

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST
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Policy Analysis Report

To: Supervisor Walton
From: Budget and Legislative Analyst's Office
Re: Review of Sheriff Department Community-Based Programs and Contracts
Date: December 14, 2020

SUMMARY OF REQUESTED ACTION

Your office requested that the Budget and Legislative Analyst review the community-based and electronic monitoring services contracted by the Sheriff's Department, including spending and Sheriff staffing and how these programs specifically serve the pre-trial and jail population or mirror programs provided by other City departments.

For further information about this report, contact Severin Campbell at the Budget and Legislative Analyst's Office.

Executive Summary

- In California, local Sheriffs are primarily responsible for preserving the peace, arresting law violators, and maintaining County Jails. In support of these duties, the San Francisco Sheriff's Department has developed an array of pretrial, in-custody, reentry, victim's services, and community programs over the past two decades. In FY 2020-21, the Sheriff allocated \$12.1 million to programs provided by community based organizations and other contractors, an increase of 74 percent from the approximately \$7.0 million allocated to such programs in FY 2017-18.
- In FY 2020-21, the Sheriff's Department allocated \$5.8 million to the Pretrial Incarceration Alternatives program, for which the nonprofit SF Pretrial Diversion Project under contract to the Sheriff provides pretrial release assessments and supervision recommendations to the Court. Pretrial release based on risk assessments (as opposed to money bail) are recognized nationally as a best practice for reducing the incarceration of individuals pending trial and securing constitutional due process rights.
- The next largest program is the Sheriff's Electronic Monitoring Program, budgeted at \$1.1 million in FY 2020-21, and provided by Sentinel Offender Services, Inc., a for-profit company. Electronic monitoring can be used as an alternative to incarceration at several points during the criminal adjudication process, but only the Court can order electronic monitoring pre-trial. According to information provided by the Sheriff's Department, between 9 and 12 percent of individuals on electronic monitoring from January to June 2020 were recommended for release on their Own

Recognizance with No Active Supervision, indicating the lowest potential risk of failing to appear for hearings or reoffending. Nearly one-half of individuals ordered to electronic monitoring were also ordered by the Court to pretrial supervision or case management as a condition of their release.

- A recent review of existing research by the MacArthur Foundation-supported Safety & Justice Challenge found that electronic monitoring was most effective in reducing recidivism when used in lieu of prison sentences but the evidence was mixed on its use during pre-trial. This review also highlighted potential issues of electronic monitoring “net widening” when used pre-trial. According to the Sheriff’s Department, the use of electronic monitoring by the Court pretrial has substantially increased following the Humphrey decision, which requires consideration of a defendant’s ability to pay and the least restrictive non-monetary alternative when setting conditions of release. The Sheriff’s Department has entered into an agreement with the California Policy Lab to analyze the use and effect of electronic monitoring on defendant case outcomes before and after the Humphrey decision. This analysis is expected to provide estimates of the impact of pretrial supervision and electronic monitoring on court appearance and re-arrest rates. Results are expected within six months.
- The Sheriff’s Department has contracts with several community-based organizations to provide in-custody, reentry, victim service, and community programs. In-custody programs include violence prevention, substance use treatment, and programs for incarcerated parents. In-custody programs require participants to complete reentry plans, but individuals do not always access services when leaving custody. The Sheriff’s re-entry programs start in-custody prior to release and continue in the community after release. These individuals are also likely to be under community supervision by the Adult Probation Department, which also provides reentry services. While these services are voluntary, the continued involvement of the Sheriff’s Department, such as through contracted case management services, after an individual has been released from custody may not be appropriate, since these individuals are no longer under the Sheriff’s jurisdiction and given the potential overlap with Adult Probation supervision and reentry services

Policy Consideration

- Based on our review, two policy issues merit further Board of Supervisors consideration to ensure efficient and effective provision of services for individuals receiving community-based programs from the Sheriff’s Department: (1) the use of electronic monitoring for those awaiting trial, especially the use of electronic monitoring for individuals deemed to be low risk, and the combined used of electronic

monitoring and pretrial supervision; and (2) the extent of coordination among the Sheriff's Department, Adult Probation and other City Departments in providing reentry services for individuals leaving County Jail custody.

- The Board of Supervisors should request the Reentry Council to conduct a review of reentry services, including policy and operational coordination between the Sheriff's Department and Adult Probation Department, and practices to ensure individuals' access to services after release, including potential recommendations to increase efficiency and coordination and streamline the provision of these services.
- The Board of Supervisors should also request the Sentencing Commission or the Safety and Justice Challenge Subcommittee to carry out a cross-agency review of the use of electronic monitoring. Because pretrial electronic monitoring is an action of the Court, this review should include the Court to understand the factors that determine the use of electronic monitoring for low risk individuals, and the concurrent use of electronic monitoring and supervision.

<i>Project staff: Cody Xuereb, Severin Campbell</i>

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1. Overview of the Sheriff's Role and Individuals under the Sheriff's Jurisdiction

Sheriff's Role in San Francisco

According to State law, county sheriffs are primarily responsible for the following duties:

- ***Preserving the peace:*** including sponsoring, supervising or participating in crime prevention and rehabilitation programs (CA Gov. Code Sec. 26600)
- ***Arresting law violators:*** the Sheriff is required to arrest any person who attempts to commit or commits a public offense and bring them before a judge (CA Gov. Code Sec. 26601)
- ***Prevent and suppress riots and breaches of the peace*** (CA Gov. Code Sec. 26602)
- ***Keep and maintain the County Jail*** (CA Gov. Code Sec. 26605)
- ***Serve legal processes and notices:*** including serving court arrest warrants, eviction / possession judgments, etc. (CA Gov. Code Sec. 26607 – 26608.1)
- ***Convene court hearings*** (CA Gov. Code Sec. 26611)

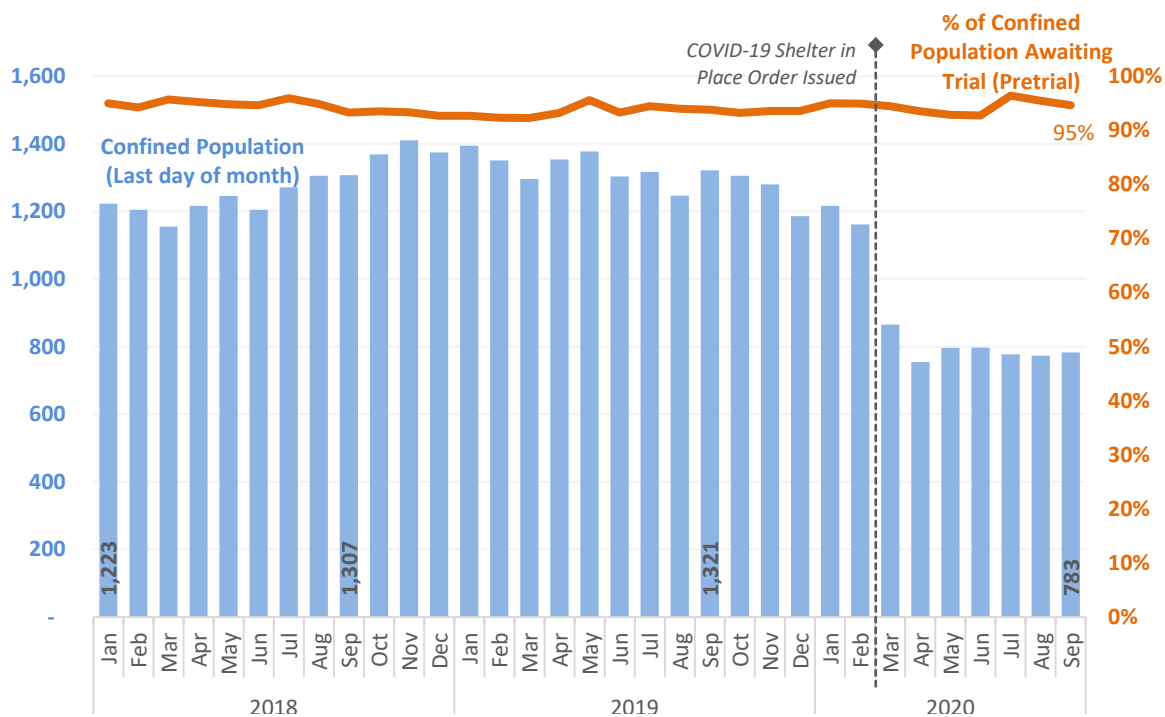
Individuals under the Sheriff's Jurisdiction

According to the latest Sheriff's Department data, on September 30 2020, there were 783 individuals incarcerated in San Francisco County Jails, slightly lower than the average daily population of 889 individuals since the start of the calendar year, and 40 percent lower than September 2019. From January to September 2020, 9,098 individuals had been booked into County Jails and 9,444 released; this is about 30 percent fewer than the bookings and releases for the same periods in 2018 and 2019. Those released had an

average length of stay of 34 days, though half of those released were incarcerated for 2.53 days. This is about 34 and 6 percent higher, respectively, than the same period in 2019, largely due to increases in length of stay during the beginning of the local COVID stay at home order.

Since at least 2018, between 85 to 95 percent of individuals in the Sheriff's custody in county jails are awaiting adjudication of their court case. Most of the remaining incarcerated individuals have been sentenced to serve jail time in county jail. The final group includes individuals being held on arrest warrants and other holds. While the jail population has fallen 40 percent from September 2019 to September 2020, the share of incarcerated individuals awaiting trial has remained largely unchanged. According to separate data submitted to the California Board of State and Community Corrections by the Sheriff's Department, 93 percent of unsentenced individuals were pending adjudication on felony charges as of June 2020 (similar to previous years).

Exhibit 1: San Francisco County Jail Population and Percent of Population Awaiting Trial (Last Day of Month), January 2018 – September 2020



Source: BLA Calculations using Sheriff's Department Data

While most individuals detained pending trial are released relatively quickly (median length of stay was 2.53 days from January to September 2020), recent research indicates that even short periods of detention before trial can have significant negative medium and long term outcomes. A 2019 review found that longer pretrial detention stays had mixed effects on reducing the likelihood of failing to appear for subsequent court dates and that pretrial detentions stays of more than three days increased the likelihood of

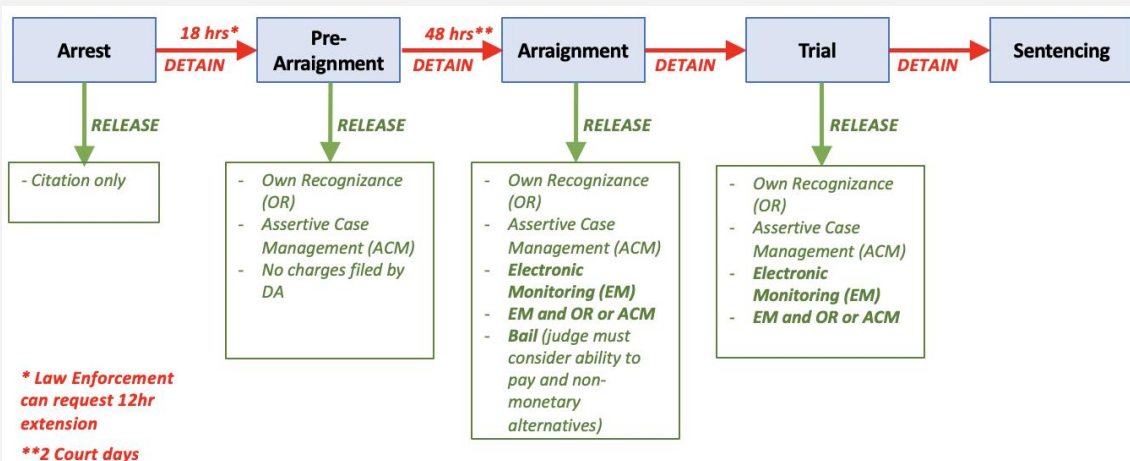
conviction due to a greater likelihood to plead guilty and reduced access to legal representation.¹ This review also found that short pretrial detention also increased the risk of future rearrests, especially among low risk individuals.²

Key Decision Points in the San Francisco Criminal Justice System

The diagram below provides a simplified flow chart for an individual arrested and charged with a crime in San Francisco. The example below mainly focusses on pretrial detention and assumes the defendant does not enter a guilty plea (foregoing a trial) and is not eligible for other diversion programs (i.e. Pretrial Diversion, Behavioral Health Courts).

Two key pretrial decision points at which defendants may be released are:

- 1) Pre-Arraignment:** individuals who have not been released with a citation and do not have a disqualifying offense (i.e. more serious and violent offenses or prior serious offenses) are assessed for four potential options by SF Pretrial Diversion Project: Own Recognizance (OR) No Active Supervision, OR Minimum Supervision, Assertive Case Management (ACM) or Release Not Recommended. This recommendation is submitted to a judicial officer within 8 hours and the judge must make a release/ no release recommendation within 18 hours (unless an extension is requested by law enforcement). SF Pretrial's recommendation is based on a risk-assessment known as the Public Safety Assessment and the local "Decision Making Framework" which prescribes one of the four options based on the public safety and failure to appear risk.
- 2) Arraignment:** Individuals not released at pre-arraignment are entitled to a hearing within 2 court days to determine whether they will be released pending trial. At this hearing, the judge may place individuals on pretrial supervision (i.e. OR or ACM), Electronic Monitoring, or a combination of both. The judge may also set bail as a condition for release, but, due to the *In Re Humphrey* decision, must consider the defendant's ability to pay bail and non-monetary alternatives.



¹ Leon Digard and Elizabeth Swavola (2019). ["Justice Denied: The Harmful and Lasting Effects of Pretrial Detention."](#) Vera Institute of Justice.

² Ibid

Local Initiatives to Reduce the Number of Individuals Incarcerated in County Jails

Given concerns with the negative outcomes of incarceration and safety concerns associated with the seismically unsafe County Jail #4 (CJ4), the Board of Supervisors passed an ordinance requiring the closure of CJ4 in 2020. As part of this ordinance³, the Board of Supervisors established a Safety and Justice Challenge Subcommittee under the Sentencing Commission to make recommendations to sustain reductions in the City's jail population and plan for the closure of CJ4. In its final report, the Subcommittee identified several recommendations for further reducing the jail population including:

1. Expand investments in alternatives to incarceration and community-based supports for communities of color (i.e. through the City Reinvestment Funds initiative approved by the Board of Supervisors as part of the FY 2020-22 Budget),
2. Monitor and expand pretrial review process to review ineligible cases and reduce length of stay,
3. Improve case processing to reduce the length of criminal trials,
4. Increase access to mental health treatment,
5. Develop, publish, and monitor cross-system criminal justice performance and outcome indicators.

While CJ4 was closed on September 4, 2020, these recommendations will likely increase in importance once COVID-19 related public health orders are relaxed and given the ongoing implementation of the pretrial release reforms as part of the City's legal settlement in *Buffin v. San Francisco*.⁴

³ San Francisco Board of Supervisors, Ordinance 80-20

⁴ Following a March 2019 federal court ruling that the California law requiring the use of a fixed bail for pre-arraignment release was unconstitutional, the City reached a settlement in February 2020 which replaced the Sheriff's use of the bail schedule at pre-arraignment with risk-based assessments. The new system requires release recommendations to be presented to the Court for eligible individuals within 8 hours of confirming the defendant's identity or for the Sheriff to decide, using the recommendation, within 18 hours if the Court has not done so. The release recommendation is informed by a Public Safety Assessment (PSA) which is then mapped against the local "Decision Making Framework" matrix to determine whether release is recommended and, if so, the pretrial release conditions.

2. Overview of Community-Based Sheriff Contracts and Program Staffing

Overview of Sheriff Community Based Programs and Contracts

The Sheriff's Department currently funds 18 community-based programs, provided by 10 organizations, with a total budget of \$12.1 million for FY 2020-21 and 2021-22. Budgeted expenditures on community-based programs have increased by \$5.3 million, or 74 percent from FY 2017-18 to FY 2021-22. For FY 2020-21, almost half of this funding (48 percent or \$5.8 million) is for pretrial assessment and supervision services provided to the Court, followed by 9 percent, or \$1.1 million for electronic monitoring services. Much of this increase has been tied to recent legal cases which have found the use of money bail without consideration of ability to pay prior to trial to be unconstitutional.⁵ The Sheriff's Department has supported these increases and associated bail reform. Exhibit 2 below provides a breakdown of budgeted expenditures by service or program category for FY 2017-18 to 2021-22.

In order to facilitate the review of these programs, we have separated them into the following five categories:

- 1) Pretrial and Incarceration Alternatives:** this includes services primarily for individuals who have not yet been sentenced and/or individuals who have been diverted from incarceration through court-ordered alternatives.⁶ Programs in this category include pretrial assessment and supervision, electronic monitoring and other incarceration alternatives such as Misdemeanor Behavioral Court Case Management, court-ordered community service, and Pretrial Diversion.
- 2) Reentry Services:** this includes services to help incarcerated individuals "reenter" society after serving time in County Jail or state prison as part of a Court sentence. These services start in custody, prior to release, but continue after the individual leaves incarceration. These programs include case management, linkage to other community services including transitional housing or housing vouchers. Examples of these programs include No Violence Alliance (NoVA) Case Management, Discharge Planning, Women's Services and other population-specific services for Transitional Age Youth (TAY) and anger management.
- 3) In Custody Programs:** these programs are primarily designed for individuals in the County jails such as domestic violence and restorative justice programming,

⁵ Recent rulings in the *Buffin v. San Francisco* and *In Re Humphrey* cases have found that the use of money bail without consideration of ability to pay at the pre-arraignment and arraignment stages is a violation of constitutional due process and equal protection clauses. The 2018 *In Re Humphrey* state appellate court ruling is currently pending review by the California Supreme Court.

⁶ For example, pretrial diversion, Deferred Entry of Judgment or participation in collaborative courts

treatment-focused programs, and family visitation. Some of these include reentry planning elements but most do not include services after leaving custody.

- 4) Community Engagement and Prevention Programs:** programs intended to foster community engagement, such as the Sheriff's Department Horticultural Training Program for youth and young adults, or aimed at preventing specific outcomes, such as Eviction Assistance.
- 5) Victim Services:** programs intended to help victims of crime through crisis counseling and case management, facilitated group programming or involving victims in restorative justice programs with offenders.

Exhibit 2 below provides a breakdown of budgeted spending for each service category from FY 2017-18 to 2021-22.

Exhibit 2: Budgeted Funding for Sheriff Community Based programs and Contracts by Service Category, FY 2017-18 to 2021-22

Service Category	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	% FY 2020-21 Total	% chg: FY 2017-18 to 2021- 22
Pretrial & Incarceration Alternatives ^a	\$3,289,030	\$5,525,365	\$7,316,151	\$7,718,224	\$7,718,224	64%	135%
Reentry Services	1,662,996	1,890,810	2,369,730	2,358,243	2,358,243	19%	42%
In Custody Programs ^b	1,254,007	1,285,358	1,305,040	1,300,890	1,300,890	11%	4%
Community Engagement & Prevention	483,900	59,825	469,975	470,989	471,598	4%	-3%
Victim Services	278,812	285,782	286,113	283,842	283,842	2%	2%
Total	\$6,968,745	\$9,047,140	\$11,747,009	\$12,132,188	\$12,132,797	100%	74%

Source: BLA categorization and calculation based on Sheriff's Department data

Notes: ^a Includes Electronic Monitoring.

^b Does not include reentry service programs which begin in-custody but primarily provide support once the individual leaves custody (i.e. Discharge Planning, NoVA Case Management, etc.).

Exhibit 3 below provides a detailed breakdown of budgeted spending for Sheriff's Department community-based programs by service category and specific program. This shows that almost two thirds (64 percent, or \$7.7 million) of FY 2020-21 and 2021-22 funding was budgeted for Pretrial and Incarceration Alternatives, primarily Pretrial Services and Electronic Monitoring. Just under one fifth of funding (19 percent, or \$2.3 million) was budgeted for various reentry services, primarily through the No Violence Alliance (NoVA) Case Management program and project support "FlexFund."

Exhibit 3: Budgeted Funding for Sheriff Community Based programs and Contracts by Service Category and Program

Service Category/ Program	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	% 2021-22
Pretrial / Incarceration Alternatives						
Pretrial Incarceration Alternatives	\$2,511,523	\$3,331,768	\$4,471,357	\$5,786,471	\$5,786,471	48%
Electronic Monitoring	220,187	903,810	1,100,000	1,128,000	1,128,000	9%
Pretrial Diversion & Buffin	521,445	1,049,597	1,546,228	550,620	550,620	5%
Misdemeanor Behavioral Health Court Case Management	-	203,418	160,875	214,500	214,500	2%
Street Environmental Services (DPW Workorder)	35,875	36,772	37,691	38,633	38,633	0.3%
Subtotal (Pretrial)	\$3,289,030	\$5,525,365	\$7,316,151	\$7,718,224	\$7,718,224	64%
In Custody Programs ^a						
RSVP and BIP at Community Correction ^b	\$493,314	\$505,646	\$518,287	\$518,287	\$518,287	4%
Sisters, Roads & Care Coordinator	461,250	472,782	472,150	468,000	468,000	4%
Family Focused Svs for Incarcerated Parents	299,443	306,930	314,603	314,603	314,603	3%
Subtotal (In Custody)	\$1,254,007	\$1,285,358	\$1,305,040	\$1,300,890	\$1,300,890	11%
Reentry Services						
Project Support (FlexFund) ^c	\$590,510	\$594,625	\$1,010,000	\$1,010,000	\$1,010,000	8%
NoVA Case Management	707,011	735,769	805,615	782,395	782,395	6%
Women's Services (STAND)	155,324	159,207	163,187	163,187	163,187	1%
Discharge Planning	45,700	112,422	131,876	137,422	137,422	1%
NoVA Case Management - One Family	105,851	108,497	119,380	122,103	122,103	1%
Transitional Age Youth Program	15,000	135,600	93,865	97,329	97,329	1%
Intensive Case Management & Mentoring (ICMM)	43,600	44,690	45,807	45,807	45,807	0.4%
Subtotal (Reentry Svcs)	\$1,662,996	\$1,890,810	\$2,369,730	\$2,358,243	\$2,358,243	19%
Victim Services						
Survivor Empowerment Program (SEP) ^b	\$186,687	\$191,354	\$196,138	\$196,138	\$196,138	2%
Survivor Restoration Services	\$92,125	\$94,428	\$89,975	\$87,704	\$87,704	1%
Subtotal (Victim Svcs)	\$278,812	\$285,782	\$286,113	\$283,842	\$283,842	2%
Community Engagement & Prevention						
Horticultural Training Program	\$425,534	\$-	\$400,000	\$400,000	\$400,000	3%
Eviction Assistance	58,366	59,825	69,975	70,989	71,598	1%
Subtotal (Prevention)	\$483,900	\$59,825	\$469,975	\$470,989	\$471,598	4%
Grand Total	\$6,968,745	\$9,047,140	\$11,747,009	\$12,132,188	\$12,132,797	100%

Source: BLA calculations based on Sheriff's Department data

Notes: ^a Does not include reentry service programs which begin in-custody but primarily provide support once the individual leaves custody (i.e. Discharge Planning, NoVA Case Management, etc.).

^b RSVP, BIP and SEP are included in one contract. According to the Sheriff's Department, 27.5 percent of total funding was for the SEP (victim services program), we assumed this percentage applied to all FYs in the contract.

^c The increase in funding from FY2018-19 to 2019-20 was due to the addition of five residential treatment beds as part of the Misdemeanor Behavior Health Court program following the expiration of a state grant that previously funded these beds.

Community Based Program Funding Sources

Exhibit 4 below shows that most of the funding for these community-based programs comes from General Fund sources, with 93 percent, or \$11.3 million, coming from the City's General Fund. General Fund sources may include State Public Safety Realignment funds (AB109) provided to the City directly and disbursed to the Sheriff's Department. Based on data reported by the City to the Board of State and Community Corrections (BSCC), the Sheriff's Department received \$25,194,744 in realignment funds in FY 2019-20, around half was earmarked for "Trial Court/ Court Security" and the remaining \$12,367,904 was not specifically designated by use or program. The City received \$40,991,102 in total realignment funds in FY 2019-20, \$16.7 million went to Adult Probation, \$27.2 million to the Sheriff's Department, and \$0.7 million each to the District Attorney and Public Defender's Office.

As part of Public Safety Realignment statutes, County Chief Probation Officers are required to chair a "Community Corrections Partnership" (CCP) committee with criminal justice stakeholders to oversee realignment spending and coordination. The CCP is also required to report annually to the Board of State and Community Corrections on spending allocations, uses and progress against joint CCP goals. The latest CCP report for San Francisco for FY 2018-19 provides a breakdown of spending for Adult Probation Department-funded programs but not for the Sheriff's Department funding allocation. According to the Sheriff's Department, these funds are used to support AB109 programming.

Exhibit 4: Budgeted Funding for Sheriff Community Based programs and Contracts by Funding Type, FY 2019-20 to 2021-22

Funding Type	FY 2019-20	FY 2020-21	FY 2021-22	% chg: FY 2019-20 to 2021-22
General Fund ^a	\$11,013,140	\$11,282,837	\$11,283,446	2%
Non-General Fund	733,869	849,351	849,351	16%
Total Budget	\$11,747,009	\$12,132,188	\$12,132,797	74%
% General Fund	94%	93%	93%	

Source: BLA calculations based on Sheriff's Department data

Notes: ^a General Fund may include state public safety realignment funds (AB109) provided to the City directly and disbursed to the Sheriff's Department as General Fund monies.

Community-Based Program Contract Procurement Status

Exhibit 5 below provides a breakdown of community-based programs by contract expiration year (fiscal year). In particular, \$7.6 million in contracts are due to expire at the end of the current fiscal year (FY 2020-21), \$3.3 million in contracts are due to expire at the end of FY 2021-22 unless extended. The Sheriff plans to extend or issue new Request for Proposals (RFP) for all contracts due to expire in FY 2020-21.

Exhibit 5: Community-Based Programs and Contracts by Contract Expiration Year

Program Name	Current Contractor Name	FY2020-21	FY 2021-22	Procurement Status
Expiring in FY 2020-21				
PreTrial Incarceration Alternatives	<i>SF Pretrial Diversion Project</i>	\$5,786,471	\$5,786,471	RFP pending City Attorney review
Survivor Empowerment Program, RSVP, and BIP	<i>Community Works West, Inc.</i>	714,425	714,425	Plan to exercise 1-year extension
Pretrial Diversion (PDP) & Buffin Implementation	<i>SF Pretrial Diversion Project</i>	550,620	550,620	RFP pending City Attorney review
Family Focused Svs for Incarcerated Parents	<i>Community Works West, Inc.</i>	314,603	314,603	RFP issued
Women's Services (STAND)	<i>HealthRIGHT360</i>	163,187	163,187	RFP pending City Attorney review
Intensive Case Management & Mentoring (ICMM)	<i>Recovery Survival Network</i>	45,807	45,807	Plan to exercise 1-year extension
FY 2020-21 Sub-Total		\$7,575,113	\$7,575,113	
Expiring in FY 2021-22				
Project Support (FlexFund)	<i>Westside Community Service</i>	\$1,010,000	\$1,010,000	TBD
	<i>Bayview Hunter's Pnt</i>	209,054	209,054	TBD
NoVA Case Management	<i>Center on Juvenile & Criminal Justice</i>	117,605	117,605	TBD
	<i>Westside Community Service</i>	455,736	455,736	TBD
Sisters, Roads & Care Coordinator	<i>SF Pretrial Diversion Project</i>	468,000	468,000	TBD
Horticultural Training Program	<i>SF Conservation Corps</i>	400,000	400,000	TBD
MBHC Case Management	<i>Westside Community Service</i>	214,500	214,500	TBD
Discharge Planning	<i>SF Pretrial Diversion Project</i>	137,422	137,422	TBD
NoVA Case Management - One Family	<i>Community Works West, Inc.</i>	122,103	122,103	TBD
Transitional Age Youth Program	<i>Community Works West, Inc.</i>	97,329	97,329	TBD
Survivor Restoration Services	<i>Westside Community Service</i>	87,704	87,704	TBD
FY 2021-22 Sub-Total		\$3,319,453	\$3,319,453	
Expiring in FY 2022-23				
Electronic Monitoring ^a	<i>Sentinel Offender Services</i>	\$1,128,000	\$1,128,000	TBD
Eviction Assistance	<i>Felton Institute</i>	70,989	71,598	TBD
Street Environmental Services (DPW workorder)	<i>SF Pretrial Diversion Project</i>	38,633	38,633	TBD
FY 2022-23 Sub-Total		\$1,237,622	\$1,238,231	
Grand Total		\$12,132,188	\$12,132,797	

Source: BLA calculations based on Sheriff's Department data

Notes: ^a Contract expires 7/31/22.

Sheriff Staffing of Community Based Programs and Contracts

According to the Sheriff's Department, there are currently 67.25 full time equivalent (FTE) positions assigned to work on community based programs and contracts in various roles, of whom 26 are civilian staff and 41.25 are sworn staff in non-custody divisions, as shown in Exhibit 6 below. The Sheriff's Department indicated there were a further 392 staff working in custody divisions which interface with community based programs. However, most of these were deputy sheriffs assigned to regular positions within the County Jails, rather than roles assigned to overseeing or administering programs. Based on information provided during the FY 2020-22 budget review process, we estimated the total FY 2020-21 staff costs for non-custody staff (both civilian and sworn) at \$13.5 million, of which \$4.2 million is estimated for civilian staff and \$9.3 million for sworn staff.⁷

Among non-custody sworn staff, 25.50 positions were assigned to Electronic Monitoring administration and supervision and 5 positions to Pretrial Services administration and oversight. Civilian staff were primarily assigned to overall program administration and oversight (5.00 FTE), followed by the NOVA One Family program (3.33 FTE), NoVA Case Management (2.91 FTE), and Discharge Planning (2.91 FTE).

Exhibit 6: Sheriff Department Staff Assigned to Community Based Programs and Contracts by Program and Staff Type

Program Assignment	Civilian	Sworn	Total FTE	% of Program Staff
Electronic Monitoring	2.00	25.50	27.50	40.9%
All Programs/ Program Admin.	5.00	2.50	7.50	11.2%
Pretrial Services	1.50	5.00	6.50	9.7%
Discharge Planning	2.91	2.00	4.91	7.3%
Horticulture Training Program	2.25	2.00	4.25	6.3%
NoVA	2.91	1.25	4.16	6.2%
NOVA - One Family	3.33		3.33	4.9%
Eviction Assistance		2.00	2.00	3.0%
RSVP & SRP/SEP	1.40	0.50	1.90	2.8%
TAY Case Management	1.58		1.58	2.3%
STAND/ Women's Svcs	1.48		1.48	2.2%
Community Programs Case Mgmt	0.33	0.50	0.83	1.2%
Sisters	0.81		0.81	1.2%
Roads to Recovery	0.51		0.51	0.8%
Staff Total	26.00	41.25	67.25	100%

Source: BLA calculations based on Sheriff's Department data.

Notes: Several staff were assigned to multiple programs; we estimated staff allocation in equal proportions to provide an unduplicated FTE count. These estimates may not reflect the actual level of effort dedicated to each program.

⁷ Because salary and benefits were not available for three classifications in FY 2020-22 budget data - Assistant Sheriff, Health Worker II, and IS Business Analyst Principal – we used the top step Classification and Compensation database and assumed a 30 percent benefits cost.

Exhibit 7 below provides a further breakdown of non-custody staff assigned to community based programs by civil service job classification. This shows that almost half (46 percent) of civilian staff working on community based programs were 8420 Rehabilitation Services Coordinators which directly oversee programs and case management.

Exhibit 7: Non-Custody Sheriff Department Staff FTE Assigned to Community Based Programs and Contracts by Classification and Staff Type

Staff Type	FTE	% of Sub-Total/ Total
Civilian		
8420 - Rehabilitation Services Coordinator	12.00	46%
8300 - Sheriff's Cadet	3.00	12%
1823 - Senior Administrative Analyst	2.00	8%
1657 - Accountant IV	1.00	4%
8177 - Attorney	1.00	4%
923 - Manager II	1.00	4%
922 - Manager I (Prisoner Legal Services)	1.00	4%
1824 - Principle Administrative Analyst	1.00	4%
952 - Deputy Director	1.00	4%
1054 - IS Business Analyst Principal	1.00	4%
3402 - Farmer	1.00	4%
2586 - Heath Worker II	1.00	4%
Civilian Subtotal	26.00	32%
Sworn		
8304/8504 - Deputy Sheriff	21.25	52%
8306 - Senior Deputy	6.00	15%
8308 - Sergeant	5.00	12%
8310 - Lieutenant	4.00	10%
8312 - Captain	2.00	5%
8317 - Chief Deputy	2.00	5%
8516 - Assistant Sheriff	1.00	2%
Sworn Total	41.25	61%
Grand Total	67.25	100%

Source: BLA calculations based on Sheriff's Department data.

3. Pretrial Services and Electronic Monitoring

The Sheriff's Department has pre-trial, in-custody, re-entry, and community-based programs, as shown in Exhibit 3 above and discussed further below. While some programs can only be provided by the Sheriff, other programs can be delivered by agencies other than the Sheriff. We assessed these programs based on whether each program (1) was within the Sheriff's statutory duties; (2) duplicated programs provided by other City departments; and (3) conformed to best practices.

The majority of the Sheriff's community-based programming budget is allocated to pretrial services and incarceration alternatives, making up \$7.7 million or 64 percent of \$12.1 million of the total program budget in FY2020-21.

Exhibit 8: Budgeted Spending for Pretrial Services and Incarceration Alternatives, FY 2019-20 to 2021-22

Service Category/ Program	FY 2019-20	FY 2020-21	FY 2021-22
PreTrial Incarceration Alternatives (PIA)	\$4,471,357	\$5,786,471	\$5,786,471
Electronic Monitoring	1,100,000	1,128,000	1,128,000
Pretrial Diversion (PDP) & Buffin Implementation	1,546,228	550,620	550,620
Misdemeanor Behavioral Health Court Case Management	160,875	214,500	214,500
Street Environmental Services (DPW Workorder)	37,691	38,633	38,633
Pretrial / Incarceration Alternative Total	\$7,316,151	\$7,718,224	\$7,718,224

Source: BLA Calculations using Sheriff's Department Data

Pretrial Assessment and Services

Almost half of the community-based programming budget, \$5.8 million, is allocated to the Pretrial Incarceration Alternatives program. Under the Pretrial Incarceration Alternatives grant agreement between the Sheriff's Department and SF Pretrial Diversion Project, a nonprofit organization that has provided pretrial services since 2006, the SF Pretrial Diversion Project provides pretrial release assessments and supervision recommendations to the Court. Pretrial release risk assessments (as opposed to money bail) are recognized nationally as a best practice for reducing the incarceration of individuals pending trial and securing constitutional due process rights.

The Pretrial Incarceration Alternatives program includes implementation of the City's February 2020 legal settlement in *Buffin v. San Francisco* which ended the Sheriff's use of a fixed bail schedule for pre-arraignment releases. The new system requires release recommendations to be presented to the Court for eligible individuals within 8 hours of confirming the defendant's identity or for the Sheriff to decide, using the recommendation, within 18 hours if the Court has not done so. The release recommendation is informed by a Public Safety Assessment (PSA) which is then mapped

against the local “Decision Making Framework” matrix to determine whether release is recommended and, if so, the pretrial release conditions. From June to August 2020, around 17 percent of Sheriff bookings (452) were eligible for this pre-arraignment review.⁸ According to the latest data for the same period, 99 percent of PSAs for eligible bookings were provided within the required timeframe.

Other pretrial services include pretrial diversion and case management programs for individuals charged with misdemeanors, and work programs. The Sheriff’s Department has a contract with SF Pretrial Diversion Project which provides for treatment plans or community service in lieu of criminal proceedings for first time misdemeanor offenders, and a contract with Westside Community Services for case management services for individuals referred to Misdemeanor Behavioral Health Court. Through a workorder with the Department of Public Works’ Street Environmental Services, individuals sentenced by the Court work off fines and court obligations by doing community projects.

The provision of pretrial services is not specifically set out in the Sheriff’s statutory duties and there appears to be significant variation across California counties and the nation on how these services are provided. For example, a 2015 survey of California counties found that, of the 46 counties that provided pretrial services, 43 percent were provided by probation departments (20 counties), 13 percent by sheriff’s departments (6 counties), and the rest were provided by multi-agency groups, courts, independent non-profits, or an independent county agency.⁹

The National Association of Pretrial Services Agency (NAPSA), which provides accreditation and is supported by the US National Institute for Justice, sets out standards regarding the importance of independence for pretrial services.¹⁰ These standards prescribe the importance of independence but do not specify who should provide or contract for these services. However, these standards do make clear that the pretrial services agency should have sufficient autonomy to provide objective and neutral advice to the courts, dedicated expert staff, and also be an equal partner in the local criminal justice system. Additionally, almost half of US states and the District of Columbia encourage the establishment of an independent pretrial services agency to advise the Courts on pretrial release decisions and supervise individuals released during the pre-trial phase.¹¹ The 2018 Pretrial and Bail Reform Bill (SB10), which was recently overturned by

⁸ San Francisco Sheriff’s Office Implementation of Pre-Arraignment Release Timelines per the *Buffin* Injunction. [June 1 to August 31, 2020 Update](#). Published September 17, 2020.

⁹ Californians for Safety and Justice and Crime and Justice Institute (2015), [“Pretrial Progress: A Survey of Pretrial Practices and Services in California.”](#)

¹⁰ See Appendix A for NAPSA standards related to pretrial services agency independence.

¹¹ National Council of State Legislatures, *Pretrial Release Laws: Recent State Enactments* (June 30, 2014), <http://www.ncsl.org/documents/cj/PretrialHandoutNCSL.pdf>. From NAPSA, *Standards on Pretrial Release* (2020 Revision).

a voter referendum, would have required local courts in all counties to establish “qualified local public agencies” to provide pretrial assessment and supervision services and excluded agencies with primary responsibility for arrests and detention from providing these services. Qualified local public agencies were defined as agencies providing similar services as probation departments.

The SF Pretrial Diversion Project is currently undergoing a NAPSA accreditation review, and according to the Sheriff’s Department, the NAPSA review team has indicated that they will recommend the SF Pretrial Diversion Project for accreditation. Final review results are expected in January 2021.

Electronic Monitoring

The next largest program is the Sheriff’s Electronic Monitoring Program, currently provided by Sentinel Offender Services, Inc., a for-profit company. Electronic monitoring can be used as an alternative to incarceration at several points during the criminal adjudication process. The main points are prior to a court sentence (i.e. after guilt has been admitted or determined via trial), usually called "pretrial", or after a court sentence. In San Francisco, only a judge can order an incarcerated individual to electronic monitoring during the pre-trial phase; however, the Sheriff is authorized to offer electronic monitoring as an alternative to a county jail commitment after a sentence has been decided. In 2014, the Board of Supervisors rejected an ordinance to allow the Sheriff to use electronic monitoring for individuals detained pretrial in lieu of bail.¹²

According to caseload data provided by the Sheriff’s Department, shown in Exhibit 9 below, as of November 2, 2020, 99 percent of individuals on electronic monitoring (294) were awaiting trial (i.e. pretrial). Of those on pretrial electronic monitoring, 48 percent were also ordered by the Court on pretrial supervision or case management as a condition of their release.¹³ The remaining individuals were released with no supervision requirement but still required to be on electronic monitoring – 19 percent were released on their Own Recognizance (OR) without active supervision, except for reminders of court dates. Another 33 percent were released with Electronic Monitoring only, however, these individuals were likely released later in the court process (i.e. after arraignment). Separate data presented by the Sheriff on those placed on Electronic Monitoring from January to June 2020, shows that between 61 to 70 percent of those on EM were initially not recommended for release during pre-arraignment but subsequently released on EM.¹⁴

¹² See San Francisco Board of Supervisors [File No. 130650](#): “Ordinance amending the Administrative Code to expand the category of jail inmates eligible for the Home Detention Program; and authorizing the Sheriff to implement an Electronic Monitoring Program to pretrial detainees being held in lieu of bail.”

¹³ Through the Own Recognizance Minimum Supervision (twice a week check-ins required) or Assertive Case Management programs (four check-ins per week required).

¹⁴ Sheriff [presentation](#) to the December 2, 2020 hearing of the Budget and Finance Committee.

Exhibit 9: Sheriff Department's Electronic Monitoring Caseload on November 6, 2019, January 15, 2020 and November 2, 2020

No. on Electronic Monitoring by Release Type and Case Status	EM Caseload as of:		
	11/6/19	1/15/20	11/2/20
Pretrial (OR No Active Supervision) ^a	45	43	55
Pretrial (OR Minimum Supervision) ^b	6	4	6
Pretrial (Assertive Case Management) ^c	77	75	135
Pretrial (Post-Arraignment, No Supervision)	107	105	98
Pretrial/ Unsented Total	235	227	294
Sentenced	9	12	4
Sentenced Total	9	12	4
Total	244	239	298
% on Electronic Monitoring by Release Type and Case Status			
	11/6/19	1/15/20	11/2/20
Pretrial (OR No Active Supervision) ^a	19%	19%	19%
Pretrial (OR Minimum Supervision) ^b	3%	2%	2%
Pretrial (Assertive Case Management) ^c	33%	33%	46%
Pretrial (Post-Arraignment, No Supervision)	46%	46%	33%
Pretrial/ Unsented Total	96%	95%	99%
Sentenced	-	-	-
Sentenced Total	4%	5%	1%
Total	100%	100%	100%

Source: BLA calculations based on Sheriff's Department data.

Notes: ^a Individuals are released on their "Own Recognizance" (i.e. they must sign a declaration stating they will attend future court hearings). They are not supervised and only receive reminders about upcoming court hearing dates from SF Pretrial Diversion Project staff.

^b Individuals must check in with SF Pretrial Staff by phone twice a week until their trial concludes or is dismissed.

^c Individuals must check in with SF Pretrial Staff four times a week, with at least two in person check-ins (pre COVID).

This overlap between electronic monitoring and pretrial supervision also appears to be true for the pretrial supervision caseload overall, with 19 percent of individuals placed on pretrial supervision also being placed on electronic monitoring as of November 2, 2020. This is up from 14 percent a year earlier.

A recent review of existing research by the MacArthur Foundation-supported Safety & Justice Challenge found that electronic monitoring was most effective in reducing recidivism when used in lieu of prison sentences but the evidence was mixed on its use during pre-trial and post-release.¹⁵ This review also highlighted potential issues of "net widening" when used pre-trial (i.e. if a defendant would have been released without electronic monitoring) and differential impacts on sub-groups (including African

¹⁵ Justice System Partners (2020), "The State of Electronic Monitoring." Report commissioned by the MacArthur Foundation's Safety and Justice Challenge.

Americans). According to the Sheriff's Department, the use of Electronic Monitoring by the Court at arraignment has substantially increased following the *Humphrey* decision, which requires consideration of a defendant's ability to pay and the least restrictive non-monetary alternative when setting conditions of release. The Sheriff's Department has entered into an agreement with the California Policy Lab to analyze the use and effect of electronic monitoring on defendant case outcomes before and after the *Humphrey* decision. This analysis is expected to provide estimates of the impact of pretrial supervision and electronic monitoring on court appearance and re-arrest rates. Results are expected within six months.

Given the significant use of electronic monitoring for those awaiting trial and the overlap between pretrial supervision and electronic monitoring, a cross-agency review should be undertaken to understand the effectiveness of electronic monitoring for pretrial individuals and its concurrent use with pretrial supervision. This assessment should include the Court to understand the factors considered when using electronic monitoring and/or pretrial supervision.

4. In-Custody, Reentry and Community Programs

California Government Code Section 26600 provides for county sheriffs to "preserve the peace" through projects to prevent crime and delinquency and to rehabilitate offenders. The Sheriff's Department has contracts with several community-based organizations to provide in-custody, reentry, victim service, and community programs.

In-Custody Programs

Funding for in custody programs made up 12 percent of budgeted spending in FY 2020-21, or \$1.5 million. Most of this spending is for violence prevention, substance use treatment, and services for incarcerated parents.

Exhibit 10: Budgeted Spending for In Custody Programs, FY 2019-20 to 2021-22

Service Category/ Program	FY 2019-20	FY 2020-21	FY 2021-22
RSVP & BIP (Violence Prevention)	\$518,287	\$518,287	\$518,287
Sisters, Roads to Recovery & Care Coordinator	472,150	468,000	468,000
Family Focused Svs for Incarcerated Parents	314,603	314,603	314,603
<i>In Custody Programs Total</i>	<i>\$1,305,040</i>	<i>\$1,300,890</i>	<i>\$1,300,890</i>

Source: BLA Calculations using Sheriff's Department Data

The violence prevention programs – Resolve to Stop the Violence (RSVP), Batterers Intervention Program (BIP), and Survivor Empowerment Program (SEP)¹⁶ - are provided through a contract with a community based organization. The program (of which around 27 percent includes classes and other services for victims of violent crime) is a restorative justice-based program targeted at alleged and convicted offenders of violent crimes. According to the Sheriff's Department data, just under two thirds of clients (63 percent or 80 of 126) completed the first stage of programming in FY 2019-20, up from 36 percent in FY 2018-19.

The Sisters, Roads to Recovery, and Care Coordinator programs, provided through a contract with SF Pretrial Diversion Project, consist of residential substance use treatment programs. The Sisters and Roads to Recovery programs are in designated housing units in the jails, and the Care Coordinator program provides programming to individuals not in a designated housing unit.

The Family Focused Services for Incarcerated Parent is provided through a contract with a community based organization selected through a competitive RFP. This program provides parenting classes to incarcerated individuals, supports parent/child visits in the jails, and provides individual therapeutic support.

Violence prevention and residential substance use treatment programs for the inmate population have been found to be effective in reducing recidivism, according to some studies, which highlight the importance of ensuring that programs are evidence based.^{17,18} Studies also highlight the importance of ensuring continuity of service and referral to/enrollment in substance use treatment programs once individuals leave jail.¹⁹ While the Sheriff's Department's programs require clients to complete reentry plans, linkage to services when leaving custody appears mixed. According to Department performance data, for the Sisters program, 37 percent of clients in custody more than 30 days were linked to services at release in FY 2018-19 (13 of 35), while 80 percent of clients

¹⁶ RSVP (Resolve to Stop the Violence) is a violence prevention program for men incarcerated in CJ5 with a history of violence and battery. The Batterers Intervention Program (BIP) and Survivor Empowerment Program (SEP) are provided at the Department's Community Programs site at 70 Oak Grove.

¹⁷ While violence prevention programs were not included in the more recent reviews consulted, a 2005 evaluation of the RSVP program (based on data from individuals in custody between 1997- 1999) found the program to be effective in reducing recidivism. See James Gilligan and Bandy Lee (2005). "[The Resolve to Stop the Violence Project: reducing violence in the community through a jail-based initiative.](#)" Journal of Public Health, Vol.27, No. 2.

¹⁸ James Byrne (2019). "[The Effectiveness of Prison Programming: A Review of Research Literature Examining the Impact of Federal, State and Local Inmate Programming on Post-Release Recidivism.](#)" Federal Probation Journal, Vol. 84, No. 1.; Washington State Institute for Public Policy (2006), "[Evidence-Based Adult Corrections Programs: What Works and What Does Not.](#)"; California Legislative Analyst's Office (2017), "[Improving In-Prison Rehabilitation Programs.](#)" Legislative Analyst's Office Report.

¹⁹ James Byrne (2019)

in the Roads Program were linked to services in FY 2018-19 (35 of 44). Data for FY 2019-20 has not yet been compiled.

Reentry Services

Reentry services funded by the Sheriff's Department made up around 19 percent of total community-based funding in FY 2020-21. The largest programs include the No Violence Alliance Case Management program (NoVA) for individuals with violent charges or multiple criminal cases in the past two years, and a \$1 million "FlexFund" which provides funding for technical assistance for the NoVA organizations as well as financial resources for NoVA clients for housing or other necessary items.

Exhibit 11: Budgeted Spending for Reentry Services, FY 2019-20 to 2021-22

Service Category/ Program	FY 2019-20	FY 2020-21	FY 2021-22
Project Support (FlexFund)	\$1,010,000	\$1,010,000	\$1,010,000
NoVA Case Management	805,615	782,395	782,395
Women's Services (STAND)	163,187	163,187	163,187
Discharge Planning	131,876	137,422	137,422
NoVA Case Management - One Family	119,380	122,103	122,103
Transitional Age Youth Program (TAY)	93,865	97,329	97,329
Intensive Case Management & Mentoring (ICMM)	45,807	45,807	45,807
<i>Reentry Services Total</i>	<i>\$2,369,730</i>	<i>\$2,358,243</i>	<i>\$2,358,243</i>

Source: BLA Calculations using Sheriff's Department Data

Re-entry programs provided by the Sheriff's Department start in-custody prior to release and continue in the community after release. The NoVA Case Management programs target incarcerated individuals with substance use or mental health disorders. Services generally began in-custody and include a pre-release plan and referrals as needed to outpatient services, and continue post-release. Referrals to NoVA Case Management may also occur after release; according to data on individuals enrolled in the NoVA program on November 3, 2020, 28 percent were out of custody walk-in or self-referrals.²⁰ Program participation length is not defined in the contract but is suggested to last between six months and two years. During this time, NoVA Case Managers are expected to document all interactions in a case management system which the Sheriff's Department hosts.

The STAND program provides group programming to survivors of human trafficking in the jails and at the Women's Resource Center (an out-of-custody program run by the Sheriff's Department), and individual case management services to women while in custody and continuing post-custody after release.

²⁰ According to the Sheriff's Department, most of these were likely individuals who had been referred to NoVA while in custody. However, at least four were on electronic monitoring while awaiting trial (i.e. "pretrial").

Discharge planning, provided by the SF Pretrial Diversion Project, includes identifying service needs and referring individuals in CJ1 (Intake and Release), CJ2 (Women's Detention), and CJ5 to services on release. The Transitional Age Youth program begins with screening for trauma and service needs of incarcerated youth, and includes counseling and re-entry planning. The Intensive Case Management Program is provided through a contract with a community based organization at the Sheriff's Community Programs site at 70 Oak Grove.

Most of the Sheriff's reentry services are provided to individuals after they have been released from Jail. These individuals are also likely to be under community supervision by the Adult Probation Department, which also provides reentry services. Exhibit 12 below shows that, from December 6, 2019 to October 31, 2020, community supervision by Adult Probation was required in 76 percent of cases (1,357) where a defendant was sentenced to county jail. While these services are voluntary, the continued involvement of the Sheriff's Department, through case management services such as NoVA, after an individual has been released from custody may not be appropriate, since these individuals are no longer under the Sheriff's jurisdiction and given the potential overlap with APD supervision and reentry services.

Exhibit 12: San Francisco Court Dispositions by Sentence Type, Dec. 6 2019 to Oct. 31, 2020

Sentence Type ^a	# of Cases	% of Cases
Formal Probation Only	20	1%
State Prison Only	186	9%
County Jail Only ^b	438	21%
County Jail and Community Supervision ^c	1,357	65%
State Prison and Community Supervision (PRCS) ^d	92	4%
Total	2,093	100%
<i>Sub-total of Cases with a County Jail Sentence</i>	<i>1,795</i>	<i>86%</i>
% of Cases with a County Jail Sentence that require Community Supervision at release	76%	

Source: BLA calculations based on data extracted from JUSTIS by the Adult Probation Department

Notes: Data relates to *cases* which is different from *individuals* as an individual could be sentenced on multiple cases during the time period.

^a Sentence types are based on BLA categorizations. Underlying dispositions were extracted from JUSTIS by APD based on Disposition Codes.

^b Includes "straight" jail sentences per PC 1170

^c Includes cases with a county jail and formal probation sentence (1,319), and cases with a "split sentence" (38) where part of the sentence is served in county jail and the remainder under APD Mandatory Supervision (PC 1170(h)(5))

^d Includes Individuals with a "State Prison Paper Commitment" where individuals will be subject to Post Release Community Supervision by APD following completion of a prison sentence (PC 3541)

A recent literature review of reentry services by the National Institute of Justice's Reentry Council found generally mixed or limited results regarding reentry services (including evaluation of a San Francisco Department of Public Health program in the Jail). However, some studies found that the impacts of reentry programs on reducing recidivism relied on close coordination between case managers and probation officers.²¹ Given these best practices, ensuring clear coordination and continuity of service during the transition out of custody is essential.

Victim Services

The Department has two contracts for the Resolve to Stop the Violence programs (RSVP), each containing Survivor Empowerment Programs and Survivor Restoration Programs. The Survivor Restoration Programs provide services to survivors of violent offenders participating in RSVP. The Survivor Empowerment Program is a component of the Survivor Empowerment Program, offering 12 week classes to program participants. According to the contracts, these programs refer to the District Attorney's victim services and other programs as needed.

While the Sheriff is responsible for providing certain notices to victims when incarcerated individuals are released, the provision of victim services is not clearly related to the Sheriff's statutory duties. The Sheriff's Department indicated that these programs are part of wider restorative justice programs to improve the rehabilitation and accountability of individuals alleged to have committed crimes. The District Attorney and Adult Probation also provide victim services including victim advocacy and access to state victim compensation.

Community Engagement and Prevention Services

The Sheriff Department's budgeted spending on community engagement and prevention services totaled \$470,989 for FY 2020-21, around 4 percent of total community-based programs funding, as shown in Exhibit 13.

Exhibit 13: Budgeted Spending for Community Engagement & Prevention Programs, FY 2019-20 to 2021-22

Service Category/ Program	FY 2019-20	FY 2020-21	FY 2021-22
Horticultural Training Program	\$400,000	\$400,000	\$400,000
Eviction Assistance	\$69,975	\$70,989	\$71,598
<i>Community Engagement & Prevention Total</i>	<i>\$469,975</i>	<i>\$470,989</i>	<i>\$471,598</i>

Source: BLA calculations based on Sheriff's Department data.

²¹ David Muhlhausen (2018), "[Research on Returning Offender Programs and Promising Practices](#)," National Institute of Justice, Department of Justice.; Blair Ames (2019), "[NIJ-Funded Research Examines What Works for Successful Reentry](#)," National Institute of Justice Journal.

The Horticultural Training Program offers workforce development to young adults considered to be at-risk for offending. The program is offered in conjunction with the San Francisco Public Utilities Commission and provided on the grounds of CJ5 in San Bruno. Although not directly related to the Sheriff's custody role, the training program is broadly consistent with Government Code Section 26600, which provides for the Sheriff to provide projects to prevent crime and delinquency.

The Eviction Prevention Program offers early crisis intervention and homelessness prevention services to individuals identified for eviction proceedings. The contractor works with the Sheriff's Civil Division, which is responsible for carrying out court-ordered evictions. There may be some overlap with existing eviction and homeless prevention services provided by the Mayor's Office of Housing and Community Development and the Department for Homelessness and Supportive Housing. The extent of coordination with these departments on eviction assistance was unclear.

5. Policy Considerations and Recommendations

Based on our review, two policy issues merit further Board of Supervisors consideration to ensure efficient and effective provision of services for individuals receiving community-based programs from the Sheriff's Department.

#1: The use of electronic monitoring for those awaiting trial, especially the use of electronic monitoring for individuals deemed to be low risk, and the combined used of electronic monitoring and pretrial supervision.

According to information provided by the Sheriff's Department, between 9 and 12 percent of individuals on electronic monitoring from January to June 2020 had been recommended for release on Own Recognizance with No Active Supervision, indicating the lowest potential risk of failing to appear for hearings or reoffending. Also, as noted above, nearly one-half of individuals placed on electronic monitoring were also ordered on pretrial supervision (i.e. Minimum Supervision or Assertive Case Management).

- *Given the mixed findings by the Safety and Justice Challenge on the benefits of pretrial electronic monitoring, and the risk of unnecessary expansion of electronic monitoring, the Board of Supervisors should request the Sentencing Commission or the Safety and Justice Challenge Subcommittee to carry out a cross-agency review of the use of electronic monitoring. Because pretrial electronic monitoring is an action of the Court, this review should include the Court to understand the factors that determine the use of electronic monitoring for low risk individuals, and the concurrent use of electronic monitoring and supervision.*

#2: The extent of coordination among the Sheriff's Department, Adult Probation, and other City Departments in providing reentry services for individuals leaving County Jail custody.

Both the Adult Probation Department and Sheriff's Department provide reentry services to adults involved in the criminal justice system, the Adult Probation Department through the Community Assessment and Service Center (CASC) on 6th Street and the Sheriff's Department through the Community Programs site at 70 Oak Grove Street. The Sheriff's Department provides reentry services, which begin when the individual is in jail but continue after release. Based on data from Adult Probation, around 76 percent of cases with a county jail sentence also include community supervision after release.²² According to discussions with Adult Probation Department and Sheriff's Department staff, individuals on probation may also be receiving NoVA or other case management services contracted by the Sheriff. For example, from January 1 to October 15, 2020, 22 out of 30 Individuals on probation in transitional housing funded by the Adult Probation Department were also in the NoVA case management program funded by the Sheriff's Department. Additionally, the Sheriff's NoVA case management contracts require any mental health assessments and therapy to be referred to the CASC's provider (Citywide Case Management Programs).

Individuals referred to services on release from custody do not always access services. As noted above, the share of individuals in custody that were linked to services on reentry varied significantly, from 37 percent in the Sisters Program to 80 percent for the Roads to Recovery program in FY 2018-19. Also, of 442 individuals who were served by the Sheriff's Discharge Planning in FY 2019-20, only 42 percent were connected to services at release (186), and for the Sheriff Department's NoVA Case Management program, of 63 new clients in the Sheriff's NoVA Case Management program in FY 2019-20, only 68 percent (43) were met by a case manager at release, although this was an increase from 58 percent in FY 2018-19.

- *The Board of Supervisors should request the Reentry Council to conduct a review of reentry services, including policy and operational coordination between the Sheriff's Department and Adult Probation Department, and practices to ensure individuals' access to services after release, including potential recommendations to increase efficiency and coordination and streamline the provision of these services.*

²² For the period from December 6 2019 to October 30 2020.

APPENDIX A

Excerpts from National Association of Pretrial Services Agencies Standards related to Pretrial Independence and Structure

Below are excerpts from pretrial services standards published by the National Association of Pretrial Services Agencies relating to the independence and organizational structure of pretrial services. These standards were last revised in 2020 and are supported by grants from the US Department of Justice National Institute on Corrections.

NAPSA Standard 2.7: All jurisdictions should establish a dedicated pretrial services agency.

[...]

This Standard recommends that a pretrial services agency be a separate, independent entity. Jurisdictions may incorporate pretrial services agencies within a larger “parent” organization, if the agency retains:

- *a clearly-defined, pretrial service related function as its purpose;*
- *staff assigned only to pretrial-related work with pretrial defendants; and*
- *management that can make independent decisions on budget, staffing, and policy.*

NAPSA Standard 4.2(a): The pretrial services agency should have a governing and organizational structure designed to meet its mission and objectives. To enable neutral performance of its functions, the agency should be structured to ensure independence in the adversarial process. Agency operations should be consistent with maximizing release rates, court appearance, and public safety.

To best achieve its core functions, a pretrial services agency should have a governing and organizational structure that oversees risk assessment, risk management, service integration and performance measurement. As noted in Standard 2.7, the agency should be a separate independent identity outside the influence of the adversarial process. This ensures superior management of the agency’s core functions and mission statement, better staff direction and motivation, and makes a single stakeholder responsible and accountable for the pretrial functions and outcomes. If the pretrial services agency is “housed” under a larger parent organization, the structure should include the following elements:

- *A clearly defined operationalized mission statement.*
- *Leadership that can make independent decisions on policy, staffing and budget*
- *Staff assigned to pretrial work only with pretrial defendants.*

- *Leadership that is included in any criminal justice stakeholder groups and policy discussions.*

APPENDIX B

Excerpt from the California Government Code Related to Sheriff Duties

Below is an excerpt of key provisions related to the duties of county Sheriffs prescribed by California statute. The full set of duties are set out in California Government Code sections 26600 – 26616. It should also be noted that additional specific statutory Sheriff duties may be included in other codes but these tend to relate to specific duties or programs (i.e. electronic monitoring).

California Government Code Sections 26600 – 26605

- **Sec. 26600:** *The sheriff shall preserve peace, and to accomplish this object may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency.*
- **Sec. 26601:** *The sheriff shall arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense.*
- **Sec. 26602:** *The sheriff shall prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to his or her knowledge, and investigate public offenses which have been committed. The sheriff may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease.*
- **Sec. 26604:** *The sheriff shall command the aid of as many inhabitants of the sheriff's county as he or she thinks necessary in the execution of his or her duties.*
- **Sec. 26605:** *Notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it including persons confined to the county jail pursuant to subdivision (b) of Section 3454 of the Penal Code for a violation of the terms and conditions of their post release community supervision, except for work furlough facilities where by county ordinance the work furlough administrator is someone other than the sheriff.*