



Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

MEMORANDUM

TO: Sheriff Ross Mirkarimi

CC: Ben Rosenfield, Peg Stevenson, Assistant Sheriff Paul Miyamoto, Chief Deputy Matthew Freeman, Dan Santizo, Bree Mawhorter, Jim Buker, Jumoke Akin-Taylor, Charles Higuera, Brian Strong, Melissa Whitehouse, Jason Cunningham, David Takashima

FROM: Jay Liao, Kyle Patterson, and Matt Podolin, Controller's Office

DATE: May 28, 2014

SUBJECT: Jail Population Study Update

Executive Summary

The San Francisco Sheriff's Department ("Sheriff's Department") manages six jails in San Francisco. Two of the jails, County Jail #3 and County Jail #4, are located in the Hall of Justice, a facility that may be vulnerable in a major seismic event. As part of the Hall of Justice Replacement Project, the City and County of San Francisco ("the City") plans to construct a new jail facility to replace County Jails #3 and #4. In addition, the Sheriff's Department has concerns about the future use of County Jail #6 due to its operational and design limitations.¹

In 2013, the Controller's Office completed a forecast of San Francisco's jail population to inform planning for a replacement jail. The forecast was based on the work of two external consultants who utilized jail population data through 2011. In this report, the Controller's Office updates its previous forecast using the most recent data available.

Because County Jail #6 may need to be replaced along with the Hall of Justice jails, the Controller's Office recommends replacement jail capacity in two scenarios. Scenario one assumes County Jail #6 is not replaced and can be used at capacity. In that scenario, the Controller's Office recommends constructing a replacement facility with between 63 and 229 jail beds to meet the forecasted need. Scenario two assumes that County Jail #6 is not in use as

¹ See the "Use of County Jail #6" section of this memo for more details.

a detention facility. In that scenario, the Controller’s Office recommends constructing a replacement facility with between 435 and 601 jail beds. See the table below for more detail.

Recommended Replacement Jail Capacity in 2019

	Current Jail System	Scenario 1: Replace County Jails 3 and 4		Scenario 2: Replace County Jails 3, 4, and 6	
		Lower	Upper	Lower	Upper
Replacement Jail	n/a	63	229	435	601
County Jails 3 and 4	905	not in use	not in use	not in use	not in use
County Jail 6	372	372	372	not in use	not in use
All other county jails	1,238	1,238	1,238	1,238	1,238
Total Jail Beds	2,515	1,673	1,839	1,673	1,839

Note: County Jails #3 and #6 are available but not currently in use.

Background

The San Francisco Sheriff’s Department (“Sheriff’s Department”) manages six jails in San Francisco and San Mateo County. Two of the jails, County Jail #3 and County Jail #4, are located in the Hall of Justice alongside the Superior Court, Police Headquarters, the District Attorney’s Office, and other City agencies. The Hall of Justice, which opened in 1961, has been found to be susceptible to severe structural damage in the event of an earthquake. The City and County of San Francisco (“City”) has determined that these inadequacies cannot be remedied outside of a significant capital improvement effort. In addition, the antiquated design and space constraints of County Jail #3 and County Jail #4 create safety concerns and limit the Sheriff’s Department’s ability to offer in-custody programs to inmates. As a result of these existing needs, the City plans to replace County Jails #3 and #4 with a new facility.

In 2013, the Controller’s Office completed a forecast of San Francisco’s jail population to inform planning for a replacement jail. The Controller’s Office forecast was based on the work of two external consultants who utilized jail population data through 2011.

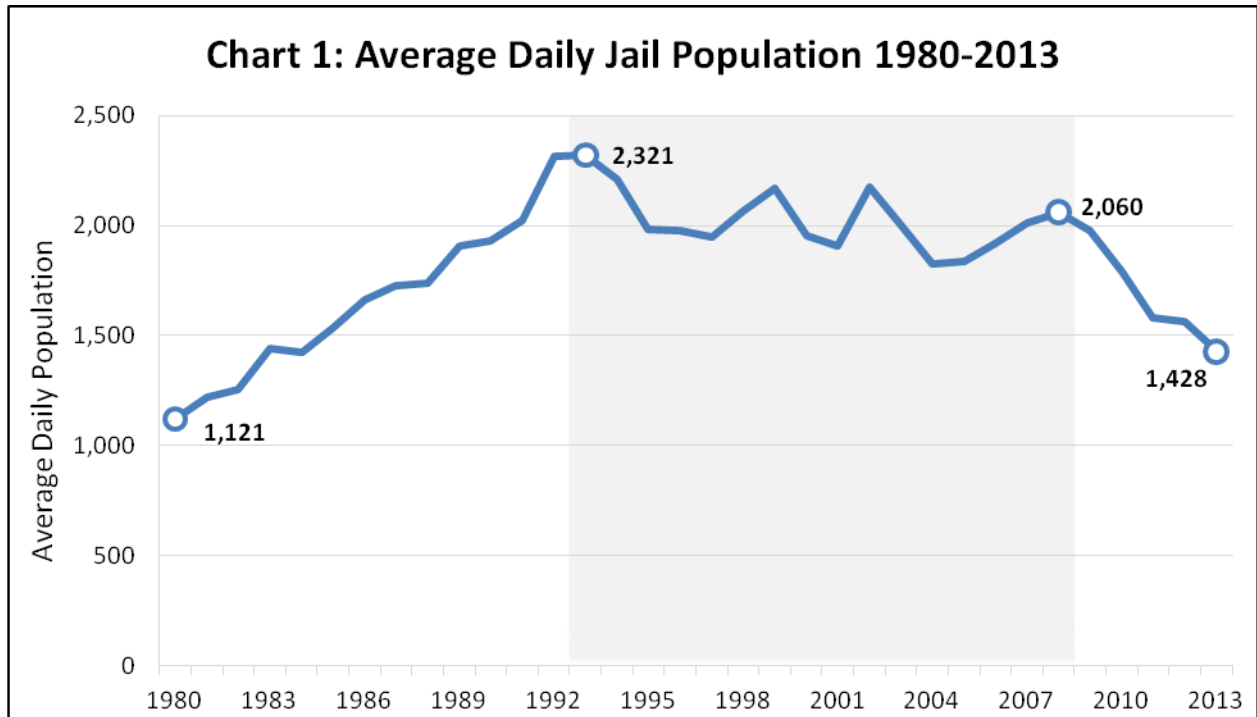
In this report, the Controller’s Office updates its previous forecast using the most recent data available. In preparation for the forecast update, the Controller’s Office met with representatives from the Adult Probation Department, District Attorney’s Office, Public Defender’s Office, Superior Court, the Police Department, and the Sheriff’s Department to better understand how current and planned policies and programs by those agencies may impact the jail population into the future.

Trends Related to the San Francisco Jail Population

Average Daily Jail Population

Chart 1 shows the annual average daily population of the San Francisco County jail system from 1980 through 2013. There are three distinct phases of change over this 34 year period.

- **Phase 1: 1980-1992.** During this period, the average daily population increased from 1,121 to 2,221, an average annual growth of 6 percent.
- **Phase 2: 1993-2007.** Over the next 14 years, average daily population saw a gradual decline, falling by an average of 1 percent per year.
- **Phase 3: 2008-2013.** Over the last six years, average daily population declined by an average of more than 5 percent per year, a faster rate than in the previous phase. The average daily population in 2013 was the lowest since 1984.



Other Relevant Trends

Table 1 gives a six year look at jail population trends, crime trends, and demographic and economic trends. All of the jail and crime trends reported in Table 1 have fallen during this period, with the exception of reported property crimes.

Jail Trends. There are two factors that directly determine the total jail population: the number of people being admitted into jail and the length of their stay in custody. Jail admissions fell by an average of 6 percent per year from 2008-2013.

Table 1: Trends in San Francisco

		2008	2009	2010	2011	2012	2013	2008-2013 Trend Line	Ave. Annual % Change
Jail Trends	Total Average Daily Population (ADP) in Jail	2,061	1,976	1,788	1,563	1,560	1,428		-7%
	Jail Admissions	33,037	30,322	25,396	23,914	22,125	23,766		-6%
	Realignment (AB109) Average Daily Population	n/a	n/a	n/a	310 (Oct.-Dec.)	290	202		-18%
	Alternative to Sentencing Programs Average Daily Population	243	257	183	140	89	133		-7%
	Average Days from Booking to Release if >3 days	not available	not available	53	49	47	30		-16%
Crime Trends	Arrests per 1,000 People	41.9	39.2	27.4	28.1	24.7	not available		-12%
	Drug Arrests per 1,000 People	9.5	8.6	3.6	2.2	2	not available		-31%
	Violent Crimes per 1,000 People	8.5	7.5	7.2	6.7	7.1	not available		-4%
	Property Crimes per 1,000 People	46.4	44.1	41.1	41.6	48.5	not available		2%
	San Francisco Superior Court New Criminal Filings	13,750	12,954	11,839	9,380	8,136	7,531		-11%
	Superior Court Active Felony Cases (January 1st)	3,287	3,202	2,995	2,504	1,823	1,930		-9%
	Superior Court Active Felony Drug Cases (January 1st)	1,849	1,738	1,586	1,095	566	570		-19%
	Total Active Adult Probation Caseload (in December)	6,554	6,800	6,423	6,129	5,696.0	5,054		-5%
	Youth Referred to the Juvenile Probation Department	3,446	3,296	2,814	2,196	1,871	1,569		-14%
Demographic and Economic Trends	Total San Francisco Population	798,673	801,799	807,177	812,826	825,863	825,027		1%
	San Francisco Population Age 18-35	263,484	260,894	260,786	260,132	258,151	255,092		-1%
	Unemployment Rate	5.2%	8.9%	9.5%	8.5%	7.2%	5.7%		6%
	Per Capita Income	\$71,760	\$66,894	\$68,555	\$74,425	\$80,014	not available		3%

SOURCES: San Francisco Sheriff's Department, California Department of Justice, San Francisco Superior Court, California Department of Finance, San Francisco Juvenile Probation Department, San Francisco Adult Probation Department, US Bureau of Labor Statistics, US Bureau of Economic Analysis

Average length of stay has also fallen. A portion of the jail population is booked and released within the same day, and therefore does not require a jail bed. Those in custody for more than three days are likely to have a significant impact on the total jail population and have involvement with the court system. In 2010 those in custody for at least three days made up 74 percent of the total jail population.² Their average length of stay—the time between booking and release—has fallen by an average of 16 percent per year since 2010.

Crime Trends. From 2008 to 2013, arrests per 1,000 people fell by an average of 12 percent per year. A significant component of this decline was a reduction in drug crime arrests, which dropped from 9.5 per thousand people in 2008 to just two per thousand people by 2013. The number of active felony cases in San Francisco Superior Court fell by nine percent per year on average, while active felony drug cases decreased at more than twice that rate.

Demographic and Economic Trends. While the total population in San Francisco has risen in recent years, the number of residents ages 18-35 has decreased by an average of one percent per year since 2008. The California Department of Finance projects this decline will continue through 2023. This trend is relevant because younger adults are the most likely age group to be incarcerated. The California Attorney General’s Office reports that individuals ages 18-39 accounted for approximately 70 percent of all arrests in 2009.³

The unemployment rate in San Francisco rose from 5.2 percent in 2008 to a high of 9.5 percent in 2010. San Francisco’s recovery from the economic recession reduced this rate to 5.7 percent just three years later. Average per capita income has increased steadily during this period, rising from \$71,760 to \$80,014.

The Impact of State Realignment

The California Criminal Justice Realignment Act (Assembly Bill 109), directed that beginning in October of 2011 some offenders previously housed in state prisons would become the responsibility of counties. The legislation, known as “realignment,” increases the number of inmates housed in county jail facilities. Chart 2 shows the impact of state realignment inmates on the average daily jail population broken down into three groups of inmates.

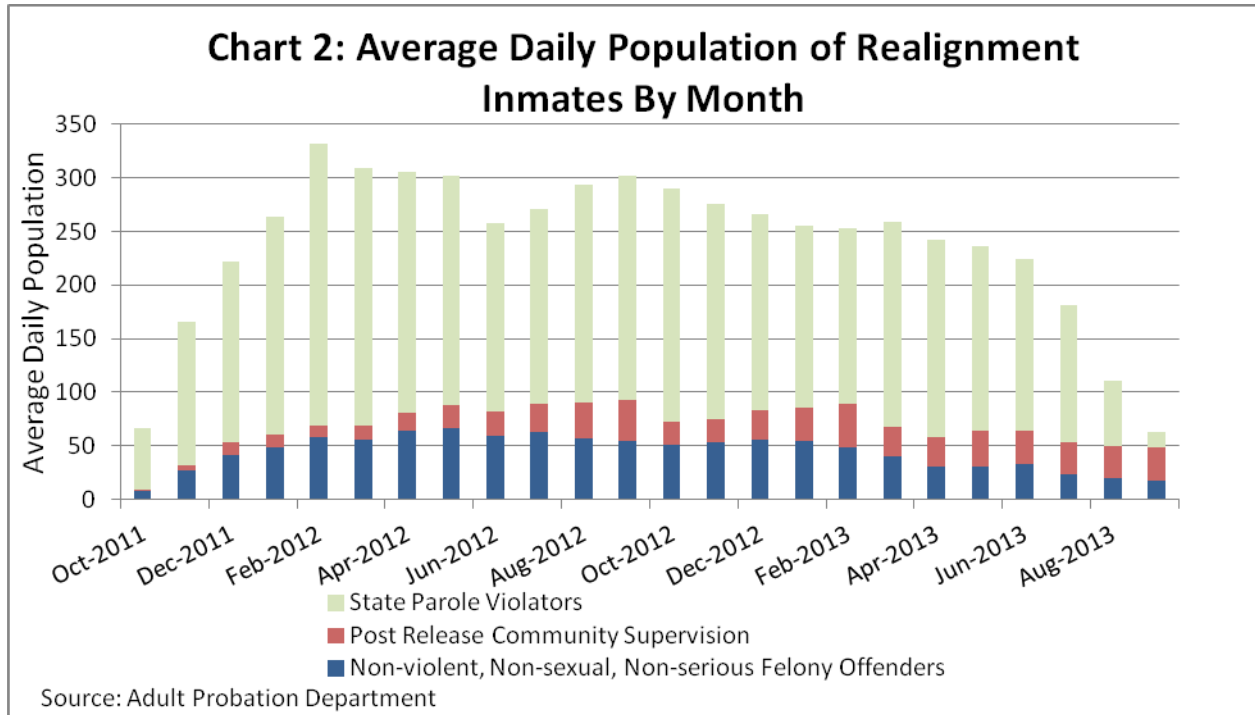
- **State Parole Violators:** Individuals whose parole is revoked by the State of California may be remanded to county jail. Prior to state realignment they would have been housed in state prison, but are now housed in county jail.
- **Post-Release Community Supervision (PRCS) Violators:** These individuals violated the terms of their PRCS and are subject to penalties including modification of PRCS conditions, returning to jail, or referral to an evidence-based program.
- **Non-violent, Non-sexual, Non-serious Felony Offenders:** Prior to state realignment they would have been housed in state prison, but are now housed in county jail. Also

² Provided by Lt. Dave Hardy, Unit Commander, Information Technology Support & Services, San Francisco Sheriff’s Department.

³ As reported in the “Evaluation of the Current and Future Los Angeles County Jail Population” by the JFA Institute.

includes individuals who are incarcerated for violating the terms of their mandatory supervision after leaving custody.

The average daily population of realignment inmates decreased by 44 percent between 2012 and 2013. A rapid decline in state parole violators in 2013 accounts for most of this change. According to Chief of Adult Probation Wendy Still, this is due primarily to a policy change beginning July 1, 2013, which moved parole revocation hearings from the State Board of Parole to the San Francisco Superior Court.⁴

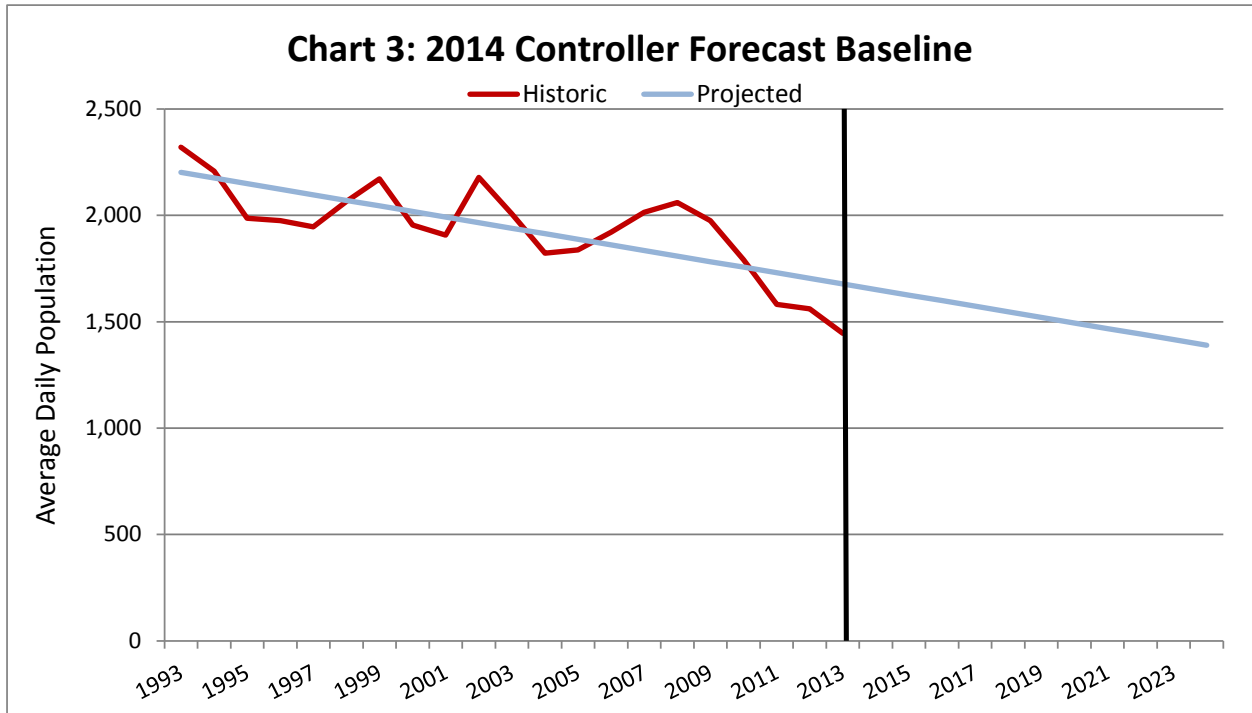


Jail Population Forecast

The Controller’s Office estimate of San Francisco’s future jail population is based on three factors:

- 1) Jail population forecast baseline: This is a forecast that serves as a baseline for the total estimate of average jail beds needed on a given day. It assumes that historic trends in the jail population will continue into the future.
- 2) Peaking factor: While the forecast baseline predicts the average daily jail population for a given year, the actual population will exceed the average on some days. The peaking factor provides a cushion of jail beds for those peak days.
- 3) Classification factor: The realities of managing a jail require that the number of beds in a jail exceeds the number of inmates. This need arises because inmates with different security classifications must be housed separately.

⁴ Interview with Chief of Adult Probation Wendy Still, 12/5/13



Forecast Baseline

In October 2013, the Controller’s Office released a forecast of the jail population, using a baseline forecast estimated by the consulting firm Jay Farbstein and Associates. The forecast was estimated using a linear regression model and historical data from 1996 to 2011. State realignment was a new policy at the time of the last forecast, and because limited data was available, realignment impacts were estimated separately from the linear regression baseline model.

The Controller’s Office has updated the jail population baseline forecast using the same linear regression model. The model has been updated to include historical data from 1993 to 2013. Since the last forecast, the Controller’s Office now has two years of realignment data. Unlike the last forecast model, the realignment impacts were included in the linear regression model.

Chart 3 shows a downward historical trend beginning in 1993 through 2013, and a forecast that continues this downward trend from 2014 through 2032. In 2019, the forecast estimates an average daily jail population 1,520.

Peaking factor

This factor allows a cushion of jail beds for “peak” days, or days with above average jail needs. As mentioned previously, the Controller’s Office original forecast drew from the work of two external consultants. The two consultants utilized different methodologies to calculate a peaking factor. See Table 2 for more detail.

Table 2: Peaking Factor Range

<u>Crout and Sida Methodology</u>			
(Peak jail population	- Average Daily Population) ÷ Average Daily Population = Peaking Factor of 11.8%
<u>Jay Farbstein and Associates Methodology</u>			
(Average of peak days for each month	- Average Daily Population) ÷ Average Daily Population = Peaking Factor of 4.8%

The Crout and Sida methodology uses the peak jail population day in a given year to calculate its peaking factor. Based on this methodology, over the period studied the San Francisco jail population never exceeded the peak factor.

The Jay Farbstein and Associates methodology averages the peak jail population day from each month to calculate its peaking factor. According to a representative from the firm, based on this methodology the actual jail population remains within the calculated peaking factor approximately 93 percent of the time. In other words, over the period studied, the San Francisco jail population exceeded the peak factor for seven out of every 100 days. Based on calculations utilizing both methodologies, the Controller’s Office recommends using a peaking factor of 11.8 percent as an upper-bound estimate of future jail bed needs and a peak factor of 4.8 percent for a lower-bound estimate.

Classification Factor

Both external consultants used a classification factor of five percent in their jail population estimates. In practice, a factor of five percent means a jail with 100 inmates should have 105 jail beds to accommodate the different security classifications of inmates. However, the Sheriff’s Department has asserted that five percent is an underestimate of actual need.

No accepted or standard methodology exists for calculating a classification factor. The Controller’s Office estimated a factor using a tally of all beds in the jail system that must remain empty due to classification. For example, “Sexually Violent Predators” (SVP) are civil commitments that must

Table 3: Classification Factor Calculation

Based on SF jail population on January, 29 2013

Inmate Classification	Unoccupied Beds
Sexually Violent Predators (SVPs)	24
Gang dropouts	8
Transgender	21
Psychiatric Needs	31
Medical	11
Lock-up	17
Psychiatric Needs/Admin Segregation	7
House alones	9
Total Empty Beds	128
Total Jail Population	1556
Classification Factor 128÷1556=	8.2%

be housed separately from the general population. On January 29, 2013, four SVPs were housed in a 28-bed unit, leaving 24 empty beds that could only be occupied by other SVPs. The Controller’s Office worked in concert with the Sheriff’s Department to tally unoccupied beds for all relevant inmate subpopulations, and estimated a classification factor of 8.2 percent (see Table 3).

The Controller’s Office recommends using five percent as a lower bound estimate of the classification factor and 8.2 percent as an upper-bound estimate.

Forecast Summary

Table 4 below summarizes the Controller’s Office best estimate of future jail bed needs for San Francisco based on the analysis in this report. The estimate is based on projected jail bed needs in 2019, the expected completion date for construction of the proposed replacement jail.

Table 4: Estimates of Total County Jail Bed Needs in 2019

	Lower Bound	Upper Bound
Forecast Baseline	1,520	
Peaking Factor	4.8%	11.8%
Classification Factor	5.0%	8.2%
TOTAL	1,673	1,839

Use of County Jail #6

Previous jail population forecasting by the Controller’s Office assumed the replacement jail would replace County Jail #3 and County Jail #4, but all other jails in San Francisco would be in use. However, the Sheriff’s Department has concerns about future use of County Jail #6 due to its operational and design limitations. These issues are discussed below. County Jail #6 has not been used to house inmates since 2010 because the total jail population in San Francisco is below the system capacity.

Ability to House Expected Inmate Population. County Jail #6 is a minimum-security facility with a total of 372 beds. However, between 2002 and 2013, an average of nine percent of inmates in San Francisco were classified as minimum-security. If that level remains constant into the future, only 137 inmates of the 1,520 inmates forecasted by the Controller’s Office for 2019 could be housed at County Jail #6, leaving most of the jail unused and requiring the use of a more secure inmate housing facility, such as the proposed replacement jail.

Design weaknesses. The jail consists of six dormitory-style housing units of sixty-two beds each. These dormitories lead to jail management challenges as the Sheriff’s Department cannot house inmates with incompatible classifications in the same housing unit. The Department also finds it difficult to manage inmate populations in this facility because no holding cells or safety cells exist. The jail has no kitchen or laundry facilities, and in order to be used securely, the recreation area would need upgrades to accommodate inmates with incompatible

classifications. It also has only two classrooms, which would limit the Sheriff’s Department’s ability to deliver programs to these inmates.

Transportation Costs and Issues. Because County Jail #6 is located in San Mateo County, the Sheriff’s Department would need to transport inmates to and from court facilities in San Francisco. Inmate transportation can be costly and increases safety and security risks for inmates and deputies. Additional transit costs would be accrued by Public Defender’s Office staff who need to visit their clients at County Jail #6. Finally, this jail is not easily reached by public transit, making visitation difficult for the families of inmates who do not own private vehicles.

Recommendations

Based on the analysis above, the Controller’s Office recommends the following.

1. Construct a replacement jail to meet the need identified by the forecast update.

Because County Jail #6 may need to be replaced along with the Hall of Justice jails, the Controller’s Office presents the recommended replacement jail capacity in two scenarios. Scenario one assumes County Jail #6 is not replaced and can be used at capacity. In that scenario, the Controller’s Office recommends constructing a replacement facility with between 63 and 229 jail beds to meet the forecasted need. Scenario two assumes that County Jail #6 is not in use as a detention facility. In that scenario, the Controller’s Office recommends constructing a replacement facility with between 435 and 601 jail beds (see Table 5).

Table 5: Recommended Replacement Jail Capacity in 2019

	Current Jail System	Scenario 1: Replace County Jails 3 and 4		Scenario 2: Replace County Jails 3, 4, and 6	
		Lower	Upper	Lower	Upper
Replacement Jail	n/a	63	229	435	601
County Jails 3 and 4	905	not in use	not in use	not in use	not in use
County Jail 6	372	372	372	not in use	not in use
All other county jails	1,238	1,238	1,238	1,238	1,238
Total Jail Beds	2,515	1,673	1,839	1,673	1,839

Note: County Jails #3 and #6 are available but not currently in use.

2. Update this jail forecast in July 2015.

This forecast was completed at a time when the number of individuals in jail was at historic lows and continuing to decline. Any forecast of jail bed needs based on statistical methods relies on the assumption that present trends continue. That is a reasonable assumption in the near term; however, uncertainty increases as the forecast extends into the future. Changes in policies, programs, or demographic trends may result in the jail population increasing from its present level. The City should update the current jail forecast in July 2015 to ensure the

replacement jail is correctly sized. Furthermore, the City should continue to monitor the jail population beyond 2015. If the number of individuals in jail begins to increase, a second replacement jail may be needed.

3. Consider possibilities to meet jail bed need if the jail population unexpectedly rises above capacity in the future.

The number of individuals in jail can change rapidly. The San Francisco jail system was at capacity as recently as six years ago, but today, two county jails are inactive. The City should consider cost-effective strategies to quickly provide safe and appropriate inmate housing if the jail population rises above system capacity after the replacement jail is open.

Appendix: County Jail Beds and Historic Average Daily Population by Security Classification

The first table below presents the total number of beds in the county jail system by security level, excluding County Jails #3 and #4, which are planned to be replaced by a new facility. Approximately 30 percent of all beds are minimum security. The second table presents the historic average daily jail population in San Francisco by security level. In 2013, approximately six percent of inmates were classified as minimum-security.

Absent the beds in County Jails #3 and #4, in each of the last ten years, there have been at least twice as many minimum-security beds in the system as there are minimum-security inmates, and fewer medium- and maximum-security beds in the system than medium- and maximum-security inmates.

The reader should note that the average daily population does not represent the county's total jail bed need. A jail system requires jail beds in a number exceeding the average daily population by approximately 10 to 20 percent, as summarized in Table 4 of the report. These additional beds accommodate peak days with above average population, and constraints from housing individuals with different classifications.

Total Jail Beds by Security Level If County Jails #3 and #4 are Closed

	County Jail #1	County Jail #2	County Jail #3 & #4	County Jail #5	County Jail #6	Total Beds
Minimum	intake facility, no beds	112	proposed to be replaced	0	372	484
Medium/Maximum		354		772	0	1,126
Total Beds	0	466	0	772	372	1,610

Historic Average Daily Population By Security Level and Year

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Minimum	174	174	204	238	176	163	155	131	113	93
Medium/Maximum	1,593	1,607	1,669	1,725	1,839	1,774	1,600	1,417	1,416	1,351
Other	56	55	49	52	46	39	37	34	28	31
Total Beds	1,823	1,837	1,921	2,015	2,062	1,975	1,792	1,583	1,557	1,475

Notes:

1. Based on data through September 2013.
2. "Other" includes individuals not assigned to housing (e.g. detox cells and holding cells) and inmates in SF General Hospital.