

Community Corrections Partnership

MINUTES

Thursday, August 29, 2013
12:00-2:00pm
San Francisco Public Library
Latino/Hispanic Room
San Francisco, CA 94102

Members in Attendance: Chief Wendy Still (chair), Public Defender Jeff Adachi, Steve Arcelona, Greg Asay, District Attorney George Gascón, Steve Good, Paul Henderson (Mayor's Office), Sheriff Ross Mirkarimi, Jo Robinson (alternate for Barbara Garcia), Deputy Chief Shinn (alternate for Chief Greg Suhr), and Beverly Upton.

Members Absent: Representative from SF Goodwill, Representative of Superior Court

1. Call to Order and Introductions

Chief Wendy Still called the meeting to order at 12:07pm.

2. Public Comment on Any Item Listed Below as for "Discussion Only" Chief Still asked for public comment on any of the Agenda items listed for Discussion Only. There was none.

3. Review and Adoption of Meeting Minutes of June 24, 2013 (discussion and possible action).

Chief Still asked members to review the draft meeting minutes. Paul Henderson made a motion to adopt the minutes and the motion was seconded by Sheriff Mirkarimi. Chief Still invited public comment. There was none. Motion carried (11-0) at 12:12pm

4. Progress Report on Implementation of Community Corrections Performance Incentives Act of 2009 (SB678) (discussion only).

Chief Still reported that San Francisco is continuing to see success in safely reducing felony revocation to prison. As a result of this success the San Francisco Adult Probation Department was awarded \$2,187,642 in the FY 11/12 and FY 12/13 combined. In FY 13/14 APD was allocated \$632,779, a reduced amount due to reductions in the states funding formula. 100% of these funds have been directed towards rehabilitate treatment, and housing services for clients of APD. Chief Still will continue to push for services and resources.

Chief Still referenced the SB678 report included in the materials which reflects some of the measurable successes of the implementation of SB678 in San Francisco. She stated

that SFAPD will continue to work to implement interventions to reduce the recommitment rates.

In July 2013, APD received the American Probation and Parole Association's President's Award. Successful completion of all SFAPD probationers is up. SB 678 created an innovative model complete with alternatives, so there was foundation for the implementation of AB 109 efforts. Despite fears of criminal justice system —sky falling, outcomes are continuing to demonstrate successes. By working together the CCP can bring down failures, and increase public safety.

5. Discussion of Affordable Healthcare Act with presentation from Department of Public Health (DPH) and Human Services Agency (HSA) (discussion only).

Colleen Chowla of DPH and Noelle Simmons of HSA gave a presentation on the Affordable Care Act and the impact on the reentry population. The full report is available online at <http://sfgov.org/adultprobation>

There will be major new healthcare provisions starting January 1, 2014. San Francisco's uninsured will be reduced by half. 56,000 of the 84,000 currently uninsured will have access to health insurance in San Francisco after January. The law states that most Americans must have health insurance, and access options. Incarcerated and undocumented clients were listed as exceptions, but the presentation covered how the Affordable Health Care Act will impact the Reentry Population. Penalties for being uninsured or not providing insurance can be imposed.

Under the new law, Medi-Cal will be expanded. Previously, a person wasn't eligible for Medi-Cal for low-income criteria only. Under the new law, Medi-Cal eligibility has been amended. Healthcare expansion also includes Health Insurance Exchange, or in California, Covered California. Under Covered California, any individual can purchase coverage. They can go online and compare apples to apples differences between coverage possibilities.

For low income applicants, Covered California provides for a subsidy. There are differences between Covered CA and Medi-Cal. Covered CA has open enrollment periods, not rolling enrollment. Starting in October 2013, individuals can start to enroll in Covered CA thru March 2014. Subsequently, a formal enrollment period calendar will commence. The law also requires more of employers that don't provide coverage or affordable coverage. This employer provision will take effect in 2015. Additional reforms apply to individuals with pre-existing conditions and dependents up to age 26.

Currently there are 84,000 uninsured between the ages of 18 to 64. San Francisco knows who are the uninsured are, and will be able to conduct outreach to encourage enrollment. 60,000 individuals are enrolled in Department of Public Health (DPH) programs already, and 71% are currently covered.

San Francisco's SF Path and Healthy SF programs look like health insurance but they are actually programs involving a network of coordinated care to the uninsured through DPH's clinics, primary care providers, and hospitals.

There are 24,000 people between the ages of 18 to 64 currently enrolled in Cal Fresh who will be eligible for 2014 insurance. Healthy SF has embraced a Medi-Cal home and primary care physician model. This model will be used with health care reform. Healthy SF includes all hospitals and non-profit community clinic partners, and medical physician groups. Everyone enrolled in the SF Path program will be automatically enrolled into Medi-Cal program on January 1, 2014. Approximately 2/3 of the 60,000 uninsured, or 40,000 will be eligible for either Medi-Cal or Covered CA.

HSA is making projections about what the potential uptake or access will be. HSA estimates that 25,000 of the 40,000 will take up the coverage after January 2014 which leaves around 15,000 that will need to have outreach/engagement to get covered.

A large majority of the jail population will be newly eligible for Medi-Cal. Covered CA pre adjudicated individuals can enroll in Covered CA independent of custody status.

HSA is the sole entity responsible for enrolling individuals into Medi-Cal. In 2014 HSA will do it for currently and newly eligible members and family and individuals that will be eligible per the exchange. Individuals can apply for coverage on multiple points along the Criminal Justice spectrum.

Through SF Path individuals can enroll early into Medi-Cal. The goal is to enroll as many eligible people as possible into SF Path by Oct 15th. Starting in Jan 2014 auto transitions to Medi-Cal will start. HSA is looking to fund a CBO to provide enrollment assistance to people in the jails and at the CASC.

The presentation covered considerations and barriers to coverage and state legislative information. Assembly Bill 720 and Senate Bill 283 would support co-enrollment into coverage and support services program.

Chief Still inquired: how can San Francisco maximize all the resources and opportunities so that clients get access to the greatest range of treatment and health services opportunities? Chief Still requested that this be an agenda item for the next meeting.

6. Presentation from the Controller's Office, Department of Public Works, GSA Capital Planning Program, the Mayor's Office of Government and Legislative Affairs, and the Sheriff's Department on the County Jail Needs Assessment Report and possible consideration of CCP support for San Francisco's SB 1022 Application to support the Hall of Justice Jail Replacement Facility (discussion and possible action).

Before discussion of this item began, Steve Good of the Key Keys Charter School made a declaration (at 12:43pm). He explained that Five Keys has been written into the Sheriff's

Department BSCC grant application being considered, so Five Keys has a conflict of interest, and so he will need to abstain from any discussion or potential vote on this item.

Chief Still clarified that the draft letter contained for CCP consideration is not directly to the BSCC, but to the Mayor. As a local advisory body, the CCP may advise the Mayor. The Mayor may include the letter with the BSCC application.

The full HOJ Replacement Jail Presentation available at <http://sfgov.org/adultprobation>

The presentation started with an overview of the earthquake risk in San Francisco. There is a 63% chance of a 6.7 or greater quake by 2036. Hall of Justice (HOJ) has many seismic deficiencies. The building is inadequate to survive earthquake. The Department of Public Works has given the HOJ a seismic hazard rating of 3, with 4 being highest risk.

There are over 1,000 people in the HOJ that are there 24/7. Though it is unknown if it will collapse, there is certainty that it would be compromised and that there will be significant issues. In the event of a major earthquake, resumption operations at the HOJ is highly unlikely.

Brian Strong Director of Capital Planning continued the presentation. There is a 10 year City & County of San Francisco Capital Plan. The Plan identifies projects to be funded and those that won't be funded. The HOJ has been one of its top priorities. The Capital Planning Committee is led by the City Administrator. The Capital Plan is based on objective information, and academic rigor to make planning capital decisions.

General Fund Debt funds several projects within the Capital Plan, but per the Federal IRS, funding can be used for only real property.

The planned sequence of capital project to replace HOJ:

- SFPD Headquarters and So District Station moving, 2014 completion estimated
- Office of Chief Medical Examiner
- Traffic Company and Forensic Services Division of SFPD
- Replacement Jail
- Relocate District Attorney and Adult Probation Department.

Kyle Patterson of the Controller's Office continued the presentation. The Sheriff's Department worked with consultants to understand options. The Controller reviewed results to make recommendations.

Charlie Higuera from the Department of Public Works stated that the plan was for the facility to be located close to the courts, in the McDonald's lot. Project seeks to create a better, more humane facility than what is currently available. The facility is projected to be five floors, and cost \$290 million in general fund debt which will cover purchase, design and construction. The construction time line is 2017-2019.

An overview of the Senate Bill 1022 Application was given by Kelly Pretzer, Policy Analyst from the Mayor's Office.

SB1022 was included as part of 2012 state budget signed by Governor Brown. This bill provides for \$500 million for construction of adult corrections facilities. There is a potential for \$80 million to San Francisco through this grant. This would allow a reallocation of general fund debt program to other programs.

Chief Still requested that Sheriff Mirkarimi provide an overview of the request for support.

Sheriff Mirkarimi reflected that this planning process has been underway for several years, and that many City partners have collaborated with the Sheriff's Department on this project. He thanked everyone for their contributions.

Sheriff Mirkarimi emphasized that this issue didn't need to come to the CCP. However, the jail rebuild planning group requested that it come before the CCP, and did this for many reasons. The Sheriff wanted to bring it before the CCP because of the SB1022 application, and to get access to associated state funds.

The Sheriff described deplorable conditions of CJ #3 and CJ #4. These conditions should never have allowed them to be sustained. The Sheriff stated that the discussion is a challenging one: overall jail numbers are down, but conditions are still deplorable. How do we have a good replacement discussion under this circumstance? San Francisco is doing a disservice to clients, inmates and staff of HOJ. SFSJ can't get 80% of programming in there. Maximum security and transgender populations that are in the downtown secured facility need better conditions.

The Sheriff stated that it is essential that there is a replacement facility. For anyone to say shut down CJ 3 and 4, would mean that everyone goes to San Mateo. This means a lot of people going to a neighboring county and a neighboring county taking on some of San Francisco's issues. Instead, the Sheriff asked that everyone envision a holistic and integrated model in San Francisco that allows us to work more closely together.

Sheriff Mirkarimi said that it is simplistic to think we can just use —San Bruno space. San Francisco should instead be providing more services. It is important to consider the visitation benefits of clients in San Francisco. If everyone were moved to San Mateo, families would have to travel by public transportation to San Bruno, which is another disservice. Also, Governor Brown, as chief executive of the state could elect to use our unused capacity unilaterally.

The Sheriff continued that, as part of the holistic and integrated plan, we should look at programs post-release that reduce recidivism so that perhaps at some point, we could decommission one of the facilities. Programs should be part of the holistic discussion.

Further, the Sheriff emphasized that we are the only county in ages that will reduce the number of jail beds through this type of process, and the comment that this is an expansion of jail beds/space is untrue. There are 903 total beds in CJ 3 and 4 (not rated beds). The City is proposing 30% less bed space in the replacement project.

The Sheriff stated that if and after we acquire SB1022 funds, San Francisco can plan to reduce the beds further through the planning process. But, San Francisco needs to obtain the resources necessary to have the opportunity to look at replacement program. If we were to close CJ 3 and 4, we would have a net effect of moving 90% of population to San Bruno.

District Attorney George Gascón asked for clarification on the Controller's report. There are 298 and 466 beds in county jails #1 and #2, respectively?

Sheriff Mirkarimi explained that CJ 1 and 2 is an intake and exit facility with nearly 40,000 bookings and exits. It allows housing on a short term basis.

Undersheriff Brin offered that CJ 1 is an intake facility. There are no beds in CJ 1. CJ 2 is a medical and women's facility. She stated that the Controller's Office report says there is holding capacity in CJ 1, not beds. CJ 2 was built as a release facility, stitched together with sheet rock. This is not the same as CJ 3 and 4.

The District Attorney expressed concern that the application for SB 1022 money is premature. San Francisco is running a large number of bed vacancies and will continue to reduce the numbers. It feels premature to go for these funds.

District Attorney George Gascón said that the Controller's team never went to the DA's Office in preparation of the report, and the DA's office has a direct impact on in custody population. The DA's Office has reduced drug cases by 69%, expanded Back on Track, is implementing tools for risking/determining incarceration recommendations in pre-trial, and is using an alternative sentence planner. San Francisco is running on a 30% vacancy every day. Almost every indicator suggests we will continue to reduce the jail population.

The District Attorney continued to recognize that all criminal justice partners are working on programs to reduce incarceration. The District Attorney shared that he takes issue with the incongruency with what is happening now and likely in the future, and what is being proposed today. The DA believes that we should look at how to do things differently, and not rely on the good old days. He stated that just because the state is offering funding, we shouldn't concede to build a jail without giving further consideration of systematic adjustments. The DA believes that within the next 2 years, pretrial population will reduce by 10% as well, which will also significantly reduce the need for jail bed space.

The DA stated that San Francisco needs to have a master holistic criminal justice plan that brings all partners together. The HOJ should be demolished, but we do not

necessarily need to build a new jail. We should look at alternatives to incarceration and out of custody facilities. The Department of Public Health should be working with this population.

District Attorney Gascón stated that he did not feel that he has any reasonable rationale at this point to support a jail rebuild at this point in time. He stated that he thought it was shortsighted to not have consulted with the District Attorney's Office, which policies and practices are major contributors to the jail population. No one in his office has been consulted about this project. The DA expressed that he will be opposed to this process, and requests that if the letter is written that it includes information from people that oppose the project, with a list of those opposing the project.

Public Defender Jeff Adachi stated that he shared some of the concerns voiced by the District Attorney. He questioned the stated costs of project--\$290 or \$624 million, which is a huge range. Is there a sense of what it would actually cost?

Staff of the Controller's Office responded that the total cost for the project including interest on the debt would be around \$624 million, but the cost of the project is \$290 million.

Public Defender Adachi asked if there was any guarantee that it would not exceed \$290 million.

Staff of the Controller's Office responded that there is a requirement that CCSF assess key attributes and consequential costs. The Public Safety, General Hospital, and Port Projects are all trending within budget. Staff of the Controller's Office believes that replacement facility could be built for \$290 Million.

Public Defender Adachi asked: if reduction in arrests and realignment further reduces jail numbers, is the City still committed to building the jail if the Sheriff receives the SB1022 funds, or can we reject the funding later on?

Staff of the Controller's Office responded that it is projected that construction won't start until 2017. They will continue to feel the pulse of the project along the way, and review trending over time. There is no intention to build a facility larger than what is planned. If the City did get the funds, but didn't use them, those funds would have to be returned to the state.

Public Defender Adachi expressed concerns about his attorneys visiting clients in San Bruno. If CJ 3 or 4 stayed open, would it be possible to keep pre-trial folks near the HOJ as opposed to keeping everyone in San Bruno?

The Sheriff stated that there would be no lateral conversion. The HOJ facilities can't house the programming of San Bruno. The City can refurbish it, but still no programming. There might be some savings, but refurbishing the facility is still costly.

Public Defender Adachi asked: if a new facility is built using SB 1022 funds, would we bring in prisoners from other counties?

The Sheriff responded: we are not building for profit. San Francisco can't build it to bring in out of county prisoners. If, as the City and County of San Francisco, we don't want to be the recipients of out of county prisoners, let's think about a legislative fix at the Board of Supervisors and with the Mayor since the Governor has unilateral authority to bring in prisoners.

Public Defender Adachi asked why the Public Defender's Office isn't being moved or re located as part of the plan?

Staff of the Controller responded that it was not part of the Capital Plan because the Public Defender's current office isn't as compromised as offices in HOJ. The Public Defender responded that from the original plan, his office was supposed to be brought to the HOJ to be within the HOJ campus. Staff of the Controller's Office stated that the potential for a HOJ campus was out of the 10 year plan—that may have been discussed, could still happen, but it wasn't planned in the current Capital Plan.

Jo Robinson of the Department of Public Health asked a question about the Controller's Report on page 13. The mental health numbers do not make sense. 33% of open cases have mental health needs, not the 70% that is noted in the Controller's Report. Also indication of increase in psychiatric mediations has increased. As of today, the numbers are only 8%.

Secondly, she stated that DPH believes that treatment belongs in the community. DPH recognizes that mental health care is needed for incarcerated people, but long term changes happen in the community. She requested that the Controller's Office review numbers, and make changes requested.

Beverly Upton of the San Francisco Domestic Violence Consortium stated that San Francisco shouldn't be in the jail building business. She cited recent news articles starting August 16th: —Jail Should be Questioned‖; and Aug 19th: ‖Disproportionate Numbers of African Americans‖. —African Americans and Mental Health Incarcerated‖. Today Van Jones shared about the Governor's misguided private prison plan. Ms. Upton stated that San Francisco doesn't want to be a part of this misguided prison plan.

She understands that some colleagues might vote yes for seismic issues, but she believes that there are greater issues of moral significance that need to be addressed. For this reason she will vote against support of the jail rebuild project.

Paul Henderson of the Mayor's Office stated that the reality is that a jail population exists, that conditions in CJ#3 and CJ#4 are deplorable, and that there are seismic issues. The Mayor's Office recognizes the conditions as deplorable, and that something must be done to address the unsafe conditions. He stated that he is in support of the Capital Plan that includes this replacement project.

Mr. Henderson shared his concern about the references in the Plan as remaining elements. The DA, APD and Courts are all housed in the HOJ which has already been determined to be seismically unsafe. To address the facility issues, the City will have to rebuild no matter what. For this reason, San Francisco should apply for the funds. Mr. Henderson stated that San Francisco should try to get the money for the benefit of the Jail, DA's Office, APD's Office and the Courts.

Deputy Chief Shinn of the Police Department stated that seismic issues need to be addressed. He shares concern not only for safety of inmates but for staff of many departments working inside the HOJ. Deputy Chief Shinn shared his concern that everyone seems to be thinking of this as a new jail—it is a replacement jail and reduces the number of beds. It will be focused on rehabilitation, and for these reasons Deputy Chief Shinn stated his support for the jail replacement project.

Steve Arcelona of the Human Services Agency stated that that, from the report, there are three compelling reasons for the letter: 1) There is opportunity to get out of the project if the need doesn't materialize; 2) This will be a smaller jail and increase in programming space; and 3) This project will protect the safety of inmates in the facility. These are compelling arguments to replace the jail.

Sheriff Mirkarimi stated that he finds it very troubling that the San Francisco jail population is over 50% African American and San Francisco's African American population is 6%.

He continued that the problems are that people are leaving San Francisco, and the City doesn't fully answer the larger questions about how to reintegrate released folks into fundamental markets. The City and County of San Francisco hasn't addressed the outward migration of African American folks out of San Francisco. These conversations need to happen in the epicenter of San Francisco, not from San Bruno.

Chief Wendy Still stated that she is so proud to work amongst department heads and partners who have a —let's do things differently| mentality. This isn't a reality of either/or. San Francisco does need bed space, and programming. She stated that there needs to be an understanding of what all of the ongoing costs will be to run operations and programs in a replacement jail, yet these haven't been discussed at all.

Chief Still emphasized that new initiatives and policy are being implemented all the time. She stated that numbers should be refreshed so the impact of these changes can be measured. For example, there were 24 to 28 individuals in July didn't even come in for a violation hearing due to the changes in parole revocation hearings under Realignment.

She stated that there is so much more to do. Chief Still stated that people living with untreated mental health issues should not be criminalized. She stated that much more community based programming is needed. The reforms created by healthcare reform will start to reimburse funds for treatment now so that we will be able to expand treatment.

Chief Still believes that San Francisco will continue to reduce the population. She understands that there is a need for some specialized beds for specific populations. The HOJ jail needs to be shuttered. San Francisco need a master plan that looks at reductions of people in the system, jail needs, and post release programming. This planning has not happened, but she stated she believes that the Mayor's Office is committed to conducting this level of planning.

Chief Still supports moving forward with a letter of support for some number of beds, recognizing that there is a need for another set of project estimates; and ensuring that the letter take into consideration CCP member thoughts and analysis of trends. The plan doesn't just rely on building replacement beds, but that the plan also includes programming elements.

The District Attorney stated that any motion that is entertained should also carry counts for anyone that opts out or abstains.

A motion was made by Sheriff Mirkarimi to submit the letter in support of SB 1022 that encompasses all opinions and positions expressed at meeting today.

It was brought up that the letter stated there were 828 rated beds. To clarify, the Sheriff's Department never proposed this number. He asked that this figure be deleted from the letter.

Chief Still proposed an amended motion. The letter should specifically reflect the comments and sentiments of the CCP members who spoke today. All believe there critically needs to be a Criminal Justice Public Safety Master Plan that guides the long term vision; a plan that includes the insight of all public agencies.

Beverly Upton seconded the amended motion.

The DA expressed that there is not unanimous consensus regarding support for seeking the funds.

Chief Still stated that the letter will be edited to include comments expressed today, as well as count of the final vote. She then asked for public comment on the motion.

Lou Gordon stated that CJ 3 and 4 jail is frightening. Rehabilitation needs to start in the jail. He urged the City to take the money and rebuild the HOJ, and make services the key component.

David Elliot Lewis, Co-chair of the Mental Health Board stated that treatment for CJ involved folks should occur in the community. But, if they are going to be incarcerated, we need to do it in as humane a way as possible. To off-load inmates to San Mateo, it is unfair to inmates, families and attorneys. We need a dignified jail in the city. Lewis supports the replacement.

Rafael Sperry, Architect/Advisory Council with SPUR: There was no study of community program in lieu of beds. The transportation to San Bruno shouldn't be a deterrent. CJ 5 is the ideal; keep people there.

Micaela Davis, ACLU: We need to reframe the conversation. If we don't want to rely on incarceration to address problems, what can we do? We need to continue going down the alternatives to incarceration path before investing so much money in these facilities. Davis also is not supportive of renting out bed space to other counties to earn funds.

Lisa of the SF Coalition on Homeless: History has shown us that jail expansion results in jail expansion. A focus on rehabilitating the facilities minus CJ 3 and 4 hasn't been explored. If we are looking at \$260 million for rebuild, why not seek the capital for long term housing? We tell leaders this is what we need – but here we are fighting over \$260 million for the jail replacement capital project instead of treatment and community housing.

Isaac Jackson, Community Organizer: how can community groups and citizens can get more involved in the master plan?

Don Wilson, President of the Deputy Sheriffs Association: This is a safety issue. He has heard here today that this replacement isn't necessary. When you say that what you are saying is that you don't care about first responders, Deputy Sheriffs. You are saying you don't care about inmate safety. Switching from a linear jail to a program jail protects safety. He disagrees with the numbers from DA Gascon. Crime is at an all-time high. When people are saying there is a reduction in numbers, this isn't true. He sees indication of crime and gangs all over the place. If you don't support replacement, you are saying you don't support a safe San Francisco.

Seeing that there was no more public comment, Chief Still called for a roll call vote of members on the motion:

Steve Good – abstain
Greg Asay –yes
District Attorney George Gascon – no
Jo Robinson – yes
Public Defender Jeff Adachi – yes
Chief Still – yes
Sheriff Mirkarimi – yes
Deputy Chief Shinn – yes
Paul Henderson– yes
Beverly Upton – no
Goodwill Industries – absent
Steve Arcelona– yes
Representatives from the court- vacant seat

Motion passes with 8 votes at 2:08pm.

Chief Still requested a master plan agenda item on the next agenda.

Public Defender Adachi asked what is the status on an updated Controller's report? He wants to ensure that all CCP members get consulted on the report.

Staff of the Controller's Office responded that an updated report is forecasted for the fall and that they will consult everyone on that.

Chief Still stated that Agenda #7 will be heard at the next meeting. She asked for a motion to adjourn.

A motion to adjourn was made at 2:10pm by Paul Henderson. Motion seconded by Greg Asay. Motion passed with 11 votes. Meeting Adjourned.