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

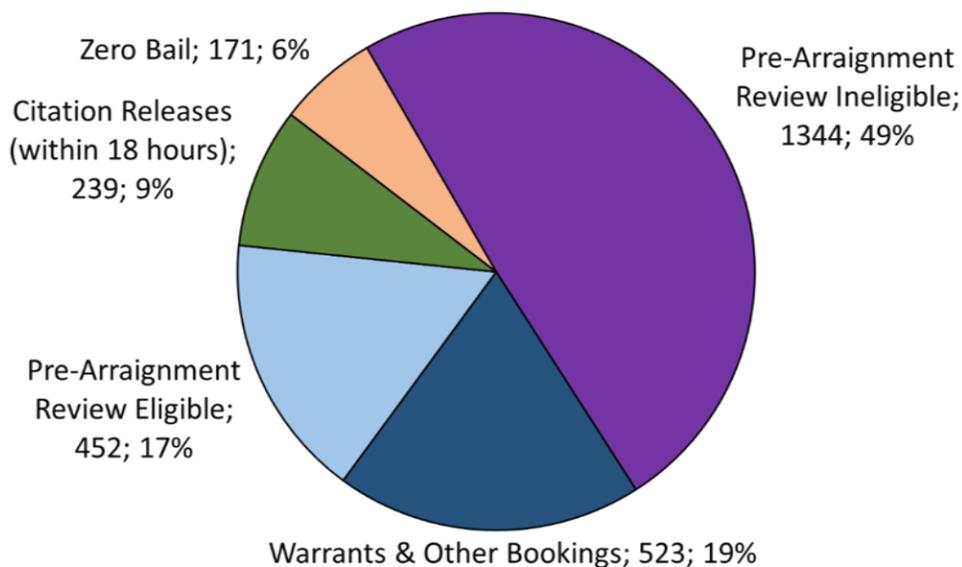
This report summarizes data produced to Plaintiffs’ counsel in accordance with Section VII of the injunction and covers the period from June 1 to August 31, 2020.

**A. Bookings and Releases**

	Total Bookings	Total Releases	Average Length of Stay in Days All Releases
June 1 through August 31, 2020	2729	2768	29

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

## Bookings by Legal Proceedings



Of the 2,729 bookings, Pretrial staff prepared PSA and OR-workups for 1,344 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 (San Francisco ceased Zero Bail releases on June 20, 2020); or pre-arraignment review. Of these 1,344 bookings, 844 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 six arrested on DA warrants posted bail. There was also one subject who arranged with the Court to be released on OR prior to surrendering and was not included in the Pre-Arrestion group, but was released prior to arraignment. The remaining 493 were arraigned after an average of 62 hours in custody.

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-arrestion review

Between June 1 and August 31, 2020, 452 bookings into the county jail were eligible for pre-arrestion review, or approximately 17% of all bookings. In one case the District Attorney

discharged the matter before the case was uploaded. Pretrial staff uploaded 445 of the remaining 451 OR workups within the eight-hour deadline, a 99% compliance rate. There were six instances when Pretrial staff uploaded the PSA and OR packets after the eight hours.

One case involved newer staff on graveyard shift not recognizing eligibility status:

On June 21, a case including PC 273A(A)PC/F was mistakenly deemed serious and violent per 1270.1(a) PC. To address this training issue, the OR Program Director met with each of the staff and distributed additional training materials outlining the steps to determine eligibility including a flow chart.

Three other late uploads were due to miscommunication between staff:

Two of these cases occurred on July 24 during the graveyard shift when a supervisor instructed a staff person to upload the documents as soon as the incident reports were received, and then failed to verify that the staff person had followed through. The third case happened on August 21, when staff realized while reviewing the judicial decisions that one of the cases had not been uploaded.

Another late upload incident occurred on August 16, when Pretrial's equipment malfunctioned. Pretrial staff walked to another location, but the case was uploaded one minute late. Pretrial staff have been instructed on how to utilize other available technology, if such a situation arises again.

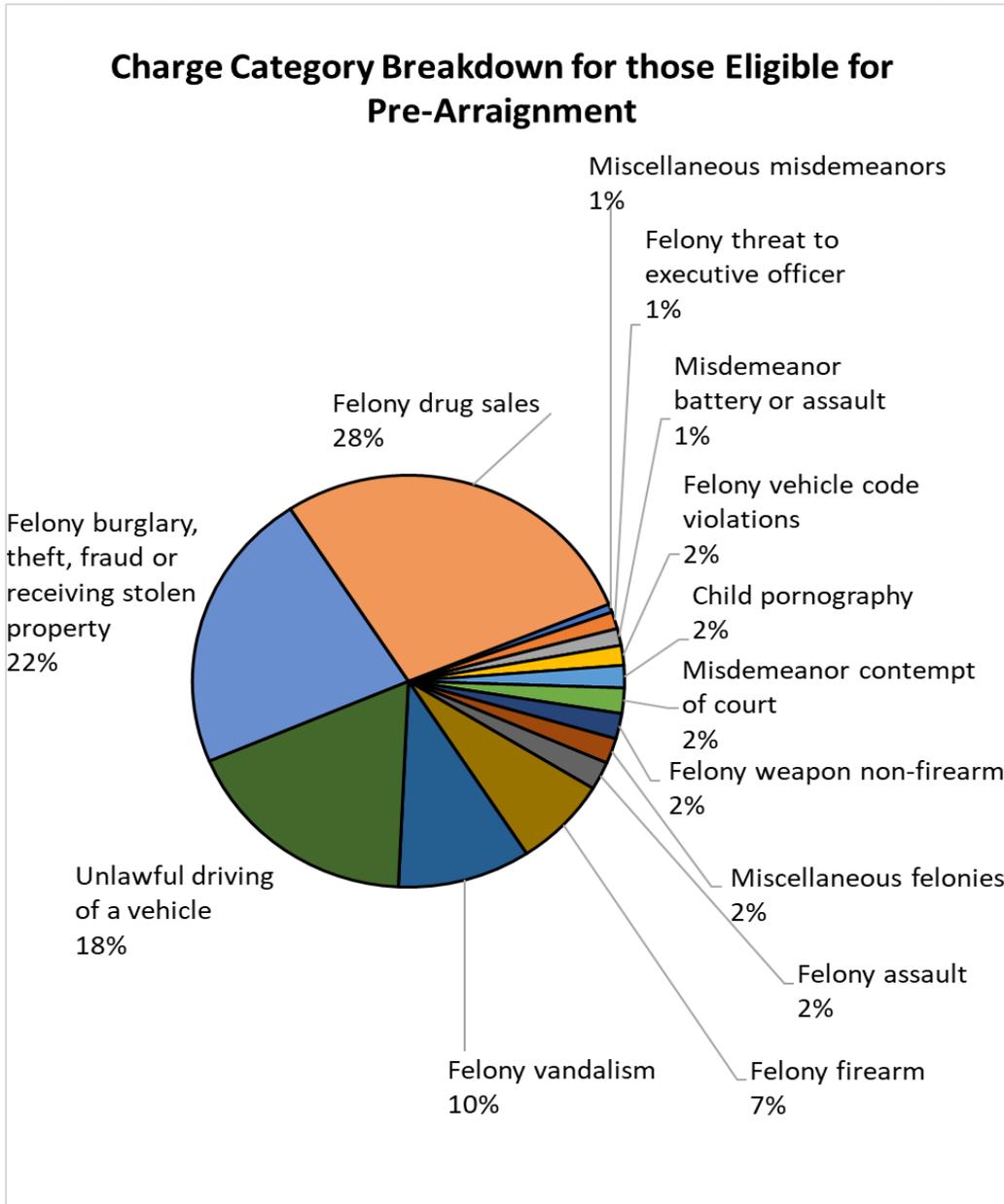
The final late upload incident occurred on August 23, when staff entering the identification confirmation time, transposed numerals in the time, entering 21:04 as 21:40.

In addition to the training materials mentioned above, Pretrial staff temporarily reassigned the staff involved in the incidents above to other shifts where they could receive more direct supervision and training. Also, Pretrial has instituted a practice of assigning one staff person per shift to be responsible for monitoring the dashboard of pending cases and their requisite deadlines. In addition, the shift supervisor is required to audit the fingerprint log ensuring all data entry has been entered accurately.

Metrics	
count of workups	451
average time to upload (in hours)	4
late workups	6
average time to upload late workups (in hours)	10

### 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 was one law enforcement agency request for an extension received for a pre-arraignment eligible arrestee; however, the Judge still rendered a decision within the 18 hours.

There were three cases where the judicial decision was not rendered within the 18-hour deadline. The initial two cases occurred on July 17 and 24. Both cases experienced delays because the outgoing duty judge had opened the docusign envelope, but not rendered a decision, preventing access to the incoming judge. Pretrial staff addressed the issue by reuploading the documents, but not in time to meet the 18 hour deadline. The recommendation for the July 17 case was Release Not Recommended. The July 24 case had an OR Minimum recommendation, but the Judge's decision was rendered only twenty minutes past the deadline.

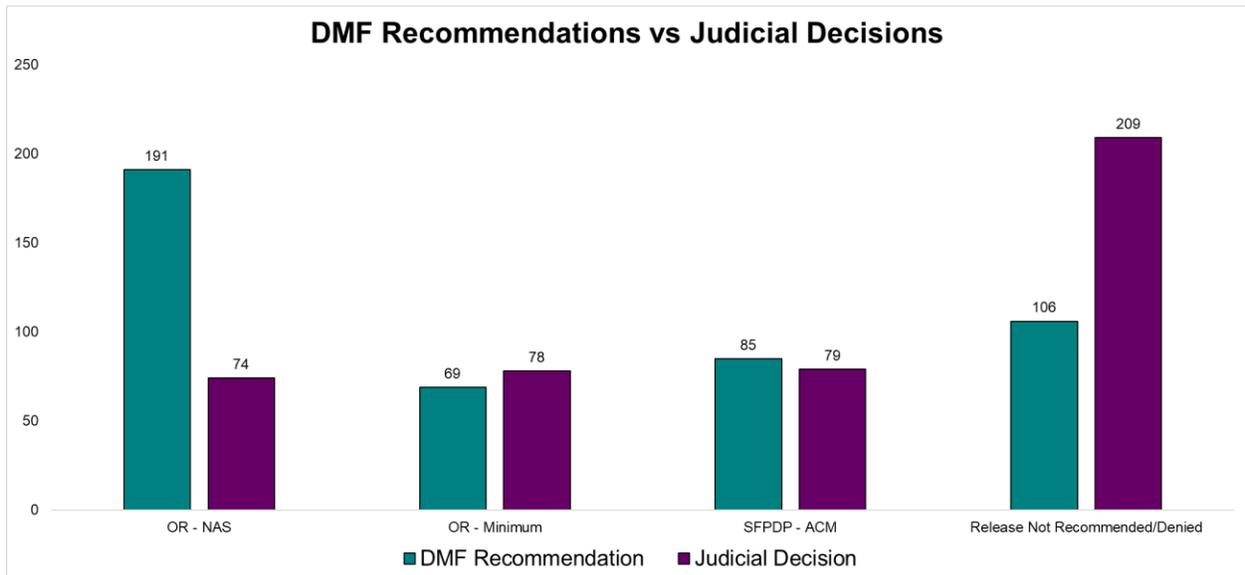
The third case occurred on August 15 and involved a related technical issue and miscommunication. The evening before the judicial deadline, Pretrial staff spoke with the Judge who wanted more information from the arresting officers in the Special Victims Unit (SVU) before making a decision. The staff person stated that she would continue to make calls to the SVU and reminded the Judge of the deadline for the following morning. The incoming shift supervisor for Pretrial was aware that any supplemental information received on the case needed to be uploaded, but believed that the Judge had already denied the pre-arraignment release, because the Judge had "declined" the release in docusign making it inaccessible. The following morning, after the deadline, Pretrial staff realized that a decision had not actually been rendered and reuploaded the OR packet and PSA and contacted the Judge, who again asked for additional information. Because a decision had not been made, Pretrial contacted SFSO Records Unit and informed SFSO staff that they were required to follow the PSA recommendation of OR NAS. However Pretrial staff failed to upload the "No Decision Rendered" form into docusign, which provides the Records Unit with the necessary paperwork to process a lawful release. As Pretrial staff were communicating with Records to resolve the issue, the Judge made a finding of No Probable Cause and the subject was released.

To address the issues that these three incidents highlighted, the following steps were taken:

- 1.) Pretrial requested that the Court's IT disable the "Decline" option, but it is needed for other functions, so the staff authored a memo to all of the judges reviewing docusign procedures and requesting the "Decline" option not be utilized for this purpose.
- 2.) The Presiding Judge also issued a memo to all of the judges reiterating this information.
- 3.) The Chief Operations Officer of the Superior Court updated the Buffin protocols in the Duty Judge Manual.
- 4.) Pretrial reviewed the use of the "No Decision Rendered" form with all of their staff.
- 5.) Pretrial has instituted a practice of assigning one staff person per shift to be responsible for monitoring the dashboard of pending cases and their requisite deadlines.
- 6.) The SFSO captain responsible for County Jail 1 and the Records Unit issued a memo to all staff reviewing the protocols for when a judicial decision is not rendered.

Metrics	
count of OR-workups reviewed by duty judge within 18 hours	440
average number of hours between ID confirmation and judicial decision	7
count of OR-workups with decisions rendered after 18 hours (see above)	2
count of OR-workups with no decision by duty judge (see above)	1

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
June 1 – August 31	191	69	85	106	451	74	78	79	209	440

"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.

There were eleven cases where the OR paperwork was not filed:

- In four cases a Judge found No Probable Cause before a decision on OR was rendered.
- Four cases were not filed after the judicial decision due to holds or warrants.
- In two cases, the Records Unit saw in the Court Management System that the District Attorney had discharged the cases through the rebooking process and processed the discharges.
- One case involved an individual who refused to sign an agreement to obey release conditions.

	DMF Recommendation of RNR forwarded for Judicial Review	Number and Percent RNR Concurrence	DMF Recommendation of Release forwarded for Judicial Review	Number and Percent Release Concurrence
June 1 – August 31, 2020	106	98; 92%	334	223, 67%

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	152
average number of hours from ID-confirmation to release	11

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	79
average number of hours from ID-confirmation to release	16

**F. 1270.1 Petitions**

During this reporting period, Pretrial staff are aware of three defendants who filed petitions for defendants not eligible for pre-arraignment review due to Penal Code Section 1270.1(a). Two were denied by the Court and the third involved charges that were discharged by the District Attorney prior to the Court's review. The Sheriff does not have records of petitions that were filed directly with the Court.