

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

**YOUTH COMMISSION
MEMORANDUM**

TO: John Carroll, Assistant Clerk, Public Safety & Neighborhood Services
FROM: Youth Commission
DATE: Tuesday, May 22, 2018
RE: Referral response to BOS File No.180396 [Hearing on Work Group to Re-Envision the Jail Project - Annual Report]

At our **Monday, May 21, 2018 meeting**, the Youth Commission voted unanimously to support the following motion:

To support BOS File No. 180396 - Hearing on Work Group to Re-Envision the Jail Project - Annual Report.

Youth Commissioners also approved the following questions and comments regarding this legislation:

Comments:

- Youth Commissioners request this hearing be held after school
- It would be fortunate for youth that perhaps work in the morning or attend summer school to attend this hearing

Youth Commission Staff note:

- The Youth Commission’s Budget and Policy Priority report segment on alternatives to incarceration for 18-24 year olds is attached to this memo

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Handwritten signature of Chiara Lind in cursive script.

Chiara Lind, Chair
Adopted on May 21, 2018
2017-2018 San Francisco Youth Commission

PRIORITY 1: CONTINUE TO EXPAND ALTERNATIVES TO INCARCERATION FOR 18-24 YEAR OLDS

Advocate for greater investment in collaborative court programs, legal services, housing resources, and behavioral health services to reduce youth incarceration and recidivism, and to prevent expansion of jail facilities for Transitional Age Youth, 18-24 year olds.

BACKGROUND

The San Francisco Youth Commission continues its push from 2015 for alternatives to incarceration for Transitional Age Youth (TAY).

In late 2015, the Board of Supervisors considered, and ultimately rejected, amendments to the 10-year capital plan, authorization of certificates of participation, and acceptance of state monies that would have authorized the construction of a new rehabilitation detention facility to replace the county jails at 850 Bryant. Due to the high level of interest from young San Franciscans on this issue, the Youth Commission held its own after school hearing, at which dozens of young people who were directly affected by the criminal justice system testified, and Youth Commissioners ultimately voted to oppose the construction of a new jail. In December 2015, President London Breed introduced a resolution creating a working group to plan for the permanent closure of County Jails 3 and 4. This working group's goal was to develop a plan that will provide effective and humane investments in mental health; identify what new facility or facilities are needed; and seek to maintain San Francisco's eligibility to use State Public Works Board financing for those facilities. As part of this, the working group explored ways of reducing the overall demand for jail space.

Young adults make up the highest number of bed days of any age group in our county jails, yet copious research indicates young adults' brains are still developing and may be well positioned to benefit from rehabilitative approaches. We believe that examining alternatives to incarceration for young adults should be central to the effort to create alternatives to incarceration in San Francisco and close County Jails 3 and 4.

Out-of-detention alternatives and Restorative Justice efforts in the juvenile system have reduced the average daily incarcerated population amongst juveniles by over 37% from 2011 to 2015¹. 22% of San Francisco's adult jail system cases are Transitional Aged Youth (TAY)², yet TAY

¹ "Juvenile Probation Department." City and County of San Francisco, http://sfgov.org/juvprobation/sites/default/files/2015AnnualReport_Statistics.pdf

² "San Francisco Youth Commission Justice & Employment Committee Draft - Minutes 5:00-7:00 PM Monday November 27, 2017 ." Youth Commission, 27 Nov. 2017."

are only 8% of San Francisco's population. San Francisco's incarcerated population is disproportionately made up of African American and Latinx³youth. Prison environments are no place for young, growing minds to develop and can negatively impact their mental growth. Research has demonstrated that young people's brains are still developing until the age of 25 which leaves them vulnerable to develop mental health related illnesses⁴. San Francisco has prided itself on its historic values of diversity and equity, and yet, in 2015, African Americans represented over 55% of the incarcerated population, while only comprising 5.3% of the overall population⁵. 85% of people incarcerated in San Francisco county jails are awaiting trial and have not been convicted. In January of 2017, the State of New Jersey recently eliminated its cash bail system to address these disparities, resulting in a 20% decrease in its incarcerated population. Previous Restorative Justice and collaborative court models policy enacted to support juveniles and TAY have demonstrated reduced costs and recidivism rates. The Young Adult Court, which began in 2015, has closed its doors to new cases three times in the last year due to capacity, and is expected to be immediately full again after expanding its services to a second court day in 2018. The Youth Commission unequivocally supports San Francisco youth who are involved in the justice system in their efforts to restore their lives outside of detention.

RECENT UPDATES

In recognition of its early successes, the Young Adult Court has recently been expanded by the Department of Children, Youth, and Their Families (DCYF) to add a second calendar day.

The San Francisco Youth Commission has always supported system-involved youth in and out of the City of San Francisco. More recently, the Youth Commission passed a motion on April 3rd, 2017 urging the Board and Mayor to hold a hearing on alternatives to incarceration for Transitional Aged Youth (TAY)⁶. On February 5, 2018 the Youth Commission voted in support of Resolution 1718-AL-06 [Resolution in Support of Youth Justice Reform]⁷ authored by the Justice and Employment Committee and cosponsored by The Center of Juvenile and Criminal Justice and Project WHAT!, urging the Board of Supervisors to explore implementing additional Restorative Justice practices for TAY, and to reject capital expenditures to renovate/build new

³ In order to be more inclusive to different and varying gender identities, we are replacing the traditional "a" and "o" with an x

⁴ Wiltz, Teresa. "Children still funneled through adult prisons, but states are moving against it." USA Today, Gannett Satellite Information Network, 22 June 2017, www.usatoday.com/story/news/2017/06/17/how-raise-age-laws-might-reduce-recidivism/400065001/.

⁵ Justice, Vera Institute of. "Incarceration Trends." Vera Institute of Justice, trends.vera.org/rates/San-Francisco-CountyCA?incarcerationSource=black&incarceration=disparity.

⁶ "San Francisco Youth Commission"

⁷<http://sfgov.org/youthcommission/sites/default/files/1718-AL-06-%20Resolution%20in%20support%20of%20Youth%20Justice%20Reform.pdf>

county jails, (an action which the Board of Supervisors has previously endorsed⁸). The San Francisco Examiner spoke to the work and impact of this resolution and its push for justice.⁹

In the months of March and April 2018, the Justice and Employment Committee gained support on this resolution from several community based organizations and other commissions, including:

- The Young Women's Freedom Center
- Coleman Advocates for Youth
- Larkin Street Youth Services
- The Office of Transgender Initiatives
- The Police Commission
- The Human Rights Commission
- The Commission on the Status of Women

As of March 2018, one of our priorities regarding housing for justice involved TAY has been flagged in the Youth Homeless Demonstration Project, which is a Department of Housing Urban Development funded project and is creating a plan to meet the needs of justice involved TAY.

In February 2018, the Justice and Employment Committee met with District 1 Supervisor Sandra Fewer to request a Budget and Legislative Analyst (BLA) Report and is now in the process of receiving information that will give details on the cost to the city for justice system involved youth vs. the costs of alternatives to incarceration. With this material, the committee will infer, estimate, and analyze prior and current data to create effective recommendations about alternatives to incarceration for TAY to be included in the next budgetary cycle.

RECOMMENDATIONS

The Youth Commission has long been invested in the well-being of the justice involved youth and we urge:

- 1. The Board of Supervisors' to hold a hearing to discuss alternatives to incarceration for 18-24 years olds in San Francisco's county jails.** This hearing can explore promising approaches currently in use in the Young Adult Court; existing barriers to young adults' successful enrollment in or graduation from the Young Adult Court; insights learned from the Juvenile Probation Departments' successful efforts to develop alternatives to out-of-home detention for youth; and approaches being used by other states and counties to better address the needs of 18-24 year olds involved in the criminal

⁸ <http://www.ktvu.com/news/sf-supervisors-unanimously-reject-proposal-for-new-240-million-jail>

⁹ <http://www.sfexaminer.com/youth-commissioner-pushes-sf-reduce-incarceration-rate-young-adults/>

justice system. We thank Supervisor London Breed for introducing File No. 180396 [Hearing - Work Group to Re-Envision the Jail Project - Annual Report].

2. **The Board of Supervisors and Mayor to expand the Young Adult Court.** We thank the Department of Children, Youth and their Families for expanding the Young Adult Court, and encourage other ways to expand the court to be able to handle all qualifying cases.
3. **The Board of Supervisors and Mayor to increase funding for in-patient behavioral health services that are TAY-specific.** We thank former Mayor Ed Lee for the budgetary investment during last cycle, and we advise to continue investing funding until the needs of the population are met.
4. **The District Attorney restructure how it charges young adults for nonviolent felonies such as phone thefts.** Many young people are being charged with robbery that don't have an explicit act of violence. We ask the District Attorney to consider charging these types of cases more along the lines of felony theft, or larceny.
5. **The Judiciary to enact policies reforming the bail system, such as to better serve low income communities.** We applaud recent efforts to implement "ability to pay" models within the bail system, whilst simultaneously recognizing that it is but a step in the right direction. We urge lowering the bail schedule in addition to "ability to pay".
6. **The Mayor and Board of Supervisors to complete the TAY Housing plan, and coordinate with the TAY Collaborative Court to ensure participants have access to safe and supportive housing.** Recent efforts have greatly expanded the TAY housing network, but we still have far to go.
7. **Judges create a walk-in calendar for persons with bench warrants to reduce bookings for individuals turning them in for "Failure to Appear" type offenses.**
8. **The Board of Supervisors to reject any financing, debts, or certificates of participation to reopen, construct, or renovate existing jails and instead invest any aforementioned capital expenditures on programming to support at-risk, and justice involved, Transitional Age Youth.**
9. **The Board of Supervisors to explore including Transitional Aged Youth (TAY) 18 to 24 years old in the Juvenile Jail and Probation systems in order to receive more appropriate services and protect them from further victimization and involvement in crime.** In San Francisco, almost 50% of homeless youth ages 18 to 24 identify as LGBTQ; experiencing homelessness puts young people at risk of engaging in the criminal justice system, and justice-involved youth are more likely to be vulnerable in a variety of ways. In order to receive more age-appropriate services, justice-involved young adults 18-24 should be cared for by professionals experienced in working with youth.