



# OFFICE OF THE SHERIFF

## CITY AND COUNTY OF SAN FRANCISCO

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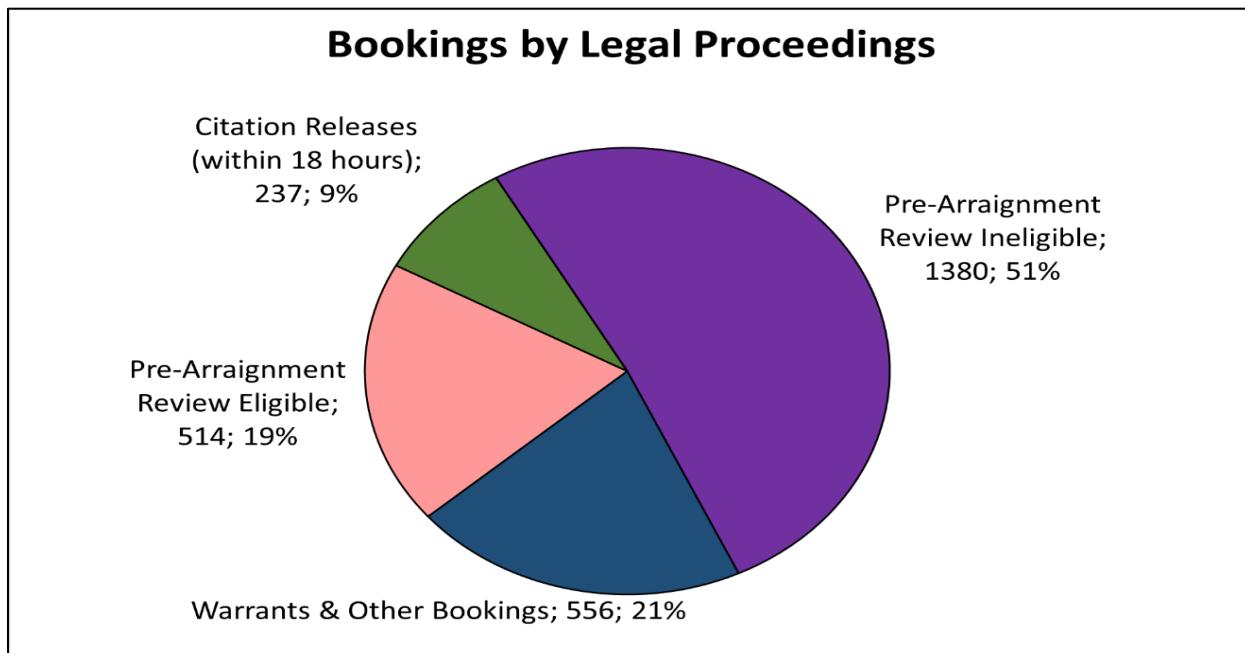
### San Francisco Sheriff's Office Implementation of Pre-Arraignment Release Timelines per the *Buffin* Injunction

This report summarizes data produced to Plaintiffs' counsel in accordance with Section VII of the injunction and covers the period from December 1, 2020 through February 28, 2021.

#### A. Bookings and Releases

	Total Bookings	Total Releases	Average Length of Stay in Days All Releases
December 1, 2020 through February 28, 2021	2687	2619	22.8

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 2,687 bookings, Pretrial staff prepared PSA and OR-workups for 1,380 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-arraignment review. Of these 1,380 bookings, 756 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 612 were arraigned an average of 67.1 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 December 1, 2020 and February 28, 2021, 514 bookings into the county jail were eligible for pre-arraignment review, or approximately 19% of all bookings. In two cases involving DA warrants where the defendants made arrangements to surrender, Pretrial staff uploaded the work ups for pre-arraignment review prior to the bookings. An additional case was not uploaded as the DA discharged the case before the upload deadline. Of the remaining 511 cases, Pretrial staff uploaded 510 OR workups within the eight-hour deadline, a 99.8% compliance rate. There was one case when Pretrial staff uploaded the PSA and OR packet after the eight hours.

On February 28, 2021, Pretrial staff mistakenly marked a defendant with a charge of 368(B)(1)PC as ineligible. This charge is considered violent for the purpose of administering the PSA, but is still eligible for pre-arraignment review per 1270.1PC. The ID was confirmed at 19:11, and the mistake was not discovered until the following morning's audit. The workup was uploaded at 08:06, four hours and fifty-five minutes past the deadline and the judge denied release and set bail.

There were two other cases that were tracked as late uploads but upon further investigation it was determined that these cases were ineligible for pre-arraignment release.

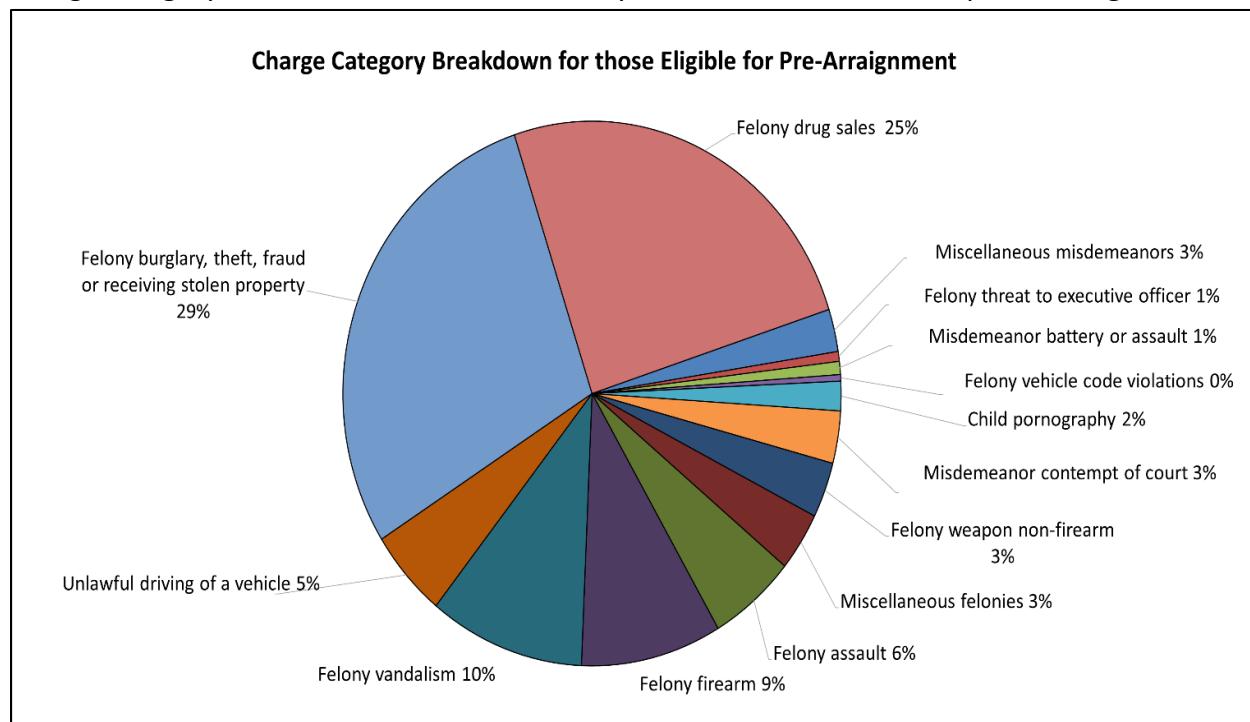
The first case involved a defendant who was booked on two docket numbers and was ID confirmed at 16:40 on 1/4/2021. Pretrial staff uploaded the initial case at 19:08 and the judge denied release at 22:47 and set bail. The following morning, an audit revealed that the second docket number had not been presented and that matter was uploaded at 07:41 on 1/5/2021, seven hours and one minute past the eight-hour deadline. However, the original judicial decision to deny release rendered the second case ineligible for release.

The second case involved confusion over eligibility due to probation status. The defendant was ID confirmed on 2/6/2021 at 15:57. When Pretrial staff ran the criminal history they identified a felony probation in revoked status and marked it as ineligible. During an audit at 01:30, the supervisor researched the indicated probation case and saw a note in the court history that probation had been terminated and uploaded the workup at 02:12 on 2/7/2021 and the release was denied. However, during the SFSO and Pretrial staff debrief that occurs after a late upload, it was discovered that the defendant was on Mandatory Supervision on another docket number and was ineligible for pre-arraignment release. The CLETS Supervised Release File did not indicate a hit under the booking name or CII number, but an analysis of a new local JUSTIS platform provides more detailed information for probation status. Moving forward, Pretrial staff will utilize this resource for their initial review to cut down on confusion.

Metrics	
count of workups on time	510
average time to upload (in hours)	3.7
late workups	1
average time to upload late workups (in hours)	13

### C. Charge category breakdown for those eligible for pre-arraignment review

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



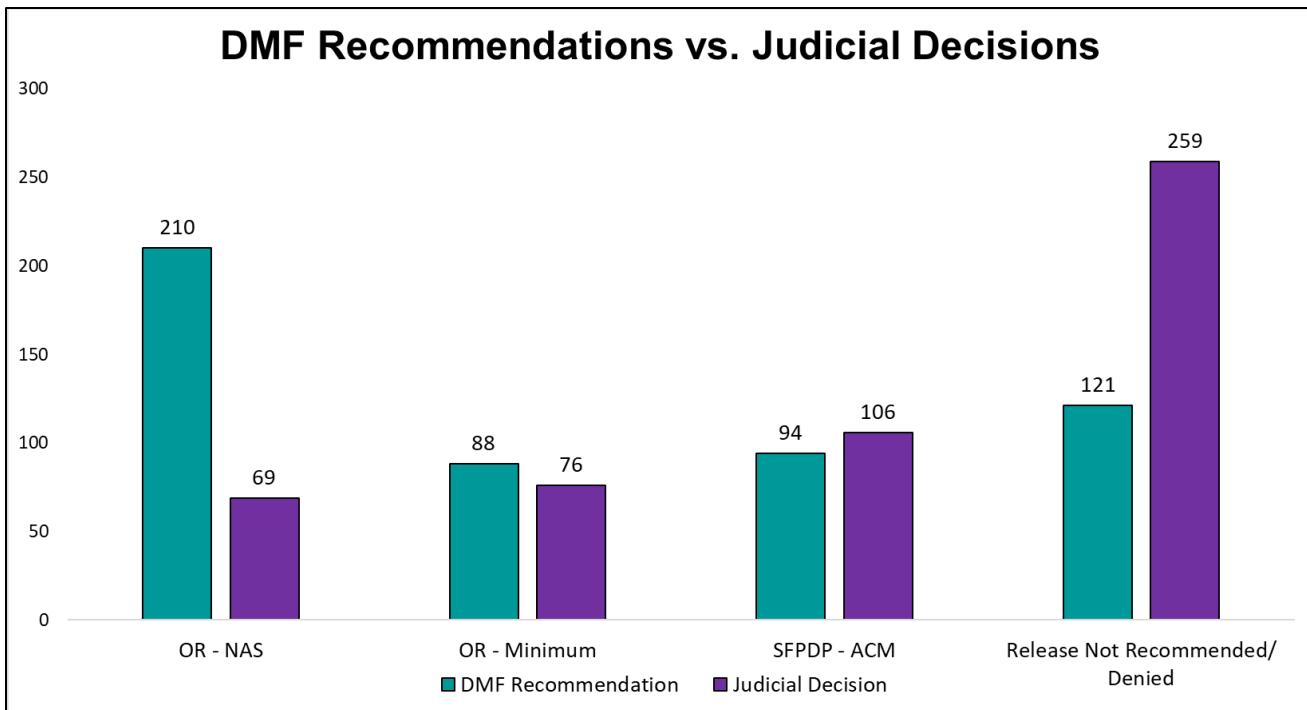
#### D. Judicial Review

There was one law enforcement agency request for an extension made during this reporting period, but the defendant was not eligible for pre-arrainment review. In two cases uploaded for judicial review, the judge found no probable cause and these matters are not included in the judicial decision analysis. In one other case, the district attorney discharged the matter prior to a judicial decision. Of the remaining 510 cases, there was one case where the judicial decision was rendered two minutes past the 18-hour deadline. The ID confirmation for the case was done at 17:29 hours on February 17, 2021 and the arresting agency was the California Highway Patrol (CHP). Pretrial staff spoke with CHP requesting the incident report, and uploaded the OR work up without the Incident Report at 23:43 hours. CHP provided the report the following morning and it was added to the work up. That morning, the judge had ten cases to review and signed on at 10:18. At 11:00, Pretrial staff noted that the Judge had not yet made a decision on the case with the 11:29 deadline and spoke with the judge's clerk to alert her to the pending deadline. The Judge signed into the case at 11:25, but the decision denying release was timestamped at 11:31, two minutes past the deadline.

There was one case that revealed a training need for both Pretrial and SFSO staff. On January 29, Pretrial staff uploaded two dockets numbers for a defendant and both were granted OR to Assertive Case Management (ACM) in the morning. However, a third case was added that morning for 298.1PC, a refusal to submit swabbing for DNA. Pretrial staff should have uploaded the third case for judicial review, but were mistakenly told by SFSO staff that it was not eligible for pre-arrainment review. The next morning, the third case was discharged by the DA's Office and the releases were processed on the first two cases. SFSO staff have been instructed that a charge under 298.1PC is eligible for pre-arrainment review.

Metrics	
count of OR-workups reviewed by duty judge within 18 hours	507
average number of hours between ID confirmation and judicial decision	7
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
December 1, 2020 through February 28, 2021	210	88	94	121	513	69	76	106	259	510	

	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
December 1, 2020 through February 28, 2021	121	113; 93%	389	243; 62%

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	145
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	106
average number of hours from ID-confirmation to release	18

**F. 1270.1 Petitions**

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

*Date Completed 2021/03/16*