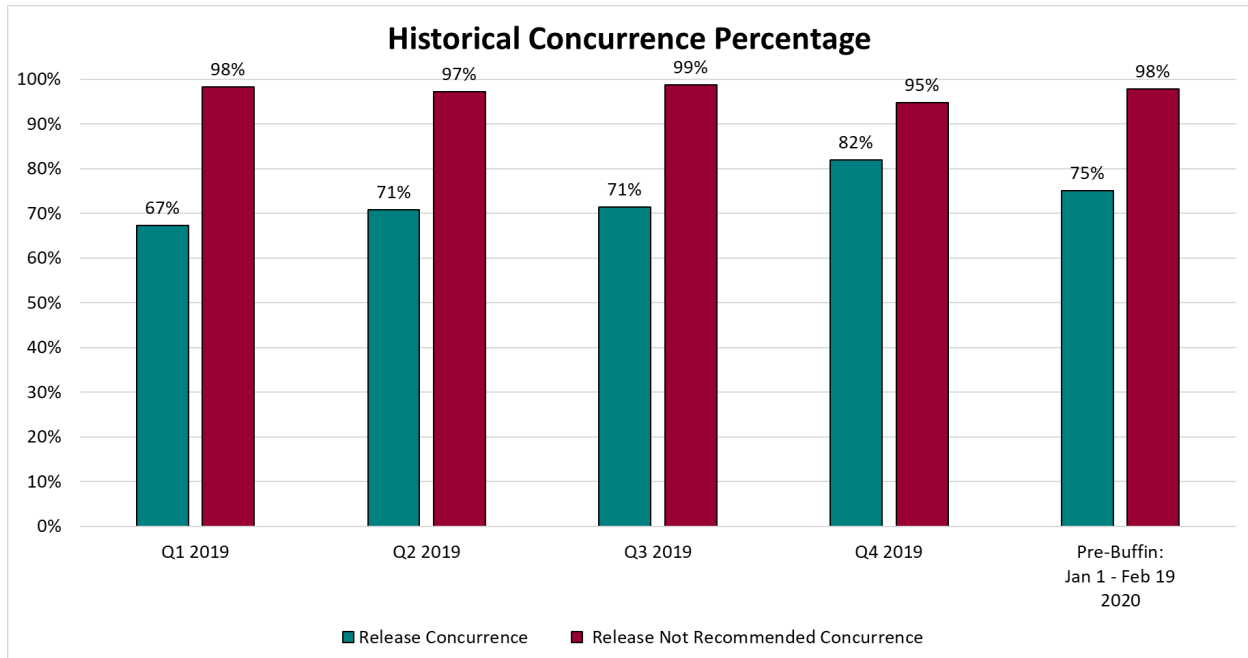
### B. Pre-Arrest Review

The Public Safety Assessment (PSA) presented to the Judicial Officer includes a Decision Making Framework (DMF) with a recommendation for supervision: No Active Supervision (NAS); Minimum Supervision (MS); Assertive Case Management (ACM) or Release Not Recommended (RNR).





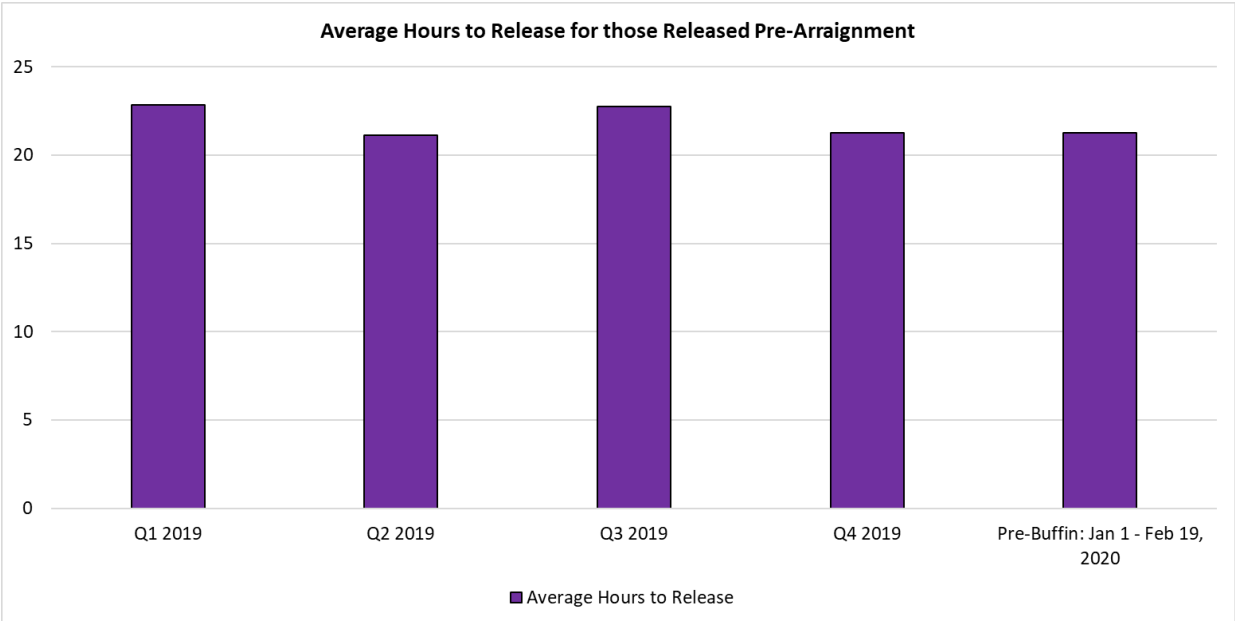
"OR-Not Filed" occurs when a separate criminal justice intervention results in the booked individual's release from custody. Under these circumstances, OR program staff identify someone as pre-arraignment eligible, and process the case for judicial review. Before the individual is reviewed or released by the judge, a separate intervention occurs. Examples include a "No Probable Cause" decision by the duty judge or case dismissal by the District Attorney's rebooking unit, which both effectively amount to a termination of the individual's charges. "OR-Not Filed" might also occur because the individual in question refused to agree to comply with conditions of pretrial release.



Release concurrence describes when the PSA’s DMF recommends any of the three supervision levels and the judicial decision includes any of the release categories. The Release Not Recommended (RNR) concurrence describes the percentage of RNR recommendations that were denied release by the court.

DMF Recommendation	Eligible	OR - Minimum	OR - NAS	SFPDP - ACM	Release Not Recommended
Q1 2019	351	63	169	62	57
Q2 2019	370	71	173	54	72
Q3 2019	394	63	189	62	80
Q4 2019	394	57	182	60	95
Pre-Buffin: Jan 1 - Feb 19 2020	222	36	107	33	46

Judicial Decisions	Eligible	OR - MINIMUM	OR - NAS	SFPDP - ACM	DENIED	OR - NOT FILED
Q1 2019	351	73	75	51	148	4
Q2 2019	370	75	77	61	153	4
Q3 2019	394	70	97	58	169	0
Q4 2019	394	70	107	73	138	6
Pre- <i>Buffin</i> : Jan 1 - Feb 19 2020	222	45	56	32	87	2



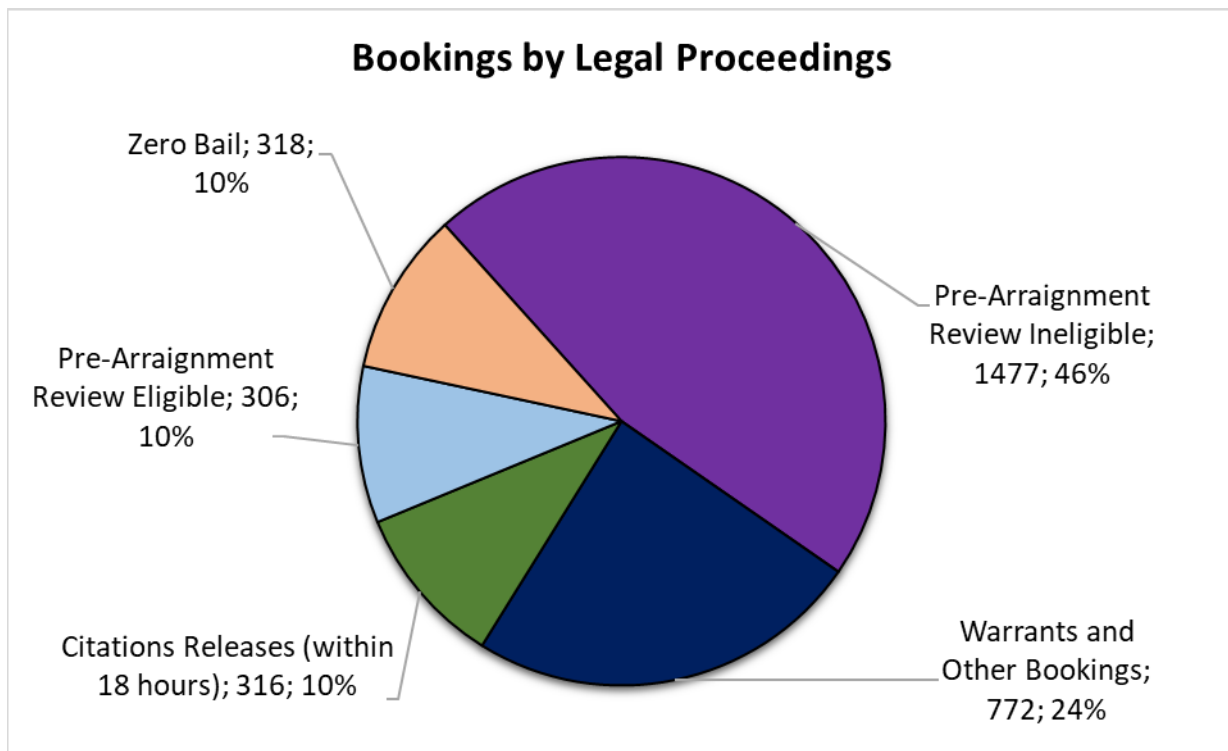
ID confirmation times were not tracked prior to implementation of the *Buffin* procedures. The length of time in custody described above is for the number of hours from booking to release. The Sheriff is unable to determine the average hours to release for those released at arraignment because the Sheriff’s Jail Management System (JMS) does not accurately track arraignment data.

**Section 2 Initial 3 months of Implementation 2/20/20 – 5/31/20**

**A. Bookings and Releases**

	Total Bookings	Total Releases	Average Length of Stay in Days All Releases
2020 Post Buffin Feb 20 to May 31 2020	3189	3505	46

The information presented on average length of stay is calculated for *all* persons released during the time period, regardless of their original booking date.



Of the 3,189 bookings, Pretrial staff prepared PSA and OR-workups for 1,477 bookings for review by the arraignment court. These bookings were for individuals charged with an on view; no warrant arrest; or Ramey or District Attorney (DA) warrant and ineligible for citation, Zero Bail release or pre-arraignment review. Of these bookings, 940 were either discharged, dismissed with a motion to revoke either parole or probation, or reduced to misdemeanors

during the District Attorney’s rebooking process and subsequently released on a citation. An additional five arrested on DA or Ramey warrants posted bail. The remaining 532 were arraigned after an average of 76 hours in custody.<sup>1</sup>

The category labeled as “Warrants and Other Bookings” includes a variety of bookings such as persons arrested for warrants from both local and other jurisdictions; state hospital returns; court remands; and persons held and released when sober.

**B. Number eligible for pre-arraignment review**

Between February 20 thru May 31, 2020, 306 bookings into the county jail were eligible for pre-arraignment review, or approximately 10% of all bookings. Without the introduction of the Emergency Bail Schedule on April 13th, the number eligible would have increased to 624, or approximately 20% of all bookings. Pretrial staff uploaded 291 of the OR workups including the PSA within the eight-hour deadline, a 95% compliance rate. There were fifteen instances when Pretrial staff uploaded the PSA and OR packets after the eight hours. Most of these occurred within the initial two weeks of implementation and were related to issues with the monitoring of the ID Confirmation log. The San Francisco Sheriff’s Office (SFSO) addressed these challenges by instituting a shared electronic ID confirmation log accessible by SFSO and Pretrial staff.

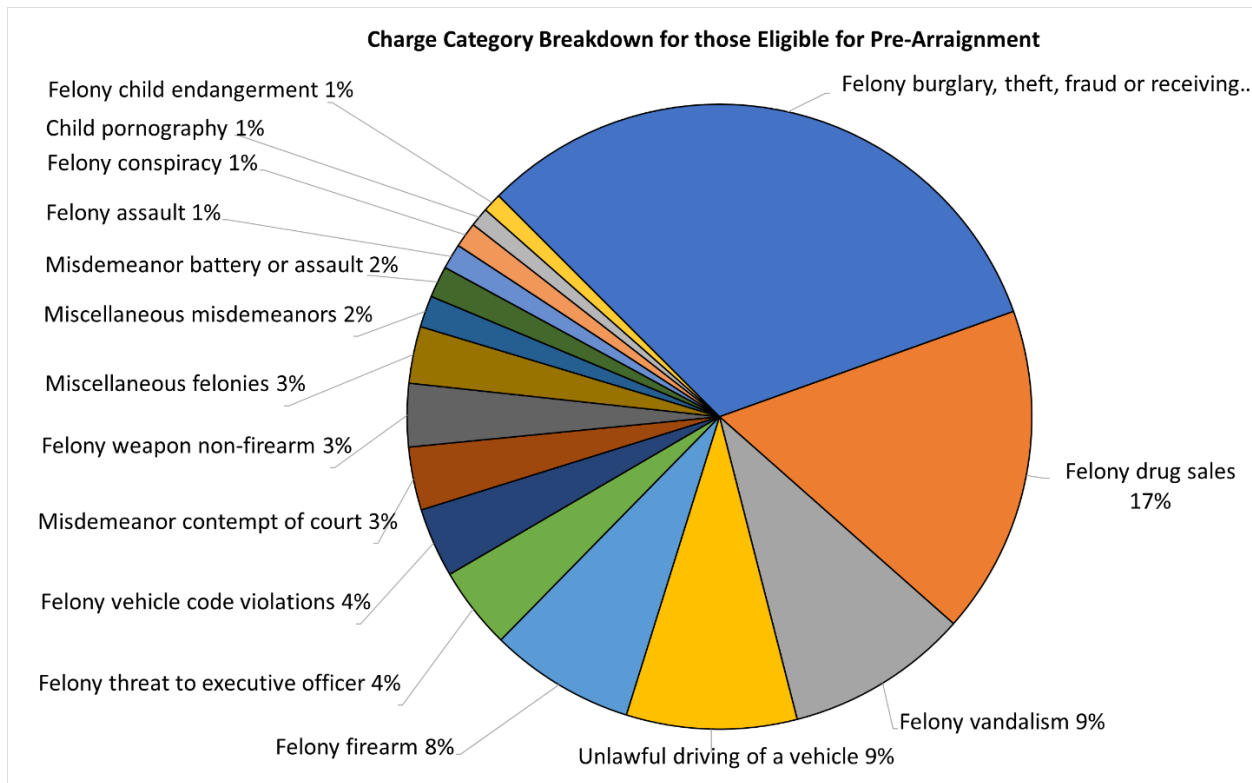
Metrics	
count of workups	306
average time to upload (in hours)	4
late workups	15
average time to upload late workups (in hours)	10

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<sup>1</sup> On March 24, 2020, the Presiding Judge of the San Francisco Superior Court issued an Implementation Order increasing the time within which a defendant must be arraigned from 48 hours to seven days.

### C. Charge Category Breakdown for those Eligible for Pre-Arrestment Review

Charge category breakdown was determined by the most serious offense per booking.



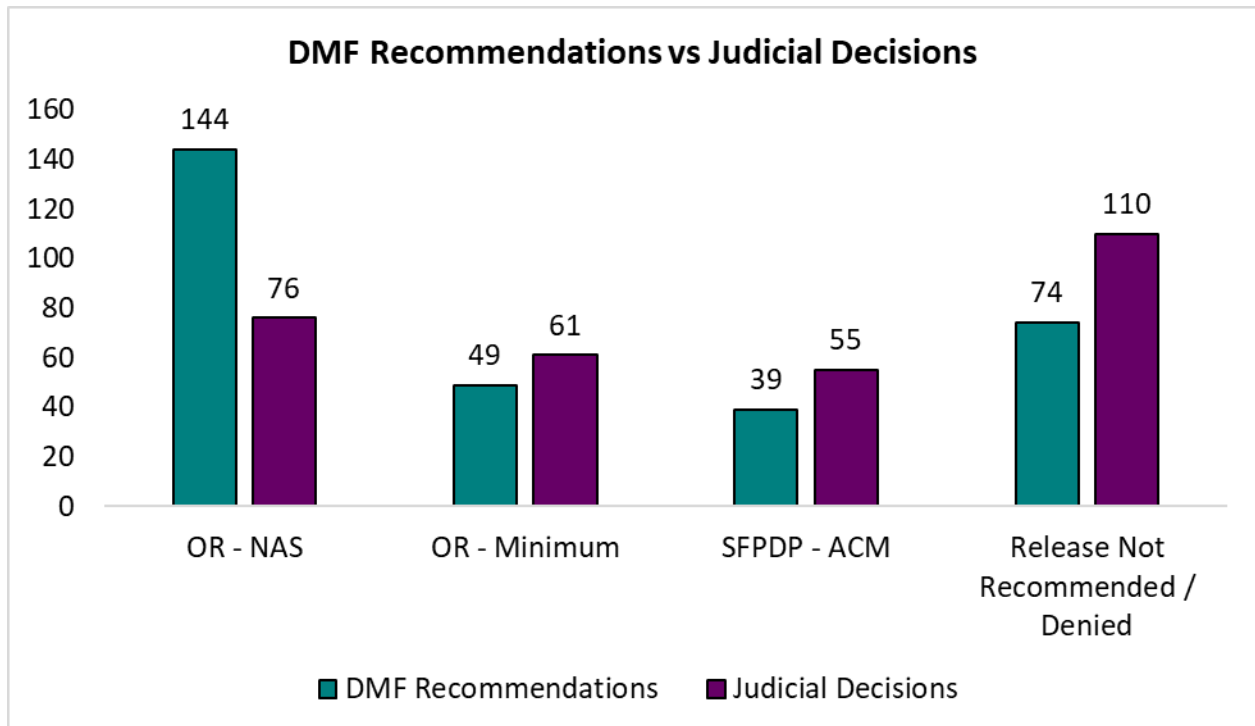
### D. Judicial Review

There were two law enforcement agency requests for an extension received for pre-arrestment eligible arrestees. Both of those matters were heard at hour 27. Not all Pretrial data as it pertains to Law Enforcement Extensions (LEA) was uploaded at the time of the preliminary report. These two extensions applied to the same case with two co-defendants. The remaining 304 cases were all heard within the 18-hour deadline.

Metrics	
count of OR-workups reviewed by duty judge within 18 hours absent a LEA declaration	304
average number of hours between ID confirmation and judicial decision	7



The Public Safety Assessment (PSA) presented to the Judicial Officer includes a Decision Making Framework (DMF) with a recommendation for supervision: No Active Supervision (NAS); Minimum Supervision (MS); Assertive Case Management (ACM) or Release Not Recommended (RNR).



	DMF					Judicial Decisions				
	OR - NAS	OR - Minimum	SFPDP - ACM	Release Not Recommended	Grand Total	OR - NAS	OR - Min	OR - ACM	Denied	Total
Post Buffin	144	49	39	74	306	76	61	55	110	302

There were four cases where the OR paperwork was not filed after judicial decision. Two involved individuals who refused to sign an agreement to obey release conditions, one was released due to a no Probable Cause finding, and one was released through the rebooking process.

	RNR Denied Release	Percent RNR Concurrence	Recommended for Release with Release Decisions	Percent Release Concurrence
Post-Buffin: Feb 20 - May 31 2020	64	86%	182	78%

Release concurrence describes when the PSA’s DMF recommends any of the three supervision levels and the judicial decision includes any of the release categories. The Release Not Recommended (RNR) concurrence describes the percentage of RNR recommendations that were denied release by the court.

**E. Number and Time in hours from ID confirmation to Release**

Metrics	
count of judicial decisions for OR-NAS & MIN	137
average number of hours from ID-confirmation to release	11

SFSO provides a Voluntary Late Release waiver for any person who wishes to defer a nighttime release until the next morning. One OR-MIN client during the reporting period availed himself of this option. This client had tested positive for COVID-19 during the booking process and was offered housing through the Department of Public Health that was not available until the following morning. This client was in custody for 21 hours from ID confirmation to release which had some minimal impact on the average above.

Persons who are released with a supervision level of Assertive Case Management are met at release by Pretrial case management staff. Depending on the time of the judicial review, this could occur the following morning.

Metrics	
count of judicial decision for ACM	55
average number of hours from ID-confirmation to release	29

#### **F. 1270.1 Petitions**

To date, we are aware of four defendants or their family or friends who have filed petitions for defendants not eligible for pre-arraignment review due to Penal Code Section 1270.1(a). Three were denied by the Court and the fourth involved charges that were discharged by the District Attorney prior to the Court's review.

*Reported Completed June 18, 2020*