



**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**

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

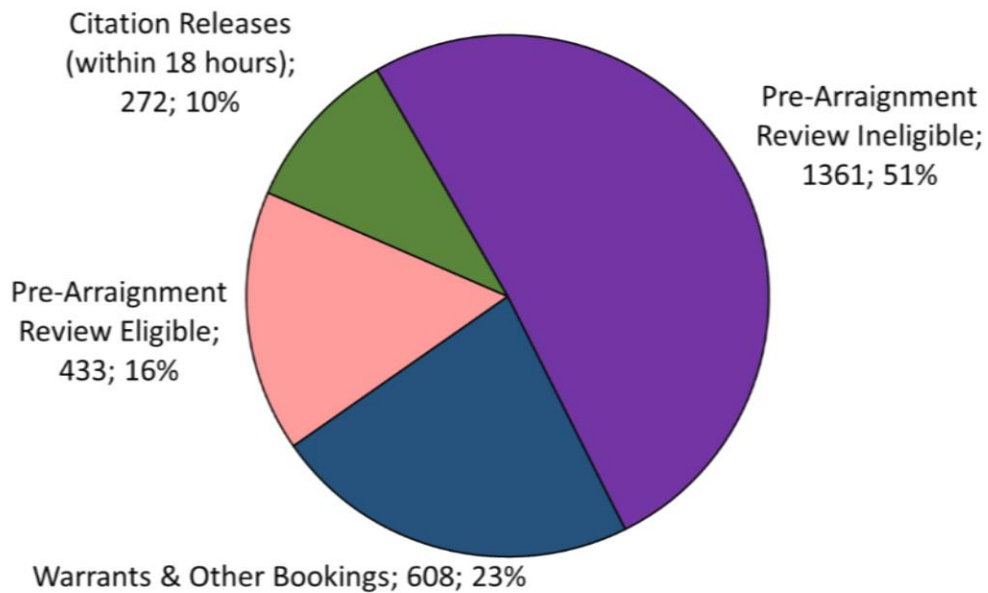
This report summarizes data produced to Plaintiffs’ counsel in accordance with Section VII of the Injunction and covers the period from September 1 to November 30, 2020.

A. Bookings and Releases

	Total Bookings	Total Releases	Average Length of Stay in Days All Releases
September 1 through November 3, 2020	2674	2684	22

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 2,674 bookings, Pretrial staff prepared PSA and OR-workups for 1361 bookings for review by the arraignment court. These bookings were for individuals charged with an on-view offense; no warrant arrest; or Ramey or District Attorney (DA) warrant and ineligible for citation or pre-arrestion review. Of these bookings, 838 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 12 persons arrested on DA warrants posted bail. The remaining 511 were arraigned an average of 67.7 hours after ID Confirmation.

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 September 1 and November 30, 2020, 433 bookings into the county jail were eligible for pre-arraignment review, or approximately 16% of all bookings. Pretrial staff uploaded 431 of the 433 OR workups within the eight-hour deadline, a 99.5% compliance rate. There were two instances when Pretrial staff uploaded the PSA and OR packets after the eight hours. Both cases involved confusion regarding the eligibility status of defendants for pre-arraignment review:

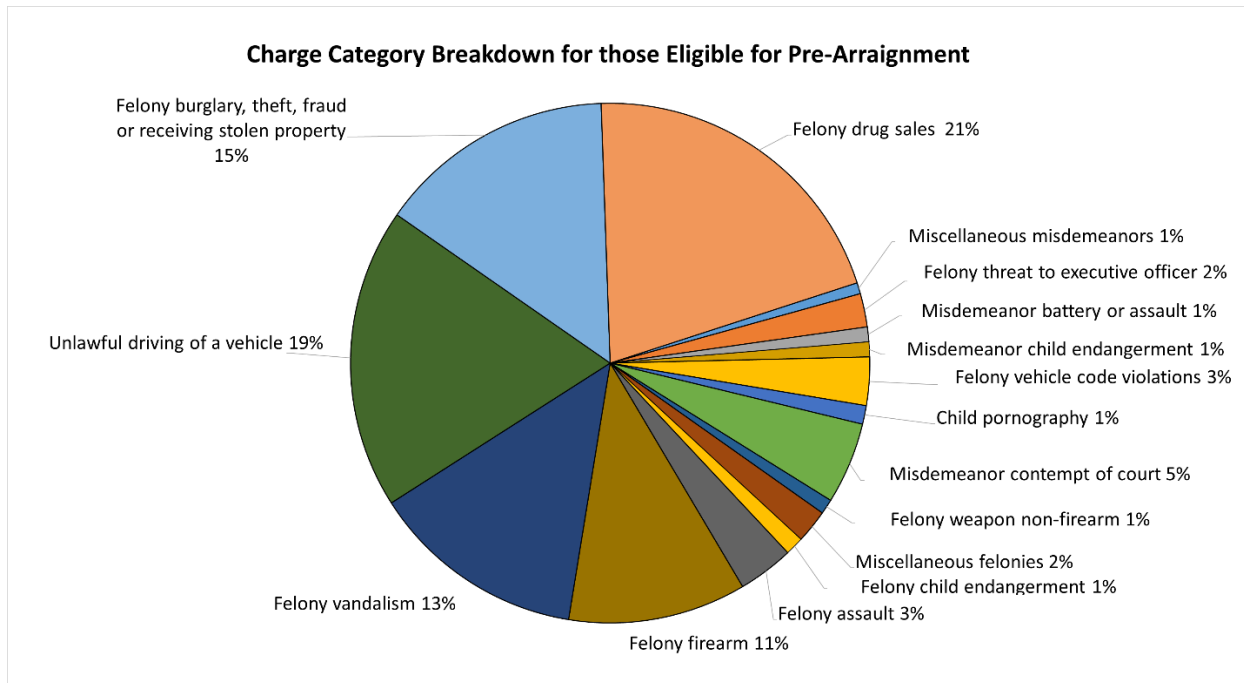
On the evening of November 20, Pretrial staff spoke with an arresting officer to obtain an incident report for a case with a charge of Penal Code 245(A)4. This charge is eligible for pre-arraignment review, however, the arresting officer stated that the defendant had committed an act of strangulation, which was described in the forwarded incident report, and staff believed the allegation of great bodily injury made the charge ineligible for presentation. When the supervisor of the incoming graveyard shift reviewed the charges and incident report, the case was uploaded two hours and twenty-eight minutes past the eight-hour deadline. The duty judge later denied release within the eighteen-hour deadline.

On November 27, Pretrial staff noted a defendant had been granted a 3-year felony probation sentence in April of 2019 in San Mateo County and marked the case as ineligible. During an audit of the fingerprint log at 0530 the following morning, a supervisor reviewing the criminal history for this case noted that the probation had been terminated on September 6, 2019 and therefore the defendant was eligible for pre-arraignment review. Staff uploaded the case six hours and thirty-seven minutes past the eight-hour deadline. The duty judge later denied release within the eighteen-hour deadline.

Metrics	
count of workups	433
average time to upload (in hours)	3.7
late workups	2
average time to upload late workups (in hours)	12.7

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

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



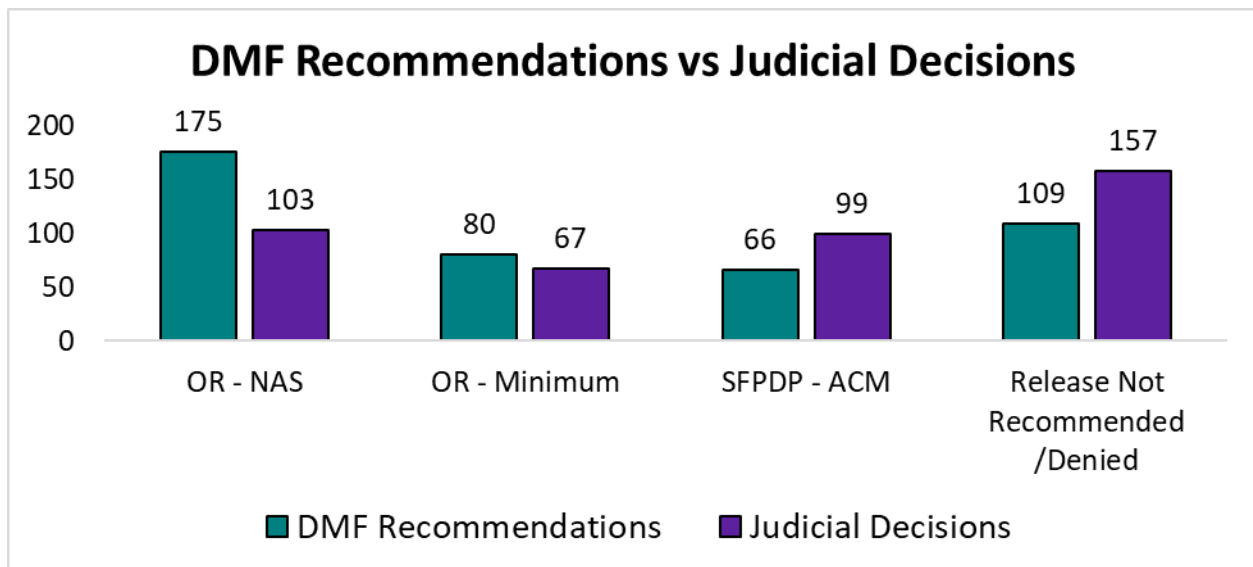
D. Judicial Review

There were no law enforcement agency requests for an extension made during this reporting period. In three cases, the district attorney discharged the matters prior to a judicial decision. Of the remaining 430 cases, there was one case where the judicial decision was not rendered within the 18-hour deadline. The ID confirmation for the case was done at 1618 hours on October 22 and the arresting agency was the California Highway Patrol (CHP). Pretrial staff sent an email requesting the incident report, and uploaded the OR work up at 2331 hours. By 0900 the following morning, Pretrial staff had called and spoken with CHP officers five times requesting the report. Staff also spoke at length with the duty judge, reminding her of the deadline at 1018 hours and the ramifications of not making a decision prior to the deadline. In addition, supervisors in the SFSO Records Unit had received alerts at the 17-hour mark from a dashboard created by SFSO ITSS, and were communicating with Pretrial staff and monitoring the situation. As Pretrial staff prepared the No Judicial Decision Rendered paperwork with the PSA recommendation of No Active Supervision (NAS), the incident report arrived at 1007 hours. At 1015 hours, the judge informed Pretrial staff that she was having difficulty with the Docusign, but that she was approving release with Assertive Case Management (ACM). The Docusign timestamp showed a late decision of 4 minutes and 48 seconds, however, SFSO Records proceeded based on the verbal orders provided by the judge.

There were four cases where the OR paperwork was not filed after judicial decisions. Two of the cases had warrants or holds and two were found to be juveniles and were transported to the Juvenile Justice Center.

Metrics	
count of OR-workups reviewed by duty judge within 18 hours	425
average number of hours between ID confirmation and judicial decision	6.42
count of OR-workups with decisions rendered after 18 hours	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
September 1 – November 30	175	80	66	109	430	103	67	99	157	426

	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
September 1- November 30, 2020	108	94; 87%	318	254; 80%

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	170
average number of hours from ID-confirmation to release	10

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	99
average number of hours from ID-confirmation to release	15

F. 1270.1 Petitions

Pretrial staff are aware of four petitions filed during this reporting period by defendants who were not eligible for pre-arraignment review due to Penal Code Sections 1270.1(a) or 1319.5PC. All four were denied by the Court. The Sheriff does not have records of petitions that were filed directly with the Court.

Date Completed 2020/12/15