

FINAL REPORT
Taxpayers for Public Safety
Co-Chair Roma Guy, MSW

Mandate from Board of Supervisors:

Resolution No.02-1, January 2016, mandated to identify strategies, identify effective human investments in behavioral health, and identify new and/or renovate facilities as determined.

I. Strategies to close the Hall of Justice Jails

To date: one jail, CJ3, 6th floor was closed in 2014. The 7th floor, with 402 cell beds is open, and is seismically unsafe with other untenable and structural conditions. To complete the mandate of Resolution No.02-1, JRP made recommendations to establish priorities and invest in appropriate community-based behavioral health strategies, Criminal Justice efficiencies, policies, and legislation regarding bail, diversion, and supportive reentry.

In January 2016, the Board of Supervisors, led by President of the Board of Supervisors, London Breed, voted to form the Jail Replacement Project (JRP). Thirty-eight representatives joined together from City/County departments, Criminal Justice system departments, Pretrial, former inmates, formerly incarcerated, community advocates and non-profit organizations.

Based on data, JRP revealed that 65% of the jail population is jailed for 7 days or less, 18% for 7-30 days; 16% for 30 days or more. This significant data point impacted the JRP framing, and approach to diversion, practices, and programs within the Criminal Justice system, post-release priorities to community programs, appropriate housing, mental health placements and understanding the human and budget costs of incarceration. Many San Franciscans are repeatedly in and out of jail (recidivism) at unacceptably high rates, well over 50%. This indicates that many justice-involved people are simply being recycled, similarly to high users in the medical system.

Alternatives to incarceration were first recommended by the Board of Supervisors following two hearings beginning in June 2017: community-based prevention for high risk population susceptible to incarceration, especially in behavioral health; racial disparities, unhoused; and those who are at high risk to recidivism; programs inside jail such as Five Keys education program which over the years has demonstrated success and reduction of recidivism. Behavioral Health Court and Youth Court also have positive results which would improve significantly with expanded treatment

options and appropriate housing referrals. The strong relationship between the non-profit Swords to Plowshares to Criminal Justice has evidenced with veterans, especially following their advocacy, led to the Sheriff's administrative decision to cohort veterans at San Bruno (CJ5) which has resulted in a very successful reduction of veteran jail population and recidivism within the last two years. This model is currently being implemented for 55 years and older incarcerated whose length of stay is longer experience disabling health risk factors and have lower recidivism rates than younger prisoners.

People of Color (POC) are overrepresented in the SF Criminal Justice System. For the past four plus decades justice-involved African Americans represented 50 to 60% of the Criminal Justice System. This remains a fact despite who was elected or appointed, Mayor, Board of Supervisors, District Attorney, Public Defender, Adult Probation, Courts, Police Chief or Sheriff. The E. Hayward Burns Institute Report, June 23, 2015, confirmed its history and verified its ongoing reality. The Report describes how racial bias, both implicit and explicit, is an integral part of the Criminal Justice system. To successfully close the 7th floor, Hall of Justice, this demographic factor must be part of our conscious intention in order to achieve our mandate.

Examples of new program and policy interventions 2018-19:

1) Sheriff:

- Reduced the jail population and recidivism of veterans by cohort in their own pod at CJ5.
- Based on the veteran model Sheriff is implementing Swords to Plowshare model with older (55 years plus) at San Bruno.
- Opened an improved release function opened to facilitate efficiency, providing support for the release of justice-involved individuals for transportation to safe sites, approved medical referrals sites, etc.

2) Public Defender:

- Launched the Pre-arraignment project, at bookings, (Pre-Trial Release Unit) at CJ1 to provide the first opportunity for the accused to provide information to a Public Defender and prepare for charges from District Attorney. "Reduced the likelihood of release arraignment from 14% to 28%", reducing bed days by about 11,220 annually. For prisoners on probation pretrial incarceration was reduced by 44%, average of 9.5 days.

3) District Attorney:

- Staffing on weekends to immediately and efficiently assess bookings and determine same day release or assess charges for those booked.

4) Pretrial Diversion:

- Transition of leadership and reorganization, led by Board of Directors; doubling budget by Board of Supervisors with support of Sheriff; provided increased possibilities to releasing unsentenced individuals awaiting trial and providing appropriate access to health and social support, and appropriate housing. Testing Public Safety Assessment (PSA) tool to decrease implicit and explicit bias, particularly racial bias.

5) Adult Probation:

- Hired a Gender Responsive Position responsible for creating a website and updated information regarding beds and services available to justice-involved cis/transgendered females, ensuring services and placements are trauma-centered. This includes reducing administrative segregation while incarcerated. Upon release, provide needed resources and transportation, timely advance notice of a safe release time and date and appropriate behavioral health and medical placements.

6) Department of Public Health

- Law Enforcement Assisted Diversion (LEAD) launched.
- Opened Hummingbird Respite Center.
- Committed to 47 beds for incarcerated severely mentally ill (SMI) at ZSFGH by 2021-22.

II. Effective human investments in behavioral health programs for those who would otherwise find themselves incarcerated

- Safe (consumption) and injection sites which have currently been delayed to 2019.
- Committed to opening 37 beds SMI beds at ZSFGH—scheduled to open 2021-22.

- Expanded Harm Reduction Policy to include safe injection/consumption sites as proposed in 2018 by Board of Supervisors Task Force under the leadership of Mayor London Breed.
- Hired by Adult Probation Department, an interdepartmental Gender Responsive position to improve female, cis/transgendered, health, and social conditions and maintain support and problem-solving during incarceration and reentry. All interventions and programs are based on trauma-centered approaches to cis/transgendered female experience.
- Recommended that SF increase its investment in a significant number of community-based residential treatment sites. The Budget Analyst Report, "Impact of Supportive Housing on the Costs of Homelessness", May 31, 2016 reinforced earlier reports from 2004 that "permanent supportive housing has proven to be the most effective and efficient way to take chronically homeless off the streets". The homeless are a minimum of 30-40% of justice involved individuals. The Budget and Legislative Analyst "Performance Audit of the Department of Public Health Behavioral Health Services, " led by Supervisor Ashsa Safai, April 19, 2018. Recommendations regarding residential treatment and housing is tentatively scheduled for public hearing in November 2018.
- Focused interventions and investment in decreasing the over representation of People of Color in particular African Americans in the Criminal Justice System. The strategy to eliminate cash bail from Humphrey Decision and SB 10 is the most significant priority related to addressing racial bias in the Criminal Justice System.

III. Reviewing current state of City/County facilities and identifying new or needed facilities

- Maintain SF eligibility to use state financing to fund construction or renovation of these facilities.
- CJ2 which is underway for partial renovation and will not be completed before 2020

IV. External factors that drive incarceration

Controller's 2013 report on incarceration outlined factors that determine incarceration rates. The enumerated indicators are:

- 1) **Policy:** Policy by Supervisor Hillary Ronen and the Office of Treasurer led the effort to eliminate fees and fines which disproportionately affect justice-involved individuals, ranging from charges for phone calls and other personal costs to electronic monitoring. Policy by Board of Supervisors to move functions of conservatorship from Office of District Attorney to Office of City Attorney.
- 2) **Factors** that we do not control: positive and negative, such as earthquakes and Supreme Court decisions.
- 3) **Criminal Justice trends:** both positive and negative, locally, national and state, such as bail, Prop 47.
- 4) **Demographic trends:**

Inequities that increase homelessness and implementing the law that it is "illegal to live on streets" whether there is an alternative or not (currently being challenged in the courts) is a demographic trend that continues and leads to significant incarceration.

Legislative policies such as conservatorship locally are now the responsibility of City Attorney, a civilian function coupled with new state legislation that modifies the standards and administration of Conservatorships which will have impact on jail population by 2019.

Lack of appropriate health-related services especially in behavioral health and lack of supportive housing for poor, immigrants, disabled, People of Color especially African Americans who are over 50% of the jail population and have been for over four decades---i.e., disenfranchised populations historically increased the jail population as a form of inappropriate hidden criminalized "shelter." In San Francisco these factors are exemplified in those who are seriously mentally ill, unhoused populations experiencing substance abuse disorders and displacement from evictions and lack of employment opportunities from formerly underemployed and employed.

People who are unhoused were at least 30% of jail population reported in 2017 and well over 50% identify that they have been homeless within the last few years. People who are unhoused were at least 30-40% of jail population as reported in 2017 and well over 50% identify that they have been homeless within the last few years. The 2018 increase in arrests of homeless in SF have increased the jail population.

Projected increase in older population by Office of Controller (report 2013) is factual: aging is the fastest growing population. This represents an increase of 100,000 from 2010-2030. For the poorest, displaced by eviction or income is clear. Homeless shelters are experiencing high rates of older population in shelters which is an indicator that more aging people will experience incarceration.

The most entrenched and unchanged negative demographic trend in San Francisco is that by 2030 the projected census of the black population will continue to decrease to 3-4% while justice involved percentage remains over 50% as it has for over four decades. Other San Francisco populations of color will also decrease including Asians and Latinos. The white population is projected to increase.

Black transitional age youth (TAY) represent the highest percentage of the incarcerated youth ages 18-25. As E. Hayward Institute report of 2015 stated, the over representation of POC, especially black was verified: cis/transgender, the older population and homeless. People who are unhoused were at least 30-40% of jail population as reported in 2017 and well over 50% identify that they have been homeless within the last few years. The 2018 increase in arrests of homeless in SF have increased the jail population.

Cis/Transgendered female Working Group: Cis/transgendered females are "only" 10% of total inmate population. This is a major rationale used to lessen them as a priority. Two-thirds are of color, poor and most have experienced homelessness, serve shorter time in jail than men and are arrested, held and charged for less violent classifications, experience important administrative segregation, are key in breaking the cycle of intergenerational incarceration and need significant trauma-centered services to reduce high recidivism. Despite the claim that they are not arrested for prostitution/sex work/trafficking do get cited and arrested. Findings from Elise D. Riley, UC, Department of Medicine, "When the outcome is incarceration in the past year, several factors were significantly associated, including long term homelessness (90 days in the past year), stimulant use and heroin use.....it is valid to say that the odds of incarceration among women are Three times higher among those who experienced long term homelessness. At the International AIDS 2018 Conference it was reported that, compared to the rate of unsuppressed viral load among all HIV+ people living in San Francisco, which is 28%, over 60% of HIV+ homeless women had at least one unsuppressed viral load over three years. Predicators of unsuppressed viral load reported that compared to the rate of unsuppressed viral load among all HIV+ people living in San Francisco,

which is 28%, over 60% of HIV+ homeless women had a least one unsuppressed viral load over three years. Predictors of unsuppressed viral load were incarceration, homelessness and sexual violence.

Investments by JRP have not reduced the black population significantly. Clearly, in order to close the 7th floor and not replace 7th floor cell beds, the most essential priority is to reduce POC especially black San Franciscans. This is a civil rights issue and opportunity to change our direction. We must diligently resolve ourselves, challenge our leaders, the general populations and you, our elected and appointed representatives, to change this trend structurally and programmatically to close the Hall of Justice. To accomplish the goal to close CJ4 and not replace those beds with a new jail, we must as a city/county persist with evidence as we have done with the public commitment to end preventable pedestrian deaths and Getting to Zero, to end 90% of new HIV infections. Then we will be the humane, safe and caring San Francisco we think and advertise that we are.

Post Jail Replacement Project Mandate: Next Steps and Recommendations 2018-2020 to close CJ7 (7th floor), Hall of Justice.

- Support the City/County's plan to move Criminal Justice Offices out of Hall of Justice by summer of 2019. This is a major step to close the Hall of Justice.
- End increased practice of arresting and incarcerating the homeless. Living on the streets is harmful as is incarceration---all because we have not yet provided adequate and appropriate health treatment and supportive housing. Incarceration is not an acceptable "solution" to homelessness. While such arrests do make the unhoused invisible, it creates a false impression that people are safer, it is well documented that increasing incarceration of the homeless for illegally living on the street as a housing and shelter strategy, does not increase safety and is costly. The JRP and new alternative priorities especially community-based housing, subsidies and behavioral treatment is most effective and over time, less costly.
- Link and build strong reentry options with community-based non-profits, public services and appropriate housing including coops. Engage and contract with community and public agencies that have competencies, commitments and measurable outcomes serving the populations at risk.
- Advocate legislation and funding locally, regionally and statewide.

While there is not 100% consensus to fully renovate CJ2, next to the Hall of Justice, it needs to be discussed further. To close the Hall of Justice, the Sheriff will need a new administrative office, kitchen, meeting rooms, some disability cells and holding cells for the daytime court appearance of prisoners who are transported from CJ5, San Bruno.

- Develop and monitor system of reporting key indicators of racial and ethnic disparities (as recommended by E. Hayward Institute).
- Accept and implement Cis/transgendered female working group Strategic Plan to reduce the justice-involved females, reduce administrative segregation, improve relevant community-based placement and housing relationships and referrals and other measurable objectives.
- Incorporate the top community based residential treatment and supportive housing priorities of JRP housing working group. It is critical to engage and partner with outcome driven-community-based organizations such as Swords to Plowshares to reduce criminalizing people who need services and housing before they are arrested, pretrial diversion and reentry. The Swords to Plowshares model prevents incarceration and provides supportive reentry with documented outcomes that reduces harm and recidivism.
- Structure quarterly updates to Board of Supervisors, Public Safety and Neighborhood Committee, and include accountability for established priorities, measurable objectives, investments and changes to reduce general population of justice-involved individuals especially among POC. The criteria for measurable success must include bookings reports by classification (type of felony, misdemeanors and outstanding warrants) and by high, medium, or low risk assessment.
- Preserve the nonprofit San Francisco Pretrial Diversion Project (SFPDP) rather than turn the assessment and case supervision functions into an Adult Probation Department program as written into the recently enacted SB10, amended to SB 1054, legislation. The Pretrial mission is to facilitate positive and effective alternatives to fines, criminal prosecution, and detention through alternatives to incarceration, fine and fee alternatives and diversion and deflection. For over 40 years, SFPDP has played the role of a neutral party advising the Courts with outcomes, exceeding industry standards. Taxpayers for Public Safety strongly opposes the SFPDP's transfer to the Probation Department. SFPDP is a neutral body, not part of law enforcement with a long-

standing history and current success. Their success includes hiring and promoting formerly incarcerated people. Taxpayers for Public Safety supports a state legislative amendment (carve-out) that Pretrial remain a nonprofit retaining its contract with the Superior Court of San Francisco or incorporate, as did Santa Clara, as a San Francisco General Services Agency.

- Address and eliminate systemic racial disparities of incarceration rates central to permanent closure of seismically unsafe CJ4. Reduce the POC incarcerated population 50% by 2022. For the past four decades or more, City/County data has consistently shown the general jail population is two thirds people of color with African Americans occupying the largest percentage of jail bed days (over 50% of total cell beds). This is true throughout the Criminal Justice System not only jail---arrest, arraignment, pretrial, conviction, as the Burns report of June 2017 documented. To date, investments by JRP have not reduced the black population significantly; at-least not yet. This is long overdue trend to end. As San Franciscans we must honestly and publicly task ourselves and commit our leadership to this mission.
- Non-Criminal Justice City/County functions and programs are a significant factor in order to eliminate inappropriate paths to incarceration and to reduce SF 45-80% recidivism rates.
- Continued renovation of CJ2 (built as work furlough function, 1994), not to increase the number of cells but to repair aging problems (leaky roof other repairs and upgrades, adding family meeting rooms, disability cells, administrative offices, kitchen, holding cells for CJ5 prisoners who have court dates). This will permit the Sheriff's Department administrative and support functions to move out of Hall of Justice.
- Invest in TAY population (youth ages 18-25) who are 12% of general San Francisco population and 26% of the female and male inmates, mostly POC. Establish a specific strategy and investment to reduce the TAY incarcerated by 50% by 2025, as recommended by Youth Commission.
- Expand and develop behavioral health services and appropriate housing for mentally ill and substance abuse disorders, including severely mentally ill (SMI) who are 14-17% of the incarcerated. Residential treatment, assisted living, and co-ops have shown these are the housing options that create safety and reduce recidivism.

- Recommend that Board of Supervisors, Public Safety and Neighborhood Committee, establish a written policy to conduct a bi-annual comprehensive Criminal Justice System and Office of the Controller, report and hearing as one of its functions and responsibilities. The intent of report is to hold all functions of Criminal Justice System publicly accountable, transparent, written with measurable priorities and timelines, to reduce and end inappropriate and biased incarceration.
- Prioritize diversion and at every exit, with partners such as the Departments of Public Health and Department Homelessness and Supportive Housing, not only ancillary service providers to Criminal Justice System. This includes ongoing partnerships with the courts, the Pretrial program with Police, Public Defender, Probation, District Attorney and the Sheriff. Evaluate impact on rates of incarceration and recidivism.
- Stop the increased arrest for “illegally living on the street” which negates significant investments to close the jail and criminalizes people who have been evicted, disabled and living on the street, and those without inadequate resources to pay rent.
- Consider that the City/County pedestrian safety project goals have significantly decreased pedestrian deaths. Yet more needs to be accomplished and the Board of Supervisors and Mayor continue to evaluate, and pursue the stated commitment. Getting to Zero for new infection of HIV/AIDS by 2020 made more than significant progress, the best ever, this past year, but not yet a 100% success because of lack of housing. We appreciate the work that has been accomplished thus far and be mindful of what creates true public safety and healthy communities. Strategies may need revisions but the measurable objectives must be maintained with specific and public accountability, and scheduled reports to Board of Supervisors. The closure of CJ4 (7th floor of Hall of Justice) by investing in relevant community interventions and reform of Criminal Justice System remains critical. Public accountability and transparency are key next steps. The City/County’s growing commitment to community-based investment in particular to modifications to bail, community health, and appropriate supportive housing are of highest priority.

In summary:

Implementation and investment in renovation of CJ6 is premature. Maintain closure of CJ6 at San Bruno. JRP investments to divert and establish effective reentry interventions have only been implemented for a year or

less. For instance, Hummingbird Respite Center has opened, but ZSFGH (37 beds for SMI, 14-17% of the jail population) is scheduled to open 2020-21. Safe consumption/injection site has been delayed. Some interventions need to change, others eliminated, other expanded.

Attachments:

- San Francisco No new jail coalition document
- Behavioral Health Justice Center proposal critique
- Transgender Bill of Rights
- Cis/transgendered women's group goals and objectives