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ACQUISITIONS

**San Francisco
Jail Population
Management Plan**

May 22, 1991

EXECUTIVE SUMMARY

This report is the last of a three-phase project. The first report identified causes of jail overcrowding. The next report outlined solutions which were proposed strategies to regulate jail overcrowding. The solutions were a response to the causes of overcrowding identified in the first phase. This Population Management Plan resulted from the solutions agreed upon by CJAG, and will be submitted to the federal court.

The following are the chief elements of the plan derived from extensive deliberation by CJAG and Consultants.

- Proposal 1: Data Program and Jail Population Manager**
- Proposal 2: The Criminal Justice Administrators Group (CJAG) Provides a Voluntary Forum for Coordinating the Criminal Justice System as it Relates to Jail Overcrowding**
- Proposal 3: Continue to Improve Timeliness and Quality of Police Reports and Prosecution Review of Police Reports and Felony Charges**
- Proposal 4: Upgrade the OR Project in Concert with the Municipal Court**
- Proposal 5: Seek to Improve the FTA Program**
- Proposal 6: Inter-County Pact to Limit the Problem of Traffic Holds**
- Proposal 7: Expedited Trial Management Program**
- Proposal 8: Improved Use of County Parole**
- Proposal 9: Prioritize Presentence Investigation Reports for In-Custody Cases**

Proposal 10: Expand the Use of Electronic Monitoring

Proposal 11: Construct, Remodel and/or Renovate Facilities

INTRODUCTION

The city and county of San Francisco contracted with the Institute for Law and Policy Planning (ILPP) to facilitate development of a Jail Population Management Plan to comply with a federal court order. This report is the last of a three-phase planning process to develop a five-year jail population management plan. The study results in a plan for San Francisco to manage and limit the flow of inmates through its detention facilities and to replace special provisions now employed as a result of the court order.

The plan is a result of CJAG deliberations and is "CJAG's plan" (i.e., various findings and recommendations made by Consultants were modified through CJAG's deliberations). The final plan represents a consensus by CJAG members as to what can be accomplished.

There have been three phases to the project. The first identified and analyzed factors contributing to jail overcrowding and resulted in a report on causes of overcrowding. The second presented solutions through the development of proposed strategies to regulate jail crowding factors. The third, an implementation plan, is set forth herein. Each of the three reports began with a draft presented to the CJAG. After CJAG input, a final version was issued.

The proposals have been developed to address causes identified in the "Causes of Overcrowding Report," and solutions identified in the "Solutions to Overcrowding Report." The proposals are presented not by priority or by the greatest impact on bed savings, but according to flow from arrest to sentencing.

ORGANIZATION OF THE PLAN

The plan is organized as follows. The underlying cause and proposed solution are set forth together. This is followed by a proposal and implementation plan elucidating the preceding solution.

The proposals and planning material have several other organizational aspects that are designed to make this report a **"workbook" for implementing the study's recommendations.**

First, each proposal is numbered so as to facilitate keeping track. Second, each proposal is preceded by the underlying cause and proposed solution.

Each proposal is described in a general way, with "Program Elements" further breaking down most proposals and showing more specific aspects.

An implementation plan follows each proposal. In the implementation plan, the first item covered is the "Responsible Agency" or agencies. This element points to that agency or entity that is best suited to implementing the recommendation.

The plan also sets forth a number for "Estimated Beds Saved" upon implementation. Calculations were made using collected data, information from the tracking analysis, interviews, and information from comparable programs used elsewhere. Estimates are rough predictions and are strictly for planning purposes (i.e., there is "no science," only educated guesses). Consultants estimate up to 420 beds saved or, with new construction of the 380-bed Work Furlough Facility, 800 total.

The next aspect of the planning material is "Estimated Cost" which sets forth the staffing, funding, or other budget items required for implementation. Cost is a difficult planning category in that so many variables and estimates enter into the determination of most implementation costs. In some cases, Consultants have derived costs from specific interviews with agency heads and/or analysis of recent county and state budgets. In other cases, Consultants developed cost estimates

CAUSE A: There is a lack of authoritative, readily accessible, system-wide data that are available and useful for jail population management.

SOLUTION A1: Data Program and Jail Population Manager

PROPOSAL 1

Beginning in FY 1991-92, San Francisco will provide a personal computer, statistical program and jail population manager (JPM) to sample jail flow quarterly. The quarterly sample should employ approximately 400 cases and obtain time of intake and release, method of release, and charges and disposition. Information will be reported to the Criminal Justice Administrators' Group (CJAG). This will provide CJAG with information necessary to discuss and resolve overcrowding issues.

PROGRAM ELEMENTS

The population management system should include the following elements:

- a. The jail population manager position will be the approximate equivalent of a 0.5 full time employee (FTE) for this proposal. The remaining time will be used to help CJAG coordinate the criminal justice system (see Proposal 2). This position will report to the Sheriff's Office and provide support for CJAG.
- b. A quarterly tracking study will be conducted which will show average length of stay by charge and release mode, failure to appear, and warrants/holds data. It should track cases through each stage of adjudication.
- c. The jail population manager will perform this analysis and explain it to CJAG members. Significant population management issues should be noted, such as system clogging and coordination problems. This

will result in CJAG agenda items, meetings, special studies, etc.

- d. A profile of all in custody on a single day should be performed each quarter.

RESPONSIBLE AGENCY

Sheriff's Department.

ESTIMATED COST

The Sheriff's Department will use existing resources to carry out this function.

ESTIMATED BEDS SAVED

Exact number of beds cannot be calculated because this proposal is general. The ability to effectively monitor the system should result in large, system-wide bed savings.

STATUS

CJAG has been meeting for four months and has some experience in dealing with data to identify crowding issues. CJAG has been developing into a "real group" that actively solves problems.

CAUSE B: Due to the lack of accessible data, there is a need for more effective interagency policy development and decision making about crowding.

SOLUTION B1: The Criminal Justice Administrators Group (CJAG) Provides a Voluntary Forum for Coordinating the Criminal Justice System as it Relates to Jail Overcrowding

PROPOSAL 2

CJAG is a voluntary association of justice system department heads that will provide a forum for discussing issues relating to jail overcrowding. The Sheriff will review the status of the jail population with CJAG from time to time and CJAG members will advise the association as to what changes, if any, can be made in the justice system that are consistent with each member's duties and obligations to crime victims and the general public.

CJAG depends on the cooperation of its members and is not an official legislative body or the creation of a legislative body. CJAG includes executive and judicial representatives but does not include any member of a legislative body serving in his or her official capacity.

PROGRAM ELEMENTS

- a. The JPM will act as a facilitator for CJAG, perform data analysis and present findings to the CJAG (see Proposal 1). The JPM will report to the Sheriff's Department.
- b. The presiding judges will be looked to for leadership.

- c. CJAG will provide an opportunity for department heads to share views on costs and issues concerning the jail. However, CJAG's role will be advisory, and it will not make or enforce policy.
- d. It is the goal of CJAG to find alternatives to the extraordinary prisoner release mechanisms arising from the existing federal court order. Consensus among CJAG members is central to effective coordination of scarce jail resources and of release programs.

RESPONSIBLE AGENCY

Mayor's Office, Municipal Court, Superior Court, San Francisco Police Department, District Attorney's Office, City Attorney's Office, Public Defender's Office, Sheriff's Department, Probation Department and Health Department.

ESTIMATED COST

The city will use existing resources to perform this function.

ESTIMATED BEDS SAVED

Exact number of beds cannot be calculated. The ability to effectively monitor the system will result in a variety of system-wide bed savings.

STATUS

CJAG has been meeting regularly throughout this project. A continuing active role for CJAG will be critical to managing the system effectively.

CAUSE C: Police reports are not always made available in a timely manner. Historically, police appear to have booked many arrestees with inadequately documented charges, and to have overcharged.

SOLUTION C1: Continue to Improve Timeliness and Quality of Police Reports and Prosecution Review of Police Reports and Felony Charges

PROPOSAL 3

The San Francisco Police Department (SFPD) has already taken greater responsibility for helping with overcrowding by making the timing and quality of documentation in police reports a high priority. Resulting improvements in training, supervision and management and an increase in allocated resources should reduce police, prosecution and overall system workload and result in more timely reports, better documentation and consistency, and a lower "drop" rate on felonies. (See the Coro Foundation's report, "The Impact of Proposition 115 on the San Francisco Police Department," October, 1990.)

To improve the overall quality of the police reports and lower the number of felonies dropped, a night district attorney will be available as a resource for early screening of felony arrests.

PROGRAM ELEMENTS

- a. A program is already in place. A committee comprised of representatives of the SFPD and the District Attorney's Office conducts meetings to improve police reports and investigations to facilitate implementation of Proposition 115. The SFPD will continue to share information with CJAG.
- b. A district attorney will be available on weeknights as a resource to the police inspectors for all felony arrests.

The on-call deputy district attorney would screen many felony charges 12 to 24 hours sooner than at present.

RESPONSIBLE AGENCY

San Francisco Police Department and District Attorney's Office.

ESTIMATED COST

Approximately \$100,000 in funds will be made available through police alternative funding. Lower police and prosecution workload should result, enabling better use of existing staff.

ESTIMATED BEDS SAVED

Up to 60 beds, if two-thirds of felony arrests ultimately dismissed are not booked.

STATUS

The SFPD has made progress toward improving their police reports. Four weeks have already been added to SFPD academy training, part of which will be used to improve report-writing skills. The SFPD has expressed strong support for a night district attorney and a willingness to reassign resources.

CAUSE D1: The OR Bail Project is not structured to help assure a more consistent OR release rate for nonviolent felonies and misdemeanors among various judges because the project uses no objective points or criteria, does not recommend OR release and excludes certain cases. Few supervision options for Court OR are available.

SOLUTION D1: Upgrade the OR Project in Concert with the Municipal Court

PROPOSAL 4

San Francisco will seek to upgrade its OR Project through a step-by-step approach, each step to be taken only with the concurrence of the Municipal Court. The OR Project will be managed by the Sheriff's Department or Probation Department.

PROGRAM ELEMENTS

- a. Reorganize OR under the Sheriff's Department or Probation Department. Encourage greater court reliance by early and continuous court consultation. Combine all OR and other pretrial release mechanism operations in a single, well-documented and publicized pretrial program, with one budget and one source of direction and control.
- b. The reorganized OR Project should tie the program by computer to prior records and police reporting, and develop more formal program documentation of policy and procedures with participation by CJAG.
- c. Aim to interview/process 100 percent of all bookings; assist judges in individually evaluating cases by assigning weights to objective guidelines for release/propensity to appear and for ability to contact; make recommendations to the bench for or against OR

release and for supervision conditions, testing, electronic monitoring, etc.; update, verify and renew cases regularly. In considering each case, judges will continue to exercise their discretion as required by law.

- d. To avoid any appearance of advocacy for release, tie all recommendations to the bench to a risk-assessment approach based on the objective guidelines; continue to revise guidelines and tie weighting to FTA rates and other measures of OR system performance (i.e., employ FTA data to monitor, regulate and vary guidelines and practice).
- e. In consultation with the Municipal Court, seek to initiate on a trial basis a limited program by which the OR Project approaches an assigned Municipal Court judge to OR those arrestees now cited out. If the program is successful, it may be expanded with the agreement of the Municipal Court.
- f. In conjunction with the District Attorney's Office and the arresting agencies, the Municipal Court will expedite probable cause hearings.

RESPONSIBLE AGENCY

Sheriff's Department or Adult Probation Department and Municipal Court.

ESTIMATED COST

The existing budget for the OR Project is \$800,000. It could cost more to set up new procedures. There could be some overhead savings by setting up the program in an existing department.

ESTIMATED BEDS SAVED

Up to 40 beds if ten percent of OR releases were released earlier by the OR Project. Based on the Special Master's estimate, 150 to 200 beds for citation releases now done under Court Order. Total up to 190 to 240.

CAUSE D2: San Francisco has a high misdemeanor failure-to-appear rate and few programs to lower it.

SOLUTION D2: Seek to Improve the FTA Program

PROPOSAL 5

San Francisco will seek to improve the failure to appear (FTA) rate as part of the OR program. The effort should be aimed at increasing the rate of pretrial appearance and decreasing the impact on jail crowding, court delay and FTAs when they occur.

PROGRAM ELEMENTS

- a. The FTA effort will be built on the current efforts of the Sheriff's Supervised Citation Project and the Pretrial Diversion Project, and it should rely heavily on the procedures employed successfully by both these projects in ensuring that defendants do appear in court.
- b. The guiding principle of the FTA effort will be to establish means of contacting the defendant. There should be gradations in the means of contact in terms of the amount of control employed. These means should be based on the objective OR guidelines, the program's FTA rate, and ongoing input from CJAG.
- c. San Francisco will seek a grant to attain telephone equipment to improve contact with defendants on OR.
- d. The Municipal Court will review the issue of allowing FTA "show ups" to get onto the calendar without first surrendering to the Sheriff.
- e. Employ FTA data and JPM feedback to manage supervised and conditional release and other graduated forms of control and monitoring.

RESPONSIBLE AGENCY

Sheriff's Department and CJAG.

ESTIMATED COST

Minor initial costs; is at least revenue neutral or much better when considered with crowding and delay impacts. San Francisco will seek a grant of Pacific Bell equipment to help manage.

ESTIMATED BEDS SAVED

Up to 20 beds. According to Sheriff's Department interviews, FTA figures could be halved.

COMMENT

For probationers who are released through OR, maximum use of existing probation supervision should be employed to support reduced FTAs.

STATUS

There are two modest programs, one in the Sheriff's Department and one in the Pretrial Diversion Project.

CAUSE E: There is a need to speed felony case processing of the high percentage of felony bookings and the percentage of pretrial felons remaining in custody. No formal, agreed-upon and uniform system of managing cases through speedy case settlement is now in place.

SOLUTION E: Expedited Trial Management Program

PROPOSAL 7

San Francisco will institute on a trial basis a program of speedy case settlement.

PROGRAM ELEMENTS

- a. Cases with in-custody defendants will be identified early for settlement, and those not showing early promise will be calendared on a fast-track basis.
- b. Pretrial case settlement conferences will be employed by judges, using enhanced case management data and case-weighted workloads for judges to increase speed and productivity and lower jail bed days in the county.
- c. The program will be based on data, monitoring, reports to CJAG and modifications over time.
- d. The following specific procedures will be pilot tested, revised and, if effective, made a central element in system flow:

On a pilot basis, the Superior Court, in coordination with the Municipal Court, will designate departments as "settlement courts" for expedited pleas, with particular attention paid to in-custody time waivers. Cases will be brought by agreement of counsel and/or requested on initiative of the judge to advance matters ready for resolution.

RESPONSIBLE AGENCY

The Superior Court and Municipal Court bench under the coordination and leadership of the Presiding Judges of both courts.

ESTIMATED COST

Costs are modest, and savings may occur across all agencies.

ESTIMATED BEDS SAVED

20 to 30 beds is an "educated guess" based on interviews and analysis of uncertain data.

STATUS

Informal versions of this program have worked in the past.
