

CITY & COUNTY OF SAN FRANCISCO

Office of the Controller

City Services Auditor

Update to the Jail Population Forecast

June 16, 2015



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Executive Summary

The San Francisco Sheriff's Department ("Sheriff's Department") manages six jails.¹ 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 facility or reconfigure existing space 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. Consequently, this facility may need significant remodeling to be useable.

In 2012, the Controller's Office first 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 2014, the Controller's Office updated its analysis with more recent data and recommended that the forecast be updated again in 2015. This report serves as a final updated forecast of the jail population using the most recent data available.

Jail Population Trends

Between 1994 and 2009 the average daily jail population declined gradually, falling by an average of less than one percent per year. Over the last five years, that decline accelerated to eight percent per year. However, since 2012 the decline in the jail population has largely been driven by two policy changes: state realignment and Proposition 47. Absent these policy changes, the jail population remained relatively flat over that period. This suggests the jail population may plateau near current levels unless other policy changes are enacted. See the "Trends Related to the San Francisco County Jail System" section for more information.

The average daily jail population in 2014 was the lowest since 1982. Despite the historically low population there are still too many inmates to be housed in the current jail system if County Jails #3, #4 and #6 are all closed. If County Jail #6 is reopened, the jail system will become overcrowded if the population returns to its level in 2012, which was a 27 year low.

Previous Forecasts

Outside of previous work done by the Controller's Office, at least five separate organizations have conducted forecasts of the San Francisco jail population since 2011. The organizations include two consultants funded by the Sheriff's Department, one federally funded consultant, one independent non-partisan think tank, and the Budget and Legislative Analyst. The Controller's Office forecast articulated in this report represents the lowest forecast published by any organization to date.

¹ County Jail #3 and County Jail #6 are currently closed.

Question of County Jail #6

County Jail #6, which has been closed since 2010, consists of six dormitory-style housing units of sixty-two beds each, for a total of 372 beds. Reopening County Jail #6 and using it in its current configuration would create a number of issues and jail management challenges due to the facility's operational and design limitations.

A number of publications advise that dormitory-style housing should be used with caution and only for inmates with appropriate classifications. The Sheriff's Department asserts that, based on their experience in the San Francisco jail system, a jail built in this style cannot safely house medium- or maximum-security inmates. However, conversations with other corrections professionals with experience outside of San Francisco indicate that at least some medium-security inmates could be safely housed there.

If County Jails #3 and #4 are closed and County Jail #6 is reopened in its current configuration, 40 percent of the useable beds in the jail system (636² of 1,610) will be located in a dormitory setting. Under this scenario, the Controller's Office forecast for 2020 suggests that all minimum- and most medium-security inmates would need to be housed in dormitory-style jails.³ Furthermore, if the Sheriff's Department's assertion that only minimum-security inmates can be safely housed in a dormitory setting is correct, the forecast suggests County Jail #6 would not serve the jail system's needs. More detailed analysis may be needed to determine which inmate classifications could be securely housed at County Jail #6.

There are a number of other limitations to using County Jail #6 in its current configuration:

- 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 is costly and creates safety risks.
- County Jail #6 is not easily reached by public transit, making visitation difficult for the families of inmates who do not own private vehicles.
- The Sheriff's Department offers a number of in-custody programs focused on reducing recidivism including a charter school for inmates and programs related to substance abuse treatment, violence prevention, parenting skills and veterans services. According to the Sheriff's Department, reopening County Jail #6 in its current configuration will make it difficult to deliver rehabilitative programs to inmates in that facility and result in a reduction of the number and proportion of inmates who can take advantage of programs during their time in jail.
- County jail inmates receive an array of mental health services through Jail Health Services. According to Tanya Mera, Director of Behavioral Health and Reentry Services for Jail Health Services, there are too few interview rooms and multi-purpose rooms in

² County Jail #2 has 264 dormitory beds and County Jail #6 has 372 dormitory beds

³ If the security classification breakdown of inmates remains constant into the future, the Controller's Office forecast suggests 774-930 beds will be needed for maximum-security inmates in 2020. That would leave only 44-200 non-dormitory beds for the remaining 584-701 minimum- and medium-security inmates.

County Jail #6 to deliver adequate mental health services, and dormitory housing creates safety issues and service challenges.

- County Jail #6 would require a number of significant and costly repairs and modifications before reopening, including, but not limited to, work on the security system, camera system and recreation areas.
- The proposed replacement jail includes space for the Sheriff’s Department’s warrants and records unit, court holding cells, storerooms, medical records storage, and other non-jail spaces currently located in the Hall of Justice. If the City chooses to reopen county Jail #6 rather than construct a replacement jail, the City would need to build, renovate or lease space near the Hall of Justice for these functions.
- There could be opposition from neighboring communities if the Sheriff's Department houses more inmates and higher security inmates on the jail campus in San Mateo County. This opposition could delay the project, leading to construction escalation costs in the millions of dollars per year.

Current Forecast

Because County Jail #6 may need significant remodeling to be useable, the Controller’s Office presents the recommended replacement jail capacity in the year 2020 based on two scenarios.

Scenario one assumes County Jail #6 is used at capacity in its current configuration. In that scenario, the upper bound of the Controller’s Office forecast indicates the need for a new or reconfigured replacement facility with 21 beds, and the lower bound forecast indicates no need for a replacement facility.

Scenario two assumes that County Jail #6 is not in use as a detention facility in its current configuration. In that scenario, the Controller’s Office forecast indicates the need for a new or reconfigured replacement facility with between 120 and 393 jail beds.⁴ See the table below.

Recommended Replacement Jail Capacity in 2020

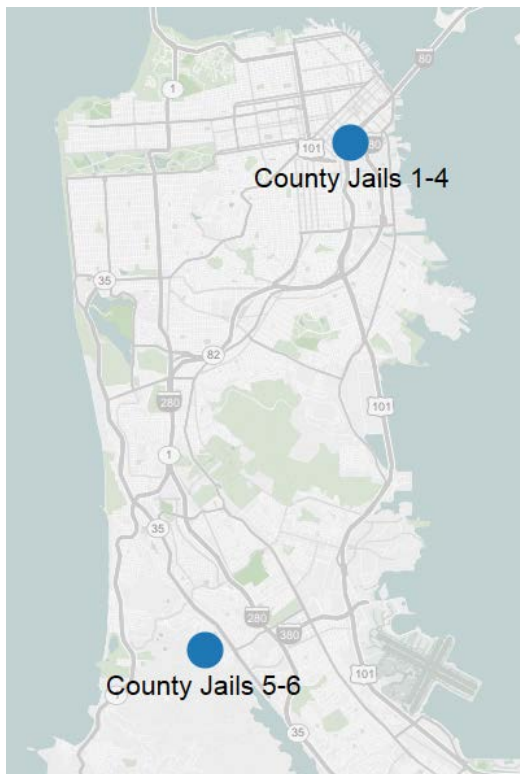
	Forecasted Bed Range (A)	Number of Useable Beds in the System* (B)	Replacement Jail Bed Need (A-B)
Scenario 1: Replace County Jails 3 and 4	1,358 to 1,631	1,610	-252 to 21
Scenario 2: Replace County Jails 3, 4, and 6	1,358 to 1,631	1,238	120 to 393

*The tally for Scenario 1 includes all useable beds in County Jails #1, #2, #5 and #6. The tally for Scenario 2 includes all useable beds in County Jails #1, #2 and #5.

⁴ Current designs for a replacement jail include housing units with 64 beds each. Based on this design, the forecast range in Scenario 2 would translate to a replacement jail with between 128 beds (two - 64 bed housing units) and 384 beds (six – 384 bed housing units).

Background

The San Francisco Sheriff's Department ("Sheriff's Department") manages four jails in San Francisco and two in San Mateo County.⁵ 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 #4.⁶ In addition, the Sheriff's Department has concerns about the future use of County Jail #6 due to its operational and design limitations. Consequently, this facility may need significant remodeling to be useable.



In 2012, the Controller's Office first 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 2014, the Controller's Office updated its analysis with data through 2013. This report serves as a final updated forecast of the jail population 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.

Beds in the County Jail System

Jail beds in San Francisco can be divided into two categories: rated and unrated. Title 15 of the California Code of Regulations defines rated beds as those that "[conform] to the standards and requirements" of the State. Unrated beds are those that are used for medical and psychiatric patients, or do not conform to state standards. Table 1 shows that the county jail system in San Francisco has a total of 2,515 beds, including 2,360 rated beds and 155 unrated beds. Of those 155 unrated beds, 77 cannot be legally used to house inmates because they do not conform to

⁵ County Jail #3 and County Jail #6 are currently closed.

⁶ The replacement may take the form of a new building or reconfiguration of existing space.

state standards for minimum cell size.⁷ The remaining 78 unrated beds are in spaces designed to serve inmates with specific medical and mental health needs and are in regular use. Including the 2,360 rated beds and 78 beds for inmates with psychiatric and medical needs, San Francisco has a total of 2,438 beds that can be used to house inmates.

Table 1: Breakdown of Beds by Jail and Type

	Rated Beds	Unrated Beds		Totals	
		Medical or Psychiatric	Below Current Standards	All Beds (Rated + Unrated)	Useable Beds (Rated + Med/Psych)
County Jail #1	0	0	0	0	0
County Jail #2	392	74	0	466	466
County Jail #3	426	0	40	466	426
County Jail #4	402	0	37	439	402
County Jail #5	768	4	0	772	772
County Jail #6	372	0	0	372	372
	2,360	78	77	2,515	2,438

If the Sheriff’s Department permanently closed County Jails #3 and #4, the number of useable beds in the system would drop to 1,610. And if the Sheriff’s Department also permanently closed County Jail #6, the number of useable beds in the system would drop to 1,238.

Current Population

Table 2 provides information on inmate characteristics in San Francisco during 2014. The percentages listed for inmate sentencing status, security classification, crime classification, and gender are based on the total average daily population (ADP) in June 2014, as this was the most recent data available from the Board of State and Community Corrections. The percentages listed for inmate age and race/ethnicity are based on the average daily population for the calendar year. The data on inmate age and race/ethnicity was provided by the San Francisco Sheriff’s Department.

Sentencing Status. The notable majority of inmates in June 2014 had not yet been sentenced. These inmates are also known as pretrial, meaning that they are awaiting resolution of their case. Those that are sentenced have either been found guilty or pled to a crime.

Security Classification. Ninety-two percent of the average daily population in June 2014 was classified as medium or maximum security. The Sheriff’s Department determines which inmates fall under which security classifications by using an assessment tool during booking. These classifications help the department determine how to house inmates appropriately. The

⁷ These beds are in cells that were originally designed to fit two inmates in bunk beds. However, since the jail was constructed, the Board of State and Community Corrections has increased the minimum cell space required per inmate. As a result, those cells are only large enough to house one inmate – the second bed in each cell is not in use.

interview and scoring method that the department uses to determine these security classifications has not been independently validated.

Table 2: San Francisco Jail Demographics (2014)

		Percent of Total ADP
Sentencing Status	Unsentenced	85%
	Sentenced	15%
Security Classification	Maximum Security	57%
	Medium Security	35%
	Minimum Security	8%
Crime Classification	Felony	92%
	Misdemeanor	8%
Gender	Male	90%
	Female	10%
Age	18-29	30%
	30-39	29%
	40-65	40%
	66+	1%
Race/Ethnicity	Black	50%
	White	30%
	Hispanic	13%
	Asian	6%
	Other	1%

SOURCES: Board of State and Community Corrections, San Francisco Sheriff's Department

Note: Age and Race/Ethnicity calculations are based on all of 2014. The remaining calculations are based on June 2014 only.

Crime Classification. The majority of inmates in June 2014 was either facing felony charges or had been convicted of felony charges. A given crime is classified by law as either a felony or a misdemeanor depending on its severity. Most severe crimes are generally classified as felonies.

Gender. The high majority of inmates in June 2014 were male. There is only one jail in San Francisco for women and four that are currently open for men.

Age. Fifty-nine percent of the average daily population in 2014 was between the ages of 18 and 39. This statistic is unsurprising given that younger adults are more likely to be incarcerated (see discussion under "Demographic and Economic Trends" on page 12).

Race/Ethnicity. Seventy percent of the average daily population in 2014 was made up of people of color, half of whom were black.

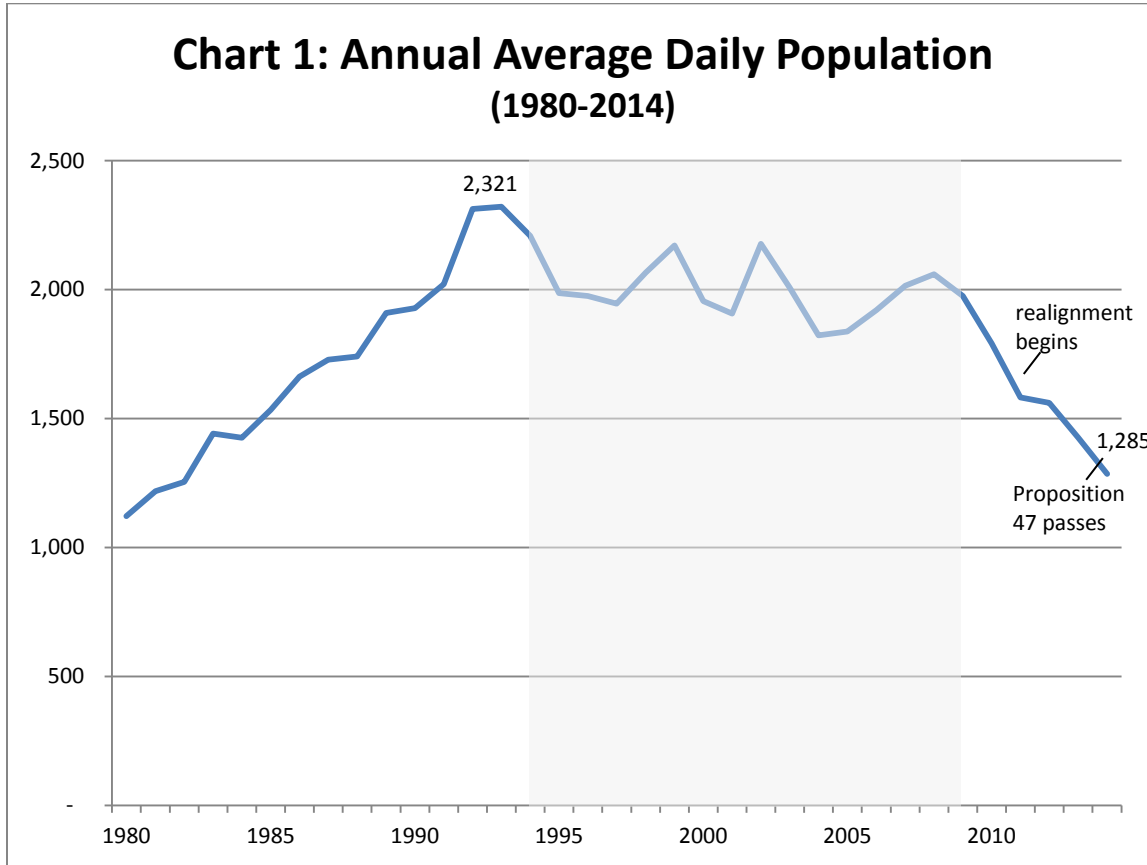
Trends Related to the San Francisco Jail Population

Average Daily Jail Population

Chart 1 shows the annual average daily population of the San Francisco County jail system from 1980 through 2014. There are three distinct phases of change over this 35 year period.

- **Phase 1: 1980-1993.** During this period, the average daily population increased from 1,121 to 2,321, an average annual growth of six percent.
- **Phase 2: 1994-2009.** Over the next 16 years, average daily population saw a gradual decline, falling by an average of less than one percent per year.
- **Phase 3: 2010-2014.** Over the last five years, average daily population declined by an average of eight percent per year, a faster rate than in the previous phase. The average daily population in 2014 was the lowest since 1982. Since 2012 the decline in the jail

population has largely been driven by two policy changes: state realignment and Proposition 47. Absent these policy changes, the jail population remained relatively flat over the three year period. This suggests the jail population may plateau near current levels unless other policy changes are enacted. See the sections below for more information.



In conversations with the Controller’s Office, representatives from the City’s public safety agencies highlighted certain key events that may have had an effect on the jail population’s upward and downward trends between 2010 and 2014. These events include:

- March 2010** San Francisco Police Department drug lab technician Deborah Madden admitted to taking amounts of cocaine from evidence samples. The testing unit of the police department lab was shut down on March 9, 2010. As a result, hundreds of drug cases were either dismissed or discharged due to evidentiary requirements.
- January 2011** George Gascón was appointed District Attorney of San Francisco.
- April 2011** Greg Suhr was appointed Police Chief of San Francisco.
- October 2011** Effective October 1, 2011, the Public Safety Realignment Act (Assembly Bill 109) changed how the state government deals with low level felonies. The

law now stipulates that certain low-level felonies carry a condition of incarceration in county jails, as opposed to state prisons. Parole violations can also now be served in local jails. See the next section for more information on the impact of Realignment on San Francisco's jail population.

November 2011 Ross Mirkarimi was elected Sheriff of San Francisco.

November 2014 On November 4, 2014, the voters of the State of California passed Proposition 47, which converted many nonviolent offenses, such as drug and property offenses, from felonies to misdemeanors. See page 10 for more information on the impact of Proposition 47 on San Francisco's jail population.

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 county jail system. The blue line depicts the number of inmates in county jail not attributed to realignment, while the shaded area shows the average number of inmates attributed to realignment. Together these two numbers sum to the total jail population.

The average daily population of realignment inmates increased over the first five months of realignment to a peak of 328 inmates in February 2012. The population then dropped by 68 percent between February 2012 and September 2014 to a level of 106 inmates. 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.⁸ See Appendix A for a chart displaying the realignment population by type of offender over time.

⁸ Interview with Chief of Adult Probation Wendy Still, 12/5/13. At the time of the interview Wendy Still was the Chief of the Adult Probation; however she has since retired. The current Chief of Adult Probation, Karen Fletcher was not interviewed for this report.

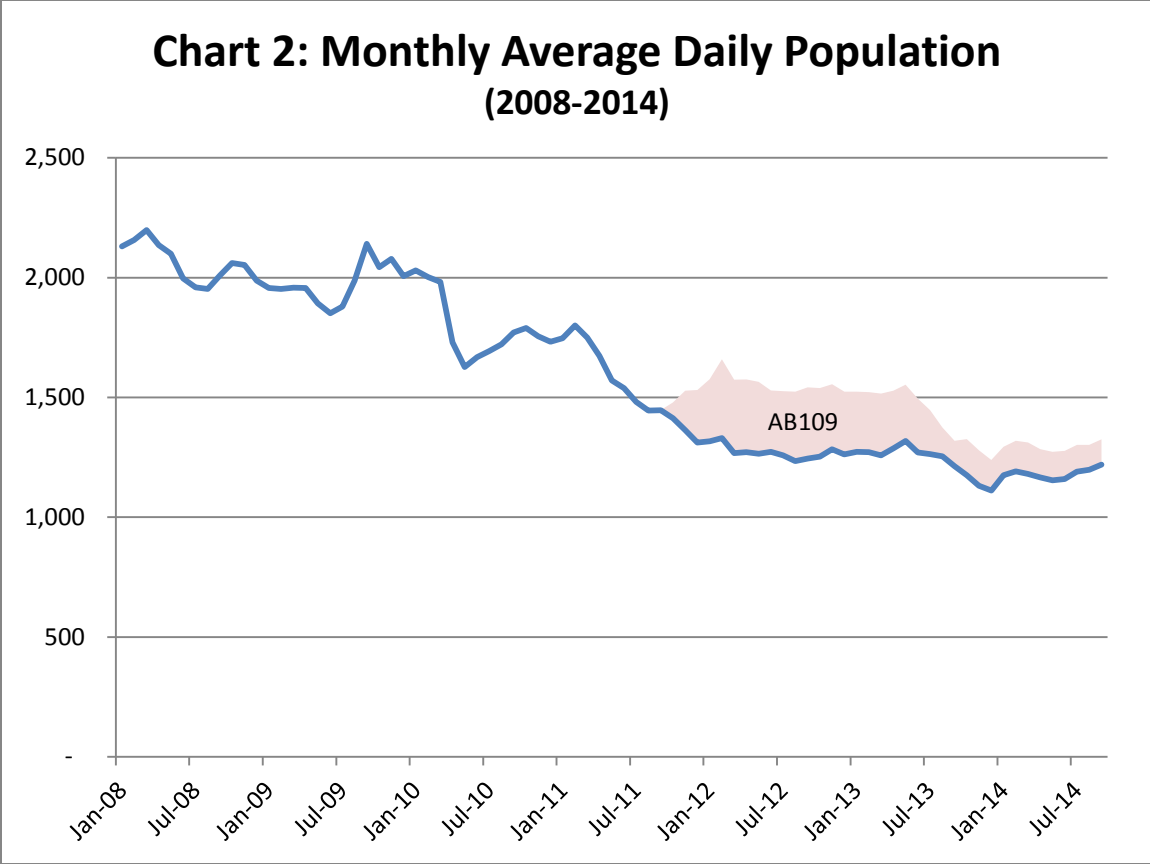
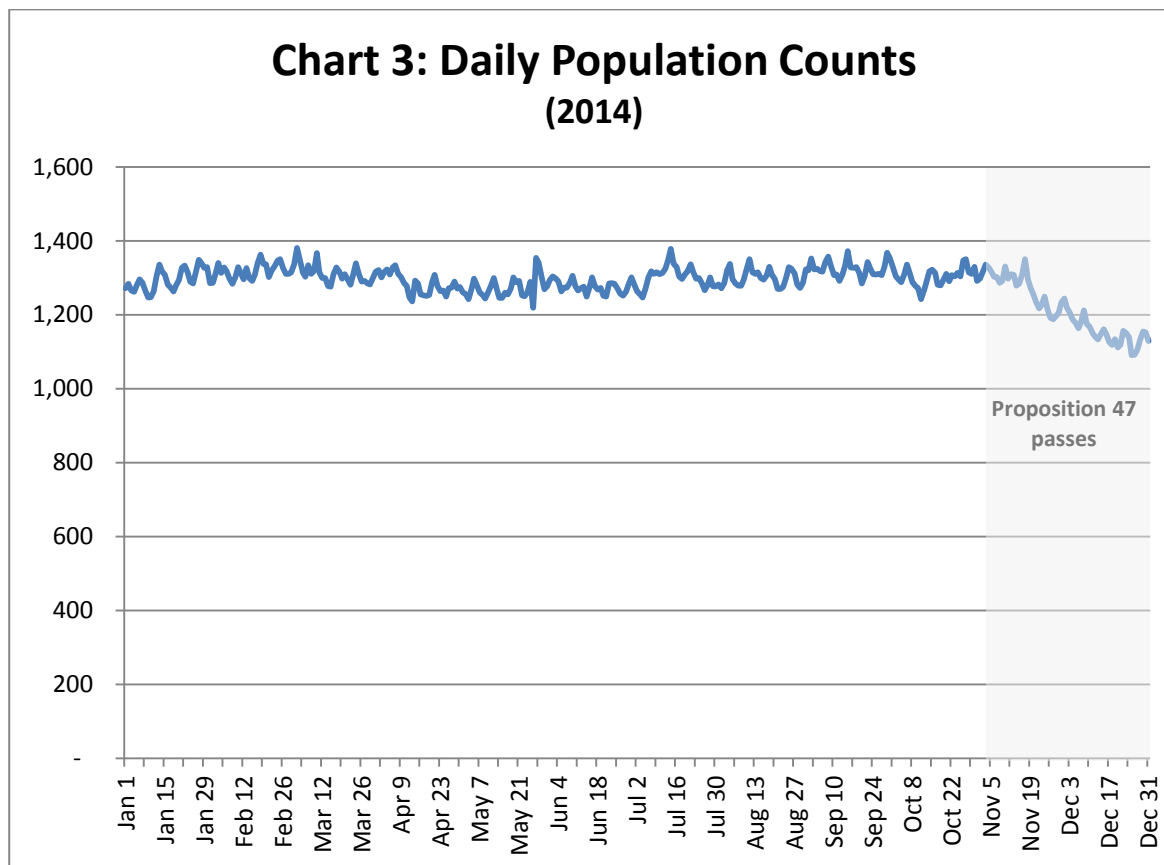


Chart 2 also depicts two distinct trends in the non-realignment inmate population (i.e. the blue line). From January 2008 to December 2011, the non-realignment inmate population declined by one percent per month, but from January 2012 to September 2014 the population remained nearly constant. This evidence suggests the jail population may be plateauing near current levels unless other policy changes are enacted.

The Impact of Proposition 47

On November 4, 2014, California voters approved a state measure known as Proposition 47, the Reduced Penalties for Some Crimes Initiative. This initiative, which became law immediately after passage, reduced the classification of most "nonserious and nonviolent property and drug crimes" from felonies to misdemeanors. Proposition 47 impacted the San Francisco jail population in at least two ways. First, when officers make felony arrests they typically admit arrestees into jail, but when officers make misdemeanor arrests they are more likely to cite and release arrestees without a jail admission. Second, officers may be less likely to arrest individuals for misdemeanors than for felonies. In both situations, the reclassification of some felonies to misdemeanors has a downward impact on the jail population.

Following Proposition 47's approval, inmate populations began to fall across the state of California, including in San Francisco.⁹ Chart 3 shows that the San Francisco jail population remained stable over the first 10 months of 2014,¹⁰ then dropped by more than 100 inmates soon after the passage of Proposition 47. While only limited data is available for 2015, the available data suggests the jail population has stabilized near 1,200 inmates.



Other Relevant Trends

Table 3 gives a seven year look at jail population trends, crime trends, and demographic and economic trends. All of the jail and crime metrics reported in Table 3 have fallen during this period, with the exception of reported property crimes and violent 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 to 2014.

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

⁹ "County jail populations dip after Prop 47." Southern California Public Radio <http://www.scpr.org/news/2015/02/02/49608/county-jail-populations-across-california-dip-afte/>

¹⁰ This provides more evidence that the jail population may be plateauing absent major policy changes.

Table 3: Trends in San Francisco

	2008	2009	2010	2011	2012	2013	2014	2008-2014 Trend Line	Avg. 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	n/a	495	310	177 (Jan-Sept)		-40%
	Alternative to Sentencing Programs Average Daily Population	243	257	183	140	89	133	117		-8%
	Average Days from Booking to Release if >3 days	not available	not available	53	49	47	30	28		-13%
State Prison Trends	Parolees in San Francisco (December 31st)	1,360	1,379	1,417	1,418	992	825	not available	-9%	
	Felon Admissions to Prison from San Francisco	630	632	569	420	201	161	not available	-22%	
Crime Trends	Arrests per 1,000 People	41.9	39.2	27.4	28.1	24.7	25.3	not available	-9%	
	Drug Arrests per 1,000 People	9.5	8.6	3.6	2.2	2	1.7	not available	-26%	
	Violent Crimes per 1,000 People	8.5	7.5	7.2	6.7	7.1	8.6	not available	1%	
	Property Crimes per 1,000 People	46.4	44.1	41.1	41.6	48.5	59.5	not available	6%	
	San Francisco Superior Court New Criminal Filings	13,750	12,954	11,839	9,380	8,136	7,531	6,605		-11%
	Superior Court Active Felony Cases (January 1st)	3,287	3,202	2,995	2,504	1,823	1,930	1,877		-8%
	Superior Court Active Felony Drug Cases (January 1st)	1,849	1,738	1,586	1,095	566	570	479		-18%
	Total Active Adult Probation Caseload (in December)	6,554	6,800	6,423	6,129	5,696	5,054	4,084		-7%
	Youth Referred to the Juvenile Probation Department	3,446	3,296	2,814	2,196	1,871	1,569	1,392		-14%
	Sworn FTE Police Staff (fiscal years)	2,344	2,372	2,300	2,208	2,132	2,140	2,109		-2%
Demographic and Economic Trends	Total San Francisco Population	798,673	801,799	807,177	812,826	825,863	830,956	837,831		1%
	San Francisco Population Age 18-35	263,484	260,894	260,786	260,132	258,151	255,092	245,323		-1%
	Unemployment Rate	5.2%	8.9%	9.5%	8.5%	7.2%	5.7%	4.7%		2%
	Per Capita Income	\$71,760	\$66,894	\$68,555	\$74,425	\$80,014	\$84,356	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, SFOpenBook, California Department of Corrections & Rehabilitation

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.¹¹ Their average length of stay—the time between booking and release—has fallen by an average of 13 percent per year since 2010. The largest decline in average length of stay came in 2013, which coincides with the formation of the San Francisco Sentencing Commission. That year the average length of stay fell by 56 percent.

State Prison Trends. Individuals sent to prison from San Francisco are ultimately released to parole in San Francisco. If a parolee in San Francisco is found out of compliance with parole terms, he or she could serve a violation in one of San Francisco’s county jails.

On average, the number of parolees in San Francisco has fallen sharply (22 percent per year) since 2008. The number of people that San Francisco sends to state prison has also fallen since 2008 (by an average of 9 percent per year).

Crime Trends. From 2008 to 2013, arrests per 1,000 people in San Francisco fell by an average of 9 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 1.7 per thousand people by 2014. The largest drop came in 2010 when drug arrests decreased by 58 percent. This is the year the drug lab incident occurred, which resulted in hundreds of drug cases being dismissed or discharged and may also have impacted future drug arrests. The number of active felony cases in San Francisco Superior Court also fell by eight percent per year on average, while active felony drug cases decreased at more than twice that rate.

While arrests and felony cases have dropped, property crimes have increased by an average of six percent per year, with a 23 percent increase occurring in 2013. The largest driver of the spike in property crime is theft valued under \$50, which increased by 30 percent in 2013.

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 California in 2009.¹²

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 4.7 percent just four years later. Average per capita income has increased steadily during this period, rising from \$71,760 to \$84,356.

¹¹ Provided by Lt. Dave Hardy, Unit Commander, Information Technology Support & Services, San Francisco Sheriff’s Department.

¹² As reported in the “Evaluation of the Current and Future Los Angeles County Jail Population” by the JFA Institute.

Potential Impacts of Planned Policy or Program Changes

In conversations with the Controller's Office, representatives from the City's public safety agencies highlighted certain policy and program changes on the horizon that could affect the number of people incarcerated in San Francisco. These changes include but are not limited to the following:

Repeal of certain Proposition 47 provisions. Some state lawmakers have introduced bills to amend Proposition 47. If any of these bills are passed and signed by the governor, the changes will go on a 2016 ballot for constituents to vote on. Some of the proposed changes would reclassify certain misdemeanors as felonies again. For example, Senate Bill 333 and Assembly Bill 46 would allow felony charges to be filed against suspects accused of possessing certain date-rape drugs and Assembly Bill 150 would make stealing a gun a felony crime. Changes such as these could increase the size of San Francisco's jail population.

Increase in police staffing. The Mayor's Budget for fiscal years 2015-16 and 2016-17 includes funding to hire 400 new police officers. With this additional staffing, Chief Greg Suhr expects that the Police Department will increase the number of arrests it makes and that the jail population will increase as a result.¹³

Use of new risk-assessment tool. The Superior Court of San Francisco plans to implement a new tool designed to assess which inmates in the pretrial jail population are likely to recidivate; those at low-risk of recidivism are to be released from custody while they await trial or resolution of their cases. The District Attorney's Office expects use of this risk-assessment tool to lead to a decrease overall in the pretrial jail population (which currently makes up approximately 85 percent of the total jail population).¹⁴ However, the Court Executive Officer for the Superior Court, Michael Yuen asserts that there is insufficient information to determine whether use of the tool will have any impact.

Shortening of probation sentences. The Adult Probation Department has proposed a shortened probation term scheme that, if adopted, would result in fewer people returning to custody on probation violations and a reduction in the jail population overall.¹⁵ As of December 14, 2014, the Adult Probation Department found that 27 percent of their clients would potentially be eligible for release from probation under the proposal.¹⁶

¹³ Interview with Chief of Police Greg Suhr, 2/12/15

¹⁴ Interview with Chief of Staff Cristine DeBerry, District Attorney's Office, 1/28/15

¹⁵ Interview with Chief of Adult Probation Wendy Still, 1/21/15

¹⁶ As reported in the document entitled "Population by Risk Level and Length of Probation Sentence Completed," provided by Leah Rothstein, Research Director, Adult Probation Department.

Other Potential Impacts Mentioned by Public Safety Stakeholders

Representatives from public safety agencies also mentioned that the following policy changes could affect the number of people incarcerated in San Francisco. It is unknown if and when the following changes will come to pass:

Increased access to support services. Those that are released from custody while awaiting resolution of their cases are often referred to Pretrial Diversion, a non-profit funded by the Sheriff's Department. According to Director Will Leong, those that are currently eligible for pretrial release tend to be in need of more support services (such as housing and mental health resources) than Pretrial Diversion can currently access. If such services were funded at a higher level, he predicts that his organization could do more to help people stay out of custody.¹⁷

Bail Reform. The Public Defender's Office is in the midst of working to increase the number of people that are released from custody because of bail motions and bail hearings. The office is also advocating for bail reform to ensure that people do not unnecessarily remain in custody simply because they cannot afford to pay their bail. However, the Sheriff's Department counters that few inmates could take advantage of bail reform. According to the Sheriff's Department, a significant percentage of inmates are not eligible for bail, but no specific statistic was available at the time this report was written. In addition, more than 90 percent of inmates are charged with felony offenses. The Sheriff Department asserts that these individuals often have very high bails due to the seriousness of these offenses. More study would be needed to determine the impact of bail reform on the jail population.

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. The forecast assumes a steady state, meaning the model cannot predict unexpected future events or policy changes.
- 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.

¹⁷ Interview with Will Leong, Director of Pretrial Diversion, 5/7/15

Forecast Baseline

In September 2012, 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 uses a linear regression model and historical data from 1996 to 2011. The Controller's Office then updated the jail population baseline forecast in May 2014 using the same linear regression model and historical data from 1993 to 2013.

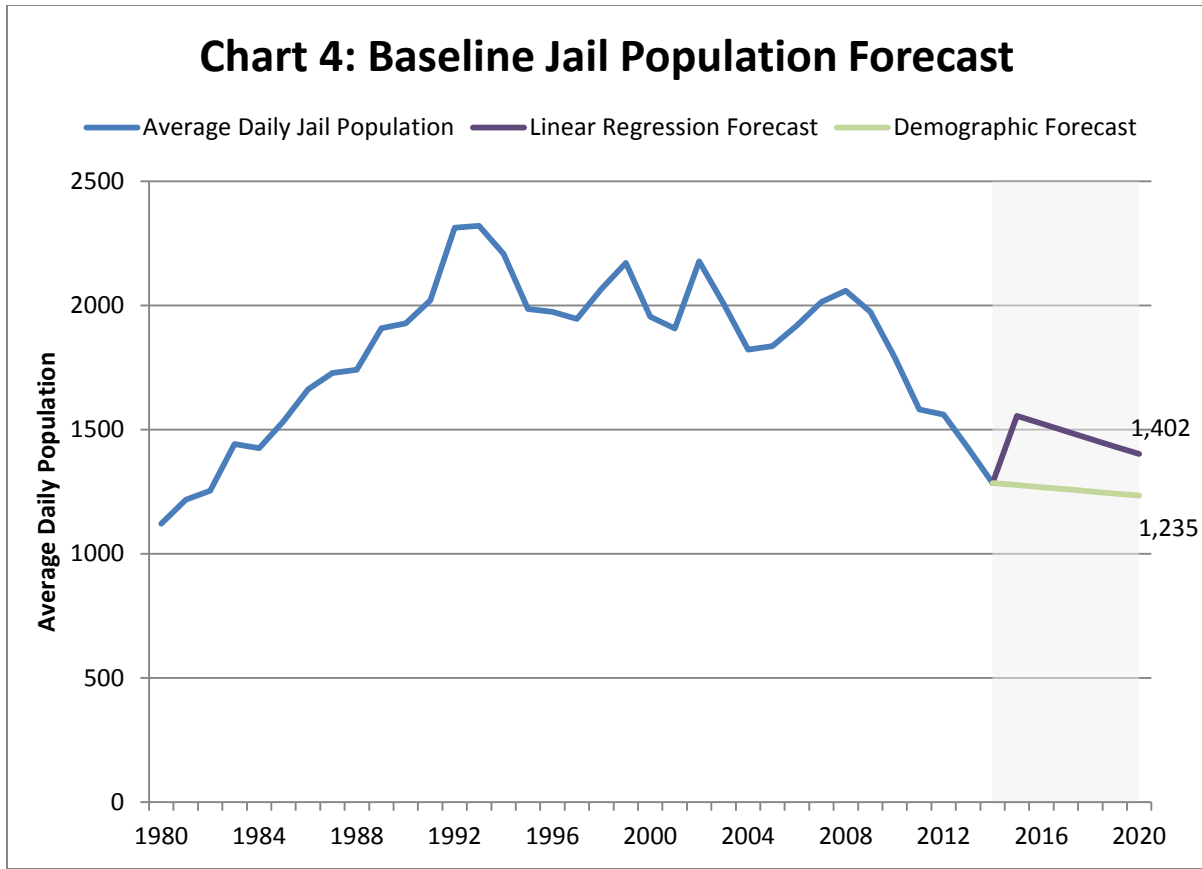
This report, which represents the final updated forecast, uses two separate models to predict the average daily jail population in 2020.¹⁸ The first forecast is a linear regression model that has been used previously in San Francisco and at least one other county. The model incorporates historical trends from 1993 through 2014. The second forecast is a demographic model that uses California Department of Finance (DOF) projected population changes in San Francisco and applies those changes to the current jail population. This model is based on a jail forecasting model used by the Public Policy Institute of California (PPIC).¹⁹ The linear trend model represents the upper-bound of our forecast, and the demographic forecast represents the lower-bound.

In 2014, San Francisco had an average daily jail population of 1,285 inmates. The linear regression model predicts that by 2020, the jail population will grow to 1,402, a nine percent increase, while the demographic model predicts the population will fall to 1,235, a decline of four percent.

Each model has advantages and disadvantages. The linear model incorporates more than two decades of historical data. As a result, the slope of the linear regression model reflects the downward trend of the jail population. However, events like the 2010 drug lab incident, which saw hundreds of drug cases dismissed and convictions vacated, are treated by the model as part of the trend rather than as one-time events. Including this incident in the model may overstate the jail population's rate of decline. While the linear regression model reasonably represents the general trend of the jail population, the actual forecast level for 2015 is higher than would be expected.

¹⁸ The proposed replacement jail project is expected to open in 2020.

¹⁹ The PPIC model is based on projected population changes within the 15-39 age group, whereas the Controller's Office model takes into account population changes by age and race.



The advantage of the demographic model is that it incorporates projected changes to race and age in San Francisco. For example, young adults are more likely to be incarcerated than older adults, but the DOF projects the number of young adults in San Francisco will decline over the next several years. The demographic model takes this shift into account when predicting the jail population. However, the demographic model is based on jail incarceration rates in 2014. If a previously enacted policy has not run its course and will continue to impact incarceration rates into the future, those impacts would not be taken into account by this model. Despite not incorporating recent historical trends, the demographic forecast predicts small annual declines in the jail population, which is more likely than the increase in the jail population predicted by the linear trend model.

A final disadvantage of both models is that neither is capable of predicting future legislative or leadership changes that could affect the size of the jail population. For example, policies such as state realignment and Proposition 47 would not have been predicted by our models. Regardless of their relative advantages and disadvantages, the two baseline models represent the best forecast range possible based on the data available.

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 4 for more detail.

Table 4: Peaking Factor Range

<u>Crout and Sida Methodology</u>			
(Peak jail population	- Average Daily Population) ÷ Average Daily Population = Upper Estimate
<u>Jay Farbstein and Associates Methodology</u>			
(Average of peak days for each month	- Average Daily Population) ÷ Average Daily Population = Lower Estimate

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.

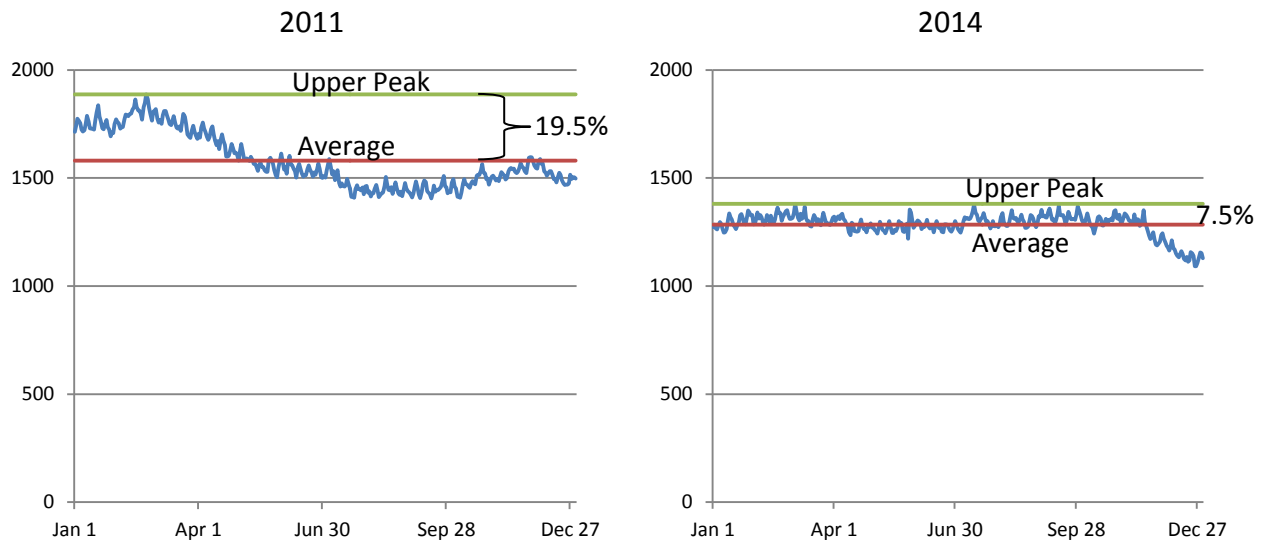
Table 5: Peaking Factor by Year

Year	Peaking Factor	
	Lower	Upper
2010	4.8%	18.2%
2011	5.0%	19.5%
2012	4.8%	11.8%
2013*	4.8%	12.5%
2014	4.7%	7.5%

*The Controller's Office did not have daily population data for September 2013 at the time of this analysis.

Table 5 presents peaking factors over the past five years based on the two methodologies. While the lower bound peaking factor has remained consistent since 2010, the upper bound peaking factor has decreased by 59 percent. This occurred as a result of the declining jail population. When a peaking factor is calculated in a year with a downward trend the factor captures both the trend and the annual peak, falsely exaggerating the peaking factor. See Chart 5 for an example. The Controller's Office recommends using 2014 estimates for the upper and lower bound peaking factor due to that year's flat population trend.

Chart 5: Daily Jail Population (blue) and Upper Peaking Factor in 2011 and 2014



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 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 6).

Table 6: 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	8.2%
<small>128÷1556=</small>	

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.

It is important to note that the actual classification factor for a jail system is dependent on the configuration of jail housing and the types of inmates housed. A jail composed entirely of double-bed cells may have a lower classification factor than a dormitory-style jail because it can house and segregate inmates in a more flexible manner. In addition, a majority minimum-security inmate population will present fewer classification concerns than a majority maximum-security inmate population.

Therefore, changes to the physical infrastructure of the jail system or the makeup of the inmate population over time can impact the system’s overall classification factor. For example, male-to-female transgender individuals in jail are currently segregated into their own housing unit. However, the Sheriff’s Department is considering whether to integrate these inmates into units housing other inmates who identify as female in County Jail #2. This decision could have a small downward impact on the system’s overall classification factor. Conversely, if the Sheriff’s Department reopened dormitory housing units in County Jail #6, it could have an upward impact on the classification factor.

Forecast Summary

Table 7 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 2020, the expected completion date for construction of the proposed replacement jail.

Table 7: Estimates of Total County Jail Bed Needs in 2020

	Lower Bound	Upper Bound
Forecast Baseline	1,235	1,402
Peaking Factor	4.7%	7.5%
Classification Factor	5.0%	8.2%
TOTAL	1,358	1,631

Previous Forecasts

Table 8 presents results from all known forecasts of the San Francisco County Jail Population completed since 2011, including forecasts from six individual organizations and three separate forecasts from the Controller’s Office. Consultants hired by the Sheriff’s Department completed the first two forecasts in 2011. The JFA Institute forecasted the jail population in 2012 as part of the federally-funded Justice Reinvestment Initiative.²⁰ The Budget and Legislative Analyst completed its forecast in 2014 at the request of the Board of Supervisors. And finally, the non-partisan think-tank Public Policy Institute of California (PPIC) forecasted the

²⁰ The Justice Reinvestment Initiative is a “data-driven approach that enhances public safety, reduces corrections spending and redirects savings to alternative criminal justice strategies.” See: http://www.crj.org/cji/entry/project_justicereinvest

jail population in each California county as part of its report on “Key Factors in California’s Jail Construction Needs,” released in 2014.²¹

The table shows that forecasts have declined significantly since 2011, reflecting the large drop in the jail population over that period. For this reason, the Controller’s Office has always recommended updating the forecast with the most recent data available. The table also shows that Controller’s Office estimates are similar to estimates provided by other internal and external organizations. However, the forecast articulated in this report represents the lowest forecast published to date.

Table 8: Previous Forecasts of County Jail System

Organization	Year Completed	Forecast for 2020	
		Inmates	Total Bed Need
Crout and Sida	2011	2,076	2,435
Jay Farbstein and Associates	2011	1,897	2,090
Controller's Office	2012	1,712	2,097-2,292
JFA Institute	2012	1,576	1,735
Controller's Office	2014	1,520	1,673-1,839
Budget and Legislative Analyst	2014	1,279-1,497	1,547-1,811
Public Policy Institute of California	2014	1,401	n/a
Controller's Office	2015	1,235-1,402	1,358-1,631

Question of County Jail #6

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. Reopening County Jail #6 and using it in its current configuration would create a number of issues due to the facility’s operational and design limitations. These issues are discussed below.

Ability to House Expected Inmate Population. County Jail #6 consists of six dormitory-style housing units of sixty-two beds each, for a total of 372 beds. The facility has no holding cells or safety cells. This design creates significant jail management challenges for the Sheriff’s Department. A number of publications advise that dormitory-style housing should be used with caution. For example, the National Institute of Corrections’ Jail Design Guide notes that dormitory-style housing:²²

- “reduces the staff’s ability to prevent physical or sexual assaults, especially during night-time lockdown or other times when staffing levels tend to be reduced”

²¹ The report is available at: http://www.ppic.org/main/publication_quick.asp?i=1098 The appendix which references the forecast is available at:

http://www.ppic.org/content/data/Current_and_Projected_Jail_Capacity_and_Needs.pdf

²² This report is available at <https://s3.amazonaws.com/static.nicic.gov/Library/024806.pdf>

- “reduces the staff’s ability to control inmates during disturbances because the staff cannot fully separate the inmates and achieve a fully secure lockdown until the emergency passes”
- “reduce[s] flexibility and the ability to subdivide the population into distinct groups [based on classification]”

In addition, a 2011 study of the San Francisco County jail system by criminal justice consultants states, “the administration of the jail system should be cautioned that they must resist the urge to fill these dormitory beds unless the classification of the inmate allows being housed there.”²³

As a result of the potential safety and security issues stated above, the Sheriff’s Department asserts that a jail built in this style cannot safely house medium- or maximum-security inmates. Some other corrections professionals disagree. According to Jeanne Woodford, former Undersecretary of the California Department of Corrections and Rehabilitation, maximum-security inmates should not be housed in dormitories as a general rule. However, some medium-security inmates may be appropriate for dormitory housing. For example, medium-security sentenced inmates are in jail for longer periods which allows jail staff to develop relationships with the inmates and better manage their behavior.²⁴

The Sheriff’s Department has used County Jail #6 to house medium- and maximum-security inmates in the past. Resolve to Stop the Violence (RSVP) is a program offered to violent offenders while they are in county jail. A 2005 evaluation of RSVP published in the Journal of Public Health indicates that the program was previously delivered to inmates in County Jail #6. RSVP participants are typically medium- and maximum-security inmates due to their violent histories, yet the evaluation reports that the program “exhibited an instantaneous, dramatic decrease of violent episodes in-house.”²⁵ This suggests it is possible to mitigate the safety concerns posed by housing medium- and maximum-security inmates in a dormitory-style jail if the population is managed appropriately. However, the Sheriff’s Department responds that it has only housed medium- and maximum-security inmates in County Jail #6 when a lack of available jail beds did not allow for those inmates to be housed elsewhere.

If County Jails #3 and #4 are closed and County Jail #6 is reopened in its current configuration, 40 percent of the useable beds in the jail system (636 of 1,610) will be located in a dormitory setting.²⁶ By comparison, 43 percent of inmates in the county jail system in 2014 were classified as minimum- or medium-security. Under this scenario, the Controller’s Office forecast suggests that all minimum- and most medium-security inmates would need to be

²³ Crout and Sida Criminal Justice Consultants, Inc. “Jail Population Study: City and County of San Francisco.”

²⁴ Interview with Jeanne Woodford, 5/14/15. The Controller’s Office does not have data on the number of medium-security sentenced inmates currently in jail, but in June 2014 only 15 percent of jail inmates were sentenced, regardless of security classification. See Table 2.

²⁵ James Gilligan and Bandy Lee. “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, pp 143-148.

²⁶ County Jail #2 has 264 dormitory beds and County Jail #6 has 372 dormitory beds

housed in dormitory-style jails in 2020.²⁷ Furthermore, if the Sheriff's Department's assertion that only minimum-security inmates can be safely housed in a dormitory setting is correct, the forecast suggests County Jail #6 would not serve the jail system's needs. More detailed analysis is needed to determine which inmate classifications could be securely housed at County Jail #6.

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.

Access to Family Visitation. County Jail #6 is not easily reached by public transit, making visitation difficult for the families of inmates who do not own private vehicles.

Impacts on Service Delivery. The Sheriff's Department offers a number of in-custody programs focused on reducing recidivism including a charter school for inmates and programs related to substance abuse treatment, violence prevention, parenting skills and veterans services.²⁸ County Jail #6 has only three multi-purpose rooms, which is insufficient space to accommodate the programs currently offered in other jails. According to the Sheriff's Department, reopening County Jail #6 in its current configuration will make it difficult to deliver rehabilitative programs to inmates in that facility and result in a reduction in the number of inmates who can take advantage of programs during their time in jail.

County jail inmates also receive an array of mental health services through Jail Health Services. According to Tanya Mera, Director of Behavioral Health and Reentry Services for Jail Health Services, there are too few interview rooms and multi-purpose rooms in County Jail #6 to deliver adequate mental health services such as one-on-one and group treatment. Also, providing mental health services in a dormitory housing unit can create service and safety challenges because there are no secure cells in which to place unstable or agitated inmates. Issues with one inmate could impact service delivery for all inmates in the housing unit. Finally, because the facility is located in San Mateo County, clients could become isolated and disconnected from their families. Ms. Mera is concerned that this disconnection will negatively impact mental health outcomes.

This reduction in programs and services would come at a time when Jail Health Services is witnessing an increase in mental health needs among inmates. For example, between 2011 and 2014, referrals to mental health services increased from 5,361 to 5,763 and contacts per client increased from 10.42 per year to 12.45 per year. The service reduction would also come at a time when the State of California is providing financial incentives for expanding program

²⁷ If the security classification breakdown of inmates remains constant into the future, the Controller's Office forecast suggests 774-930 beds will be needed for maximum-security inmates in 2020. That would leave only 44-200 non-dormitory beds for the remaining 584-701 minimum- and medium-security inmates.

²⁸ These programs are administered by community based organizations.

and treatment space in jails. Senate Bill 863 provides \$500 million in state funding to counties for this purpose.

Repairs and Modifications Needed to Reopen. County Jail #6 is a 26 year old facility which was built quickly in response to jail overcrowding, and has been used as a detention facility in five years. According to the Sheriff's Department, a number of significant and costly repairs and modifications need to be made before the facility could be reopened. Some of these modifications are discussed below, but more study is needed to determine a comprehensive list of facility needs and associated costs.

- The Prison Rape Elimination Act (PREA) requires that all detention facilities comply with certain standards with the goal of eliminating the occurrence of sexual assaults. County Jail #6 would require a number of modifications to become compliant with these requirements.²⁹ For example, the camera system at County Jail #6 has limited coverage and would need to be upgraded.
- The existing security system (perimeter alarms, intercom system, door control system, etc.) is antiquated and may need to be replaced. County Jail #2 has a similarly aged system which failed last year and had to be replaced.
- The facility's data system would need to be upgraded to allow for video visitation, an inmate phone system, emergency radio system, Wi-Fi in classrooms, etc.
- Recreation areas need to be modified to prevent escape. For example, roof enclosures need to be added.
- A 2013 seismic evaluation report of County Jail #6 from the Department of Public Works encourages the Sheriff's Department to perform minor retrofitting prior to re-occupying the facility.
- County Jail #6 has no kitchen or laundry facilities. While the neighboring County Jail #5 does have kitchen and laundry facilities, it may be necessary to install additional equipment to allow those facilities to serve both buildings.
- Life safety systems (e.g. fire alarms and smoke removal systems) would need to be inspected and potentially replaced.

Other Construction and Remodeling Required. The proposed replacement jail includes space for the Sheriff's Department's warrants and records unit, storerooms, medical records storage, and other non-jail spaces currently located in the Hall of Justice. If the City chooses to reopen county Jail #6 rather than construct a replacement jail, the City would need to build, renovate or lease space near the Hall of Justice for these functions. The City would also need to replace holding cells currently located in the Hall of Justice which are used when transporting inmates to and from court. Finally, the proposed replacement jail provided an opportunity to address issues related to County Jail #2. For example, the proposed replacement jail is designed to include kitchen and laundry facilities that would serve the new jail and County Jail #2. If the replacement jail is not constructed, kitchen and laundry facilities in County Jail #2 may need to be refurbished.

²⁹ PREA was passed by Congress in 2003, but new standards did not go into effect until 2012.

Potential Opposition from Neighboring Communities. There could be opposition from neighboring communities if the Sheriff's Department houses more inmates and higher security inmates on the jail campus in San Mateo County. This opposition could delay the project, leading to construction escalation costs in the millions of dollars per year. Previous construction efforts on the campus required significant negotiation with the surrounding community. Also, government representatives from San Mateo County have appeared at San Francisco Board of Supervisors meetings on the jail replacement project to voice concerns over moving more inmates to San Mateo County.

Replacement Jail Need

Because County Jail #6 may need significant remodeling to be useable, the Controller's Office presents the recommended replacement jail capacity in the year 2020 based on two scenarios.

Scenario one assumes County Jail #6 is used at capacity in its current configuration. In that scenario, the upper bound of the Controller's Office forecast indicates the need for a new or reconfigured replacement facility with 21 beds, and the lower bound forecast indicates no need for a replacement facility. If no replacement facility is constructed and County Jails #3 and #4 are closed but County Jail #6 is in use at capacity, the jail system would become overcrowded if the population returns to its level in 2012, which was a 27 year low.³⁰

Scenario two assumes that County Jail #6 is not in use as a detention facility in its current configuration. In that scenario, the Controller's Office forecast indicates the need for a new or reconfigured replacement facility with between 120 and 393 jail beds.³¹ If no replacement facility is constructed and County Jails #3, #4 and #6 are closed, the jail system would not be able to house all inmates in the system if the population stays at or above its level for 2014, which was a 32 year low (see Table 9).³²

³⁰ For scenario one, the threshold below which San Francisco could close the Hall of Justice jails and not need a replacement facility is between 1,384 and 1,464 inmates. Calculation: useable beds in system (1,610) ÷ classification factor (1.05 to 1.082) ÷ peaking factor (1.047 to 1.075) = 1,384-1,464.

³¹ Current designs for a replacement jail include housing units with 64 beds each. Based on this design, the forecast range in Scenario 2 would translate to a replacement jail with between 128 beds (two - 64 bed housing units) and 384 beds (six - 64 bed housing units).

³² For scenario two, the threshold below which San Francisco could close the Hall of Justice jails and not need a replacement facility is between 1,064 and 1,126 inmates. Calculation: useable beds in system (1,238) ÷ classification factor (1.05 to 1.082) ÷ peaking factor (1.047 to 1.075) = 1,064-1,126

Table 9: Recommended Replacement Jail Capacity in 2020

	Forecasted Bed Range (A)	Number of Useable Beds in the System* (B)	Replacement Jail Bed Need (A-B)
Scenario 1: Replace County Jails 3 and 4	1,358 to 1,631	1,610	-252 to 21
Scenario 2: Replace County Jails 3, 4, and 6	1,358 to 1,631	1,238	120 to 393

*The tally for Scenario 1 includes all useable beds in County Jails #1, #2, #5 and #6. The tally for Scenario 2 includes all useable beds in County Jails #1, #2 and #5.

Risks and Repercussions

There is inherent uncertainty involved with forecasting the jail population. The number of individuals in jail is impacted by demographics and economic factors, but also by policy changes (e.g. state realignment, Proposition 47) and individual actors (e.g. enforcement decisions by the Chief of Police and District Attorney) which can be very difficult to predict. In addition, the forecast in this report assumes a steady state, but in reality the jail population has been dynamic in recent years.

Given the uncertainty of jail forecasting, it is important to consider the risks and repercussions involved with a decision between building a new facility or reconfiguring existing space to replace the Hall of Justice jails, or doing nothing. The section below describes these risks and repercussions in two scenarios:

1. If the City builds or renovates a replacement facility, but the population continues to drop and no such facility is needed:

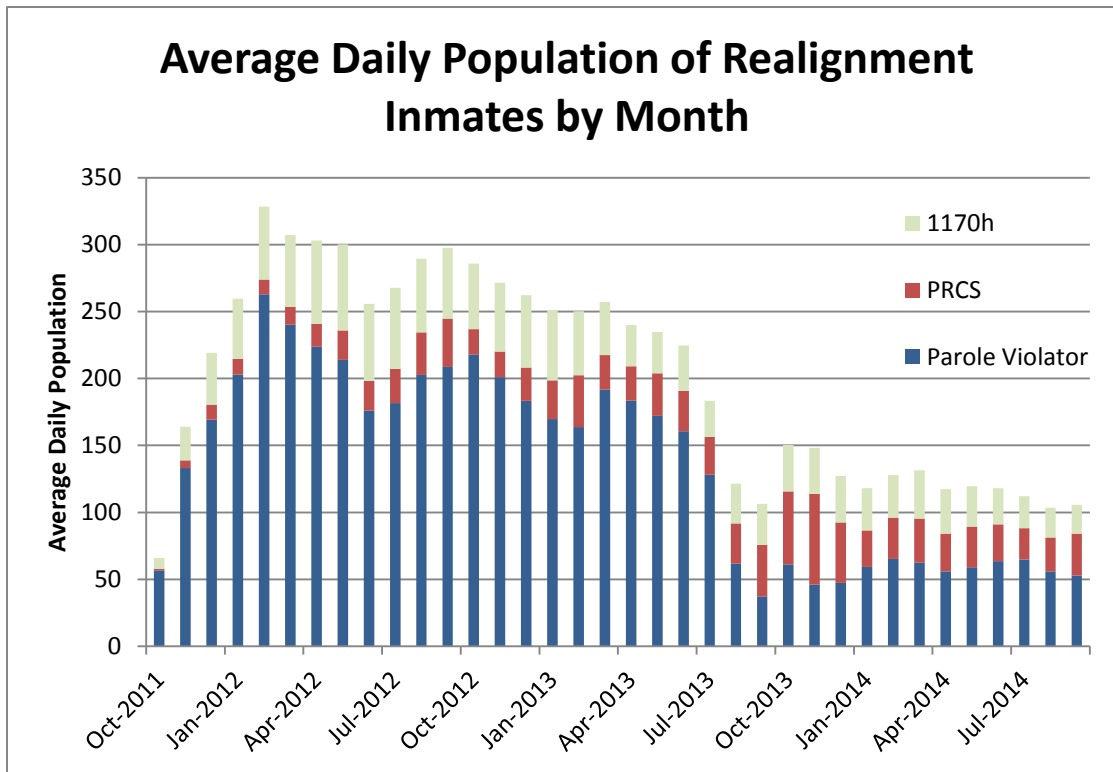
- The City would have developed a replacement facility using funds that could have financed other capital projects.
- The new facility would allow the Sheriff’s Department to transfer inmates currently housed in San Mateo County into a facility near the Hall of Justice. This transfer has multiple benefits.
 1. Inmate transportation between the Hall of Justice and San Mateo County is costly and increases safety and security risks for inmates and deputies. Housing inmates in San Francisco eliminates these concerns.
 2. Housing inmates in San Francisco makes them more accessible for family visitation, especially for families without private vehicles.
 3. Housing inmates in San Francisco reduces transportation time and costs for Public Defender staff who currently have to travel to San Mateo County to visit their clients.
- County Jail #6 is currently used for deputy training, storage space and occasional vocational programs. The Sheriff’s Department could continue to use the facility for these purposes.

2. If the City does not build or renovate a replacement facility, but one is needed:

- The City would need to fund a replacement facility, but likely at a higher cost.
 - The City would have lost an opportunity to receive up to \$80 million in funding from the State of California to finance jail construction.³³
 - Capital Planning estimates that construction costs will escalate by five percent per year, outpacing the City's expected revenue growth. For a \$278 million project, a five percent escalation rate amounts to a \$13.8 million cost increase each year the project is delayed.
- If a major earthquake strikes while inmates are still housed in the Hall of Justice, the jail would likely need to be vacated and closed permanently. In addition to the safety concerns of transporting inmates immediately after a major disaster, it would be costly to house inmates elsewhere while a new facility is constructed.
- The City's jail system may experience overcrowding, which can lead to unsafe and inhumane housing conditions. The City has been sued at least twice since 1980 due to subpar jail conditions resulting from overcrowding.
- If it isn't already at capacity, County Jail #6 could be used as an overflow facility in the case of a major earthquake or overcrowding but may need significant repairs.
- The proposed replacement jail includes space for the Sheriff's Department's warrants and records unit, storerooms and other non-jail spaces currently located in the Hall of Justice. When the Hall of Justice closes, the City would need to build, renovate or lease space near the Hall of Justice for these functions. The City would also need to replace holding cells currently located in the Hall of Justice which are used when transporting inmates to and from court.

³³ State funding is available via Senate Bill 863. County proposals for funding are due on August 28, 2015.

Appendix A: Realignment Inmates by Type Over Time



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. The chart above 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. This category also includes individuals who are incarcerated for violating the terms of their mandatory supervision after leaving custody.

About the Controller's Office City Services Auditor

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter approved by voters in 2003. Under Appendix F of the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions,
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services,
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources, and
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

For more information visit our website at:

<http://www.sfcontroller.org/index.aspx?page=42>

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