

Work Group to Re-envision the Jail Replacement Project

Issue Brief: SIM Intercepts 1-2

A. Background

The upcoming work group meeting on May 13, 2016 will focus on Intercepts 0, 1 and 2 from the San Francisco Sequential Intercept Model (SIM).

Intercept 0: Community

Intercept 1: Law Enforcement and Emergency Services

Intercept 2: Initial Detention and Initial Hearing

Intercept 3: Resolution of Case

Intercept 4: Incarceration and Reentry Planning

Intercept 5: Reentry

The Technical Support Team drafted this issue brief to provide additional information for the work group in preparation for the upcoming meeting. The issue brief is intended to define each intercept, describe key intervention points and articulate potential strategies for work group consideration. For more information about the SIM model, the work plan or the series of issue briefs, please see the Work Plan Overview available on the work group's website at <http://bit.ly/JRPworkgroup>.

B. Intercept 0 – Community

Work Group Goal: Safely reduce the number of bookings into San Francisco County Jail

Definition

Intercept 0 comprises interventions in the community, wholly outside of law enforcement and the criminal justice system.

Research suggests a strong correlation between socio-political disadvantages and disproportionate levels of incarceration. Populations that experience the burdens of racism, poverty, homelessness, inaccessible education or exposure to complex trauma, for example, are overrepresented in the criminal justice system. For example,

- 9 percent of prisoners housed in the San Francisco County Jails on February 16, 2016 reported they were homeless.¹
- 23 percent of prisoners housed in the San Francisco County Jails on February 16, 2016 resided in San Francisco (“City”) neighborhoods experiencing some of the highest rates of poverty in the City²

Access to culturally competent community resources can promote public safety and enhance the well-being of individuals and neighborhoods. Affordable housing, early childhood education, vocational training, violence prevention programs, accessible jobs, and early intervention programs, are all examples of community resources that reduce social inequities associated with criminal justice involvement.

¹ SHF Single Day Jail Population Snapshot (2/16/2016). Presented to the RJP Work Group, March 11, 2016.

² SHF Single Day Jail Population Snapshot (2/16/2016). Presented to the RJP Work Group, March 11, 2016.

Current Efforts

Addressing the root causes of social inequity is essential to ensuring that every San Franciscan has a fair opportunity to live a long, healthy life. Though many Intercept 0 interventions are outside the scope of the Work Group, it is important to note that there are many efforts – public and private – already in place in San Francisco to begin to address these inequities. Public agencies (e.g., Department of Public Health, Human Services Agency, Department of Aging and Adult Services, Department of Children Youth & Families, Mayor’s Office of Housing, etc.) provide a wide range of programs and services to support the most vulnerable San Franciscans in their neighborhoods and locations where they feel most comfortable. This work is further complemented by the significant contributions of San Francisco’s robust network of community-based nonprofit organizations.

How Far Upstream?

Addressing the causes and symptoms of social inequity is critical for eliminating disparities. We caution, however, that interventions that would take years to result in any meaningful reduction of the jail population fall outside of the scope of the Work Group. Because there is an immediate need to close County Jails 3 and 4 and this effort requires near-term solutions, we strongly suggest development of recommendations that can support more urgent reductions in San Francisco’s current jail population.

Ideas from Work Group Member Interviews

The Technical Support Team interviewed members of the work group to discuss ideas that may aid in the closure of the jail facilities located within the Hall of Justice. Of the 32 members who had been interviewed at the time this issue brief was written, 14 offered ideas related to community behavioral health services, nine proposed prevention efforts, and several individuals mentioned ideas related to housing, police reform, education, and workforce development. Some example ideas relevant to the community are listed below.

- **Housing prioritization.** Prioritize placements in existing affordable or supportive housing buildings for individuals involved with the criminal justice system.
- **Involuntary Psychiatric Hospitalization.** "We’re running into situations when clients need to be hospitalized, but they can’t. There isn’t space at the hospitals." In addition to increasing the number of psychiatric beds available, the City could also work with the courts to more comprehensively integrate physician recommendations and historical information when reviewing cases.
- **Step-down care.** Increase the number of beds available for step-down residential behavioral health care (i.e. between hospital and independent living).
- **Police reform.** Expand accountability and transparency measures, such as body cameras.
- **Research needed.** Review detentions on quality of life and failure to appear infractions for people with inability to pay fines.

C. Intercept 1 – Law Enforcement and Emergency Services

Work Group Goal: Safely reduce the number of bookings into San Francisco County Jail

Definition and Key Events

Intercept 1 describes events that may result in individuals later being admitted—or “booked”—into San Francisco County Jail #1 (jail intake facility). According to the Sheriff’s Department, there were a total of 19,436 jail bookings in San Francisco in 2015.

Law enforcement may come into contact with individuals for a variety of reasons. A portion of those individuals who have allegedly committed a crime may later be booked into San Francisco County Jail #1. Law enforcement may intervene

- **When no crime has occurred:** The Police Department is requested to do a welfare check on a vulnerable individual, or an officer sees a person in need of assistance on the street. Intervention by law enforcement presents an opportunity to direct individuals to services which may prevent future involvement with the criminal justice system.
- **When a crime has occurred:** When a crime has occurred, law enforcement may
 - *Cite & release* – A citation is a written order requiring that the individual appear before a court at a specified date and time. Citations can be given by officers instead of arrests for some low-level, misdemeanor offenses (as specified by the State of California) such as traffic violations, local ordinances, or infractions. Cited individuals are not typically detained in county jails.
 - *Arrest & detain* – An arrest is the point at which an officer takes an individual into custody. Arrested individuals may be detained by the officer and later released or booked into County Jail #1. In 2013, 11,252 arrests were made in San Francisco on misdemeanor charges and 8,604 arrests were made in San Francisco on felony charges.³

Current Efforts

Efforts to reduce the number of county jail bookings include:

- **Training law enforcement to effectively manage behavioral crises in the field.** San Francisco’s Crisis Intervention Team (CIT) comprises community members, mental health advocates, health service providers, and police officers working together to provide training for law enforcement officers on how to effectively manage behavioral crises in the field. As of March 2016, 368 active patrol SFPD officers have received CIT training.
- **Connecting low-level drug offenders with services instead of booking them into custody.** Currently being implemented as a pilot program, Assistance Before Law Enforcement (ABLE) is a new approach that connects low-level drug offenders with probable cause for arrest to services in community-based organizations and diverts them from custody. ABLE is based on the LEAD program out of Seattle.
- **Treating alcohol intoxication out of custody.** The San Francisco Sobering Center strives to divert those with uncomplicated, acute alcohol intoxication away from the criminal justice system (length of stay is 6-8 hours). The center offers comprehensive care to clients, providing for basic hygiene and clothing requirements, identifying urgent care needs, and

³ Criminal Justice Statistics Center (CJSC) Statistics: Adult Arrest and Adult Arrest Dispositions Tables (<https://oag.ca.gov/crime/cjsc/criminal-justice-profiles>)

offering referrals to detoxification and shelter. In the 2014-2015 fiscal year, 3,635 individuals were served by the program (355 were referred by SFPD).

- **Providing out-of-custody psychiatric emergency care to people who do not require hospitalization.** Dore Urgent Care Center (DUCC) is designed to assist hospital emergency services by accepting adult clients in psychiatric crisis who do not require hospitalization. DUCC takes referrals from Mobile Crisis, SFPD, community mental health clinics, case managers, outside clinics, and medical emergency rooms. DUCC has the capacity for 12 individuals who can stay up to 20 hours.

Potential Strategies

The Technical Support Team developed a short list of potential strategies relevant to each intercept. The list below is not comprehensive, and the potential strategies mentioned are not necessarily endorsed by the Technical Support Team. The list is intended only to prime discussions about what strategies group members think should be the focus of further consideration and research.

- **Behavioral health Navigation Center.** Establish a new Navigation Center serving homeless individuals with behavioral health needs. The Navigation Center would be staffed by clinicians and support staff, and would connect clients to diversion programs and/or permanent supportive housing. Police could utilize the Navigation Center as a pre-arrest diversion program, and refer clients there 24/7.
- **Mental health facility.** In conjunction with the City's previous jail replacement project proposal, the Department of Public Health proposed a 47 bed behavioral health program located on the General Hospital campus. The 8 to 12-month program would provide voluntary mental health and substance use disorder treatment services for individuals with identified behavioral health needs who are being released or diverted from the county jail and/or participating in a collaborative court program.
- **Behavioral health policies and procedures.** Create citywide policies and procedures to prioritize meeting a client's behavioral health needs over booking them into county jail. Establishing these policies may increase the use of pre-arrest and pre-booking diversion programs.
- **End housing for federal detainees.** Under a contract between the Sheriff's Department and the U.S. Marshals Service, approximately 35-40 federal detainees are housed in County Jail #4 on any given day while they are standing trial in San Francisco. Terminating this contract with the U.S. Marshal Service would reduce the population in County Jail #4, but would also decrease the Sheriff Department's revenue.⁴

Ideas from Work Group Member Interviews

Six of the 32 members interviewed offered ideas in the area of pre-arrest and pre-booking diversion. Some example ideas relevant to Intercept 1 are listed below.

- **Joint response teams.** Create coordinated/joint response teams for police and mental health crisis clinicians. The teams could also include peer specialists and the Homeless Outreach Team (SFHOT). The teams would work to de-escalate and divert individuals with behavioral health needs.
- **Crisis workers at 911.** Place mental health crisis call workers directly into the 911 call center to be available for de-escalation and consultation prior to deployment of law enforcement.

⁴ The Sheriff's Department has received \$1,874,600 in revenue from the U.S. Marshal Service through this contract.

- **Triage center for diversion.** Make pre-arrest and pre-booking diversion easier for arresting agencies by creating a “one-stop shop” where police can bring clients to be triaged by medical staff and routed to the appropriate program or facility.

Other Considerations

In the process of developing potential intervention strategies, the Technical Support Team discovered several areas in which more data or information was needed but not available. Further research into these areas could yield additional promising intervention strategies.

- How many people are booked into custody because they need help but do not meet the criteria for involuntary hospitalization? (i.e., WIC §5150)
- Does the San Francisco Police Department conduct a warrants check when it has been called to conduct a welfare check?
- How and when does the San Francisco Police Department use cite and release? What roadblocks does the department encounter to using cite and release to the full extent possible?

D. Intercept 2 – Initial Detention and Initial Hearing

Work Group Goal: Expand opportunities to appropriate, informed, and timely pretrial release

Definition and Key Events

Intercept 2 covers processes from initial booking into County Jail #1 through initial court appearance. Several key events may occur during this intercept.

Release – Various mechanisms exist for release from custody prior to arraignment. Three are discussed below.

- *Cite and Release from County Jail* - A person who is suspected of committing an infraction or misdemeanor is typically issued a citation to appear in court and released by the Police (see the “cite and release” event in Intercept 1 on page 3). However, if the individual has outstanding warrants, refuses to sign the citation, lacks adequate identification or presents a danger to herself or others due to intoxication or health issues, that person will likely be booked into jail, but may be cited and released soon thereafter by the Sheriff’s Department depending on the circumstances of the case.
- *Release on Own Recognizance (OR)* – The prisoner is released with the promise to appear in court. Individuals are not required to post funds for OR releases. Requirements associated with OR releases vary and depend on the nature of the alleged crime or potential public safety impact. In 2015, 256 individuals were released on OR pre-arraignment and another 439 were released on OR at arraignment.
- *Release on Bail* – In many cases courts give individuals the opportunity to post bail—cash, bond, or property given to the court to ensure an arrestee will appear in court at a later date. Individuals who are able to pay bail are able to exit jail before housing determination is done within County Jail #1. Courts may retain bail and issue arrest warrants for defendants that fail to appear in court.
 - 45 percent of prisoners in the county jails on February 16, 2016 had “no bond”⁵ status, and
 - 52 percent of prisoners in the county jails on February 16, 2016 were detained on bail from \$5,000 to over \$1 million.⁶

Comprehensive Health Assessments – At booking, medical professionals use specialized assessments to triage prisoners for a range of urgent conditions that may need immediate attention or referral. These include assessment of need for immediate mental health (WIC §5150 for grave disability) or medical care for individuals who cannot be safely housed at the facility. Once booked into the jail, Jail Health Services (JHS) conducts comprehensive medical screenings for all prisoners that will remain in custody and provides ongoing medical care for those housed in the jail, as well as referrals to Jail Behavioral Health Services (JBHS). JBHS conducts robust behavioral health screenings, crisis assessments, and ongoing behavioral health services (if indicated). JHS and JBHS are partnerships between the Sheriff’s Department and the San Francisco Department of Public Health. During the calendar year of 2015, JHS completed 20,333 triages and 14,417 medical screenings, and BHS completed 5,818 behavioral health screenings.

Jail Classification and Housing Determination - The Sheriff’s Department classifies all prisoners with criminal charges as “Minimum,” “Medium,” or “Maximum” security. The Sheriff’s Department also assigns subcodes such as “History of Escape” or “Suicidal Issues.” A prisoner’s classification

⁵ “No bond” status means a person cannot be released from jail by paying bail unless a judge later sets bail.

⁶ SHF Single Day Jail Population Snapshot (2/16/2016). Presented to the RJP Work Group, March 11, 2016.

determines where she can be housed within the county jail system. All prisoners are classified within 72 hours of booking and reclassified at 30, 60, 90, and 120 days following booking, or as-needed. The Department's ultimate goal is to place prisoners in the least restrictive setting possible while maintaining safety and security for prisoners and jail staff. The Sheriff's Department utilizes a point system to classify prisoners based on each prisoner's current charge, criminal history, and other factors. However, a classification officer can override the point system if needed.

Charging (Filing) Decision - When an individual is booked into county jail, a District Attorney prosecutor must make a filing determination (i.e. whether or not to file charges) based on the law and the facts presented. The prosecutor relies on information from the arresting agency, Adult Probation Department, Superior Court and others to make the filing determination. If no charges are filed, the individual is released from custody.

Current Efforts

Efforts to reduce the length of stay for individuals in county jail include

- **Releasing people from custody through pretrial diversion programs.** The San Francisco Pretrial Diversion Project (SFPDP) runs out-of-custody supervision programs (such as Own Recognizance, Supervised Pretrial Release, and Court Accountable Homeless Services) that allow for eligible defendants to await the resolution of their cases out of custody. For more details about specific programs, visit sfpretrial.com.
- **Releasing people from custody by using Electronic Monitoring.** The Sheriff's Department administers an Electronic Monitoring program to supervise individuals out of custody. A case manager works with the individual to develop schedules appropriate for rehabilitation, including family time, work, education, therapy, and community-building.
- **Using data-driven risk assessment to inform decisions about releasing pretrial defendants.** Developed by the Arnold Foundation, the Public Safety Assessment is designed to assess which prisoners in the pretrial jail population are likely to recidivate. On April 30, 2016, judges in San Francisco began using the results of the PSA to inform their decisions on which defendants to release from custody while they await trial or resolution of their cases.

Potential Strategies

The Technical Support Team developed a short list of potential strategies relevant to each intercept. The list below is not comprehensive, and the potential strategies mentioned are not necessarily endorsed by the Technical Support Team. The list is intended only to prime discussions about what strategies group members think should be the focus of further consideration and research.

- **Bail advocacy.** The City could advocate at the state level to abolish and/or reform the cash bail system. For example, Washington D.C. replaced cash bail with risk-based release decisions. The City could also advocate to reduce bail amounts set annually by the San Francisco Superior Court in the Bail Schedule. A 2013 report by the Public Policy Institute of California (PPIC) estimated that "a 31 percent drop in the statewide average bail level, which equates to a \$10,000 decrease, would result in a 4 percentage point reduction in the share of unsentenced inmates."⁷
- **Own Recognizance releases.** Currently, a Commissioner employed by San Francisco Superior Court remotely determines whether to release individuals on pre-arraignment Own Recognizance. If those determinations were instead made in open court with a public

⁷ Tafoya, Sonia M. "Assessing the Impact of Bail on California's Jail Population," Public Policy Institute of California.

defender or defense attorney present, releases on Own Recognizance may be more likely to occur.

- **Analysis of District Attorney charging decisions.** In 2015, the District Attorney “took action”⁸ on 62 percent of felony arrests. The majority of the arrests that are discharged are done so pending further investigation; this means that an individual may be released from custody after arrest, but still end up facing charges. Information on bookings that don’t result in charging could be used to determine how to reduce unnecessary arrests and bookings.
- **Weekend charging decisions.** The District Attorney’s Office and other cooperating agencies are not available to make file charging decisions on Saturday and Sunday. As a result, individuals booked into jail on or near the weekend may remain in custody for several days even if no charges are eventually filed against them. Assigning District Attorney prosecutors and paralegals, and staff at cooperating agencies to perform this function on Saturdays and Sundays may reduce the length of stay in jail for some individuals.

Ideas from Work Group Member Interviews

Of the 32 members interviewed, eight offered ideas related to pretrial diversion and seven offered ideas related to bail reform. Some example ideas relevant to Intercept 2 are below.

- **Expand pretrial diversion.** Review the success rate of diversion programs and expand on what works.
- **Bail subsidies.** Subsidize bail for certain individuals to reduce or eliminate their bail payment. Bail reform is generally a state-level or court decision, but this reform could be done at the city level.
- **Bail motions.** If information is uncovered after arraignment that supports a defendant’s pretrial release from custody, a bail motion can be filed. The Public Defender created a Bail Unit in 2015 (two attorneys and two paralegals) to increase its capacity for bail motions. Since then, the unit has filed over 200 bail motions, and 30 percent of those have resulted in reduced bail or release. With more staffing, the Public Defender could support bail hearings for a greater number of cases.

Other Considerations

In the process of developing potential intervention strategies, the Technical Support Team discovered several areas in which more data or information was needed but not available. Further research into these areas could yield additional promising intervention strategies.

- What is the average daily population of people in custody solely because they cannot afford to pay their bail?
- What is the average daily population during the weekend of people awaiting their pretrial release assessment to be heard in open court?
- How and when does the Sheriff’s Department use cite and release? What roadblocks does the department encounter to using cite and release to the full extent possible?

⁸ To “take action” means to file new criminal charges or to prosecute by means of other action (e.g., cases discharged to prosecute via juvenile proceeding, to proceed by way of a motion to revoke probation, etc.)