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**San Francisco Jail Population  
Management Plan:  
Causes of Overcrowding Report**

February 13, 1991

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**INSTITUTE FOR LAW AND POLICY PLANNING**  
**P.O. Box 5137, Berkeley, CA 94705 (415) 486-8352**

**San Francisco Jail Population  
Management Plan:  
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**February 13, 1991**

# **CRIMINAL JUSTICE ADMINISTRATORS' GROUP**

Mr. Dennis Aftergut, Chief Assistant City Attorney  
Hon. John Dearman, Presiding Judge, Civil Superior Courts  
Hon. Lucy Kelley McCabe, Presiding Judge, Criminal Superior Court  
Hon. William Mallen, Presiding Judge, Municipal Court  
Mr. Tony Hall, Municipal Court Administration  
Sheriff Michael Hennessey, San Francisco Sheriff's Department  
Dr. Tom Peters, Head of Forensic Services, San Francisco Dept. of Public Health  
Mr. Paul Principe, Assistant Chief District Attorney  
Mr. Newton Lam, Special Assistant to the Mayor in the Area of Public Safety  
Ms. Arlene Sauser, Chief Adult Probation Officer, San Francisco Probation Dept.  
Lt. Tony Ribera, Commanding Officer, Fiscal Div., San Francisco Police Dept.  
Mr. Peter Goldstein, Director, Budget Staff, Mayor's Office  
Mr. Arnie Sowell, Mayor's Budget Office  
Mr. Jim Harrigan, Sheriff's Legal Counsel

## **PROJECT TEAM**

Dr. Alan S. Kalmanoff, Project Director  
Ms. Susan Jensen, Project Manager  
Ms. Myla Reyes, Project Coordinator  
Dr. David Moulton, Data Specialist  
Mr. David Dupree, Courts Specialist  
Ms. Jane Yee, Population Analyst  
Mr. Palmer Stinson, Law Enforcement Specialist

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## I. Executive Summary

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## I. EXECUTIVE SUMMARY

This report identified factors contributing to jail overcrowding. Findings were based on existing data, extensive interviews with criminal justice officials and extensive data analysis. This causes report will be followed by a report on solutions to regulate jail overcrowding and then a population management plan.

The following are the causes of overcrowding as identified by Consultants.

- There is a complete lack of reliable, readily accessible system-wide data that are available and useful for jail population management.
- Due to the lack of accessible data, there is almost a complete lack of effective interagency policy development and decision making about crowding.
- Police reports are not always made available in a timely manner.
- Police appear to book many arrestees with inadequately documented charges, and to overcharge.
- The OR Bail Project is not structured by the judges to maximize fast releases because it uses no objective points or criteria, does not recommend OR release and excludes certain cases. Court OR appears slow.
- San Francisco has a high failure-to-appear rate and few programs to lower it.
- Bookings of persons who are mentally ill have increased disproportionately to overall jail bookings.
- Many arrestees booked on misdemeanor charges are held in custody for several days due to out-of-county traffic warrants.
- Pretrial release programs are not arrayed in any formal way nor are they formally coordinated.
- As a result of report writing and charging practices, delays and inadequacy in report preparation, and the decentralized nature of the liaison between police investigations and prosecutors, district attorney screening can be slowed and/or incomplete.
- There is a need to speed felony case processing of the high percentage of felony bookings and the percentage of pretrial felons remaining in custody.
- No uniform system of managing cases through speedy case settlement conferences is in place.
- Sentencing practices and use of county parole are not sensitive to the availability of beds and limits imposed on overcrowding.
- The probation department and courts are not prioritizing presentence investigation reports for in-custody cases.

- There is no personnel to operate an electronic monitoring program in the probation department.
- San Francisco's correctional facilities were not designed to accommodate the numbers and types of inmates currently incarcerated.

As a result of San Francisco's inability to improve the criminal justice process at various points early in the system, convicted criminals are released at 70 percent of their sentences. The police, the district attorney and public defender, and the courts must accept responsibility for speeding and improving pretrial processing by the system if the county jails are to have adequate space and staff to detain convicted defendants for their full sentences.

## II. Introduction

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## II. INTRODUCTION

The city and county of San Francisco contracted with the Institute for Law and Policy Planning (ILPP) to develop a Jail Population Management Plan to comply with a federal court order. This draft report is the first of a three-phase planning process to develop a five-year jail population management plan. The study will result in a plan for San Francisco to better manage and limit the flow of inmates through its detention facilities.

There are three phases to the study. The first identifies and analyzes factors contributing to jail overcrowding; these factors are set forth herein. The second presents solutions through the development of proposed strategies to regulate jail crowding factors. The third is a phased implementation plan. Each of the three reports begins with a draft presented to the Criminal Justice Administrators' Group (CJAG), and after their input, a final version.

### A. Background

San Francisco faces a major jail overcrowding challenge. The city and county are under a consent decree which limits County Jail #1's population to 426. However, jail populations have consistently exceeded capacity and most facilities continue to be overcrowded.

San Francisco officials realize the need to better understand jail crowding, to find ways of controlling its causes, and to develop the full array of options for managing it. The CJAG and related agencies want a reliable system of population management to maximize the effectiveness of scarce and expensive jail beds, regardless of future system expansion. Such a system would help all criminal justice system "players" to coordinate and maintain a practical jail use policy that securely incarcerates those who are a risk to the community and those who require custody as a punishment. A population management plan is also required by the court by April of 1991.

San Francisco's adult detention system consists of four jails on two sites with a total Board of Corrections (BOC) rated capacity of 1,696; a work furlough facility housing 68 inmates; and 22 beds reserved at San Francisco General Hospital for acutely ill prisoners (medical and mental). Thus, the entire San Francisco jail system has a current BOC rated bed capacity of 1,786. In addition, the Sheriff's Work Alternative Program (SWAP) handles an average daily caseload of 82 inmates who perform community service in lieu of incarceration.

The main jails include Jail #1 at the Hall of Justice which is the primary booking facility (and the jail directly under the court order). Also at the Hall of Justice is Jail #2 which holds pretrial detainees who remain in custody after preliminary hearing. Both of these jails were opened in 1962. Jail #3 was built in 1934 in San Bruno; it was designed to hold sentenced inmates. However, severe crowding at Jail #1 has required that the Sheriff employ the San Bruno facility to house some pretrial inmates. In January, 1989, the Sheriff's Department opened a new 300-bed unit at the San Bruno site.

An additional facility is County Jail #4 (the work furlough facility).

San Francisco's jails have been chronically crowded over the last several years. In addition, categorical crowding of special inmate groups exists within each facility. Data from January of 1988 through December of 1990 show system overcrowding of over 100 percent of capacity for every month except the last seven months of 1990. For those

months, the jail system averaged between 90 and 99.9 percent of capacity. Yearly averages were as follows:<sup>1</sup>

<u>Year</u>	<u>Percent of Capacity</u>
1988	112.28
1989	122.81
1990	99.28

Since 1982, the county has been operating its jails under the terms of the consent decree approved by the United States District Court in Will Stone, et. al. vs. the City and County of San Francisco, et. al., C-78-2774 WHO. The consent decree limits the population of Jail #1 to 426 inmates and sets out a number of specific requirements with respect to health care, recreation and other conditions of confinement. Also covered in the consent decree are expectations for the care of involuntary mental health commitments. The federal court appointed Mr. Allen Breed as Special Master to oversee implementation of the consent decree. A series of reports by Mr. Breed found that the county was not making sufficient progress towards the goals outlined in the consent decree.

In May of 1987, the San Francisco Board of Supervisors passed a resolution finding that "an emergency exists on providing new housing units in the county jail system" (Board Resolution 192-87-2). The Board of Supervisors had earlier established a Jail Policy and Planning Advisory Committee, chaired by Patrick Hallinan, to oversee the development of a needs assessment required for the release of \$22.5 million to San Francisco as part of the County Correctional Facility Capital Expenditure Bond Act of 1986.

Pending the receipt of the state funds, the Board of Supervisors directed the County Administrative Officer and the Sheriff to proceed with design and feasibility studies to add up to 300 new modular jail beds. It was also agreed that the superior and municipal courts would augment staffing of the Own Recognizance Project and that pretrial detainees held on misdemeanor bench warrants could be considered eligible for supervised release. The municipal court agreed to hold arraignment hearings on Saturdays and to assign a judge twice a day, including Saturdays. The district attorney and the public defender should be present to review arrestees' bail status within 24 hours of arrest.

The San Francisco Police Department was instructed to expedite its criminal investigations for defendants held at Jail #1 and to review the policies and procedures relative to release of arrested detainees. The Board of Supervisors asked the district attorney to assign additional staff to speed case review and rebooking of all arrestees. The Sheriff agreed to limit the number of federal prisoners housed in county jails and expedite the transfer of parole violators to the Department of Corrections.

Crowding conditions nonetheless continued to plague the San Francisco jails. By the end of 1987, the county agreed to a court plan that would release sentenced misdemeanants at the completion of not less than 70 percent of their sentences. The federal court has also ordered that the county improve recreational facilities at Jail #1, provide a plan to improve medical care within the jail and limit the practice of housing acutely mentally ill prisoners in safety cells.

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<sup>1</sup> Monthly and yearly ADP for 1988, 1989 and 1990 were provided by the Sheriff's Department Jail #1 and are included as Appendix A. Data does not include figures for Jail #6, the SWAP and Work Furlough programs, as inmates on these programs are not in custody.

Since the consent decree was approved in 1982, the following studies have been done:

1. 1983, Minor Jail Needs Assessment, Institute for Law and Policy Planning.
2. 1987, Technical Assistance Report, City and County of San Francisco, National Institute of Corrections.
3. 1988, Jail Needs Assessment, National Center on Crime and Delinquency.
4. 1989, Position Paper on San Francisco Jail Overcrowding Options, National Center on Crime and Delinquency.
5. 1990, National Institute of Corrections Technical Assistance Report, Howard Messing

All five studies noted the serious problems of a lack of available and agreed upon data with which to manage the system. The two needs assessments recommended new beds which have been and are being put on line. All five recommended major population management strategies, many of which have received only limited implementation.

Additional reports include a jail master plan, Special Master Breed's progress reports and a Jail Policy and Planning Advisory Committee report to the San Francisco Board of Supervisors.

## **B. The Report**

This report is organized to address the current causes of jail overcrowding as they occur at critical points or stages in the criminal justice process. Thus, following this introduction is a chapter containing a brief description of the criminal justice system flow in San Francisco. It features leverage points that are subsequently considered in looking at causes of jail overcrowding and will later be considered in developing solutions and a final population management plan.

Qualitative and quantitative data are discussed to support the analyses. The available data are used selectively, to explain or document causes, as well as to show "how the data can be used." Data provided will be supplemented by information in later stages of the study to evaluate options. Eventually, data may help predict the effect on jail use of various changes in policies, programs and procedures.

Additional data and further interviews will be developed in the project's solution and final plan phases. Supplementary analyses will project impacts from various options presented to the CJAG in the "Solutions to Overcrowding" draft report.

ILPP stresses that this first report represents Consultants' analysis of crowding systemwide. The scope is global, the system complex and the available learning time short. The report is presented in draft to the CJAG for input, corrections, and support. The final draft will be submitted after corrections and incorporation of the CJAG's input.

While the focus is on Jail #1 due to the consent decree, ILPP has undertaken a systemwide study as the causes and solutions are systemic in nature. This report seeks to give decision

makers a "handle" on the issues and an analytical model of the system. Identification and analysis of factors which contribute to jail overcrowding were accomplished through analysis of an inmate profile and tracking study and alternatives, and primarily through interviews with most judges and key officials.

Throughout this report, Consultants have developed findings based on extensive system-wide interviews, all available data and prior reports, and Consultants' own extensive background and expertise in jail crowding. For many areas of Consultant investigation, there has not been adequate original data to prove that a finding is correct. Consultants thus have often resorted to using the phrase, "... it appears to be the case that ...". In such cases, Consultants expected to be presented with corrected information where the findings were incorrect.

### **C. Methodology**

Four basic methods were used to develop the data and analysis used in this report:

- Interviews with all members of the CJAG and with a large number of judges and other justice system and related officials. (See Appendix B for a list of contacts.)
- Collection of all existing data, including prior needs assessments and technical assistance reports and departmental analyses. (See Appendix C for a bibliography.)
- Collection and analysis of county data on tracking (booking and release) and tracking data obtained by Consultants.
- The collection and analysis of county profile data.

Tracking and profile data obtained through Owens Information Systems (OIS), the county's criminal justice data consultants, was problematic.<sup>2</sup> Consultants experienced considerable difficulties in adapting the data for the type of analysis needed to examine overcrowding issues.

Consultants needed to expend a tremendous amount of effort to put the tracking information into a uniform and usable format. Even then, complications and uncertainties regarding the data remained. Because of these problems and county skepticism about OIS data, Consultants gathered a second sample using information obtained at Jail #1.

The profile run requested from OIS was difficult to obtain, late in coming and after vigorous attempts to salvage it, proved unusable. Other profile data which served Consultants' needs was obtained directly from the Sheriff's Department and the Department of Public Health.

A more in-depth overview of data analysis methodology is presented in Chapter IV. Data Analysis.

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<sup>2</sup> OIS is a private agency under contract to the San Francisco data management group, Information Systems Division, which is a subdivision of the San Francisco Controller's Office.

### III. System Flow

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### III. SYSTEM FLOW

The criminal justice system flow in San Francisco begins with an arrest. After arrest, an offender may be released from custody in a number of ways at different stages in the system flow. This system flow is described below and illustrated in Chart 1. It should be noted that while the chart attempts to represent the county's criminal justice system flow, it does not thoroughly encompass the processes that an inmate may actually go through. Some mechanisms may release an inmate at more than one point in the system (corresponding boxes are not included in the flow chart).

In 82 percent of the cases (from the county's computer-generated tracking sample), the arrest is made by a San Francisco Police Department (SFPD) officer. At this time, the arresting officer can run a criminal history check on the arrestee and decide to release him/her through the field citation mechanism with a written promise to appear in court.<sup>3</sup>

If the officer does not release the arrestee with a field citation, the arrestee is taken to a local stationhouse. At stationhouse booking, or at any time before the Sheriff's Department takes custody of the arrestee, he/she may be released by the SFPD with a stationhouse citation and a written promise to appear in court.

Arrestees who are not released with a field or stationhouse citation, or who are taken directly to the Sheriff's Department by an arresting officer, are booked at the intake jail (County Jail #1).

Once booked, detainees may be released through several mechanisms. The first is PC 849b, which releases without further action primarily those booked for public drinking (PC 647f) "in the interest of justice." Another mechanism that can be used at this point is the Out of County Transfer. Inmates may also be released if the district attorney's office finds that there is not enough information to proceed (i.e., dismissal of charges).

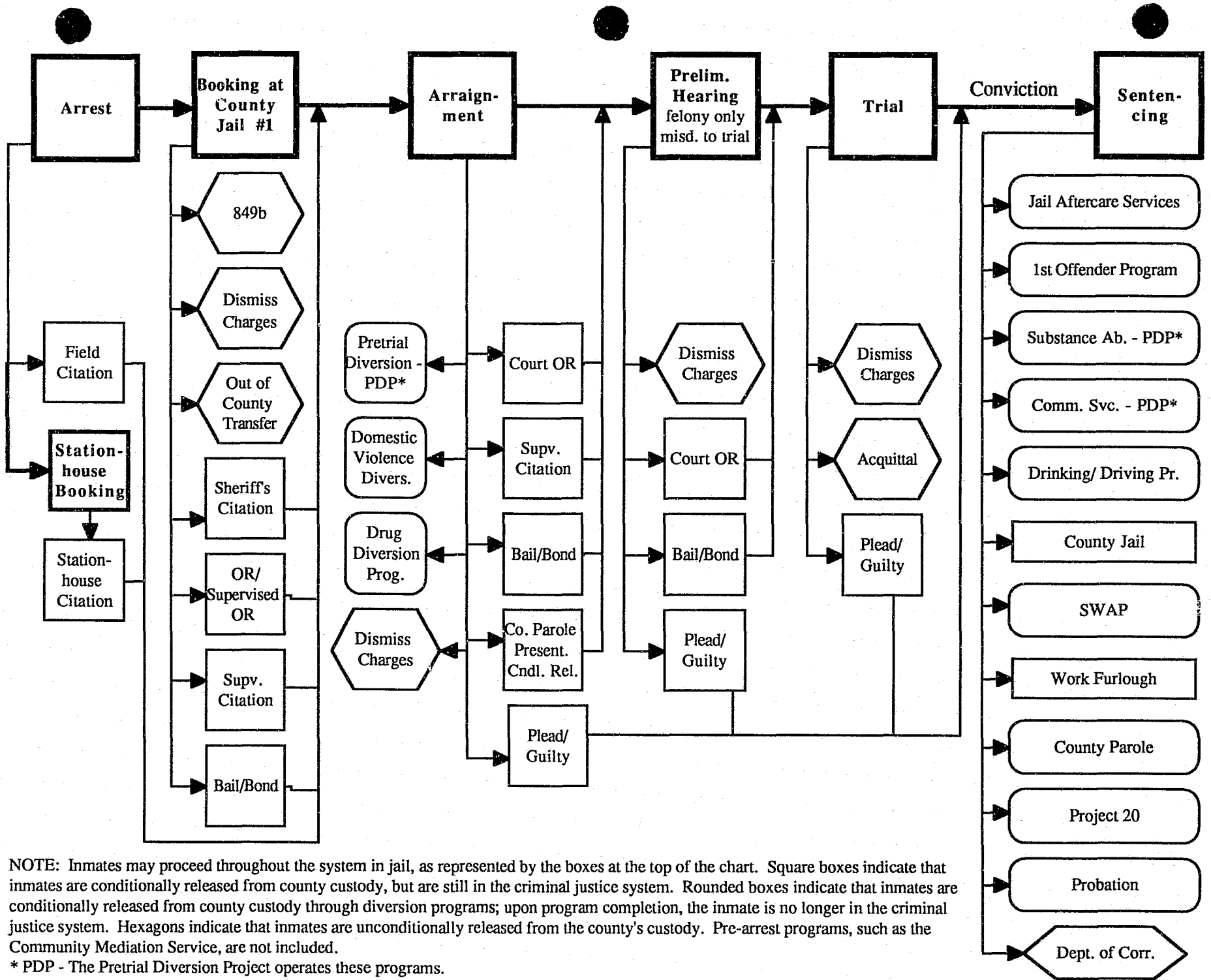
The latter three mechanisms result in release from custody unconditionally; that is, inmates released through these mechanisms do not return to the justice system flow (as denoted by the hexagons on system flow chart).

Other release mechanisms after booking are Sheriff's Citation, Supervised Citation, OR, Supervised OR, Bail/Bond, Cash Bond, etc. These mechanisms release inmates conditionally, as denoted by boxes on the flow chart. That is, although the inmate is not in custody of the Sheriff's Department, he/she is still in the criminal justice system. Charges are filed against inmates released through these mechanisms, and they are required to appear in court for arraignment and follow-up proceedings.

Following arraignment, an inmate may be released unconditionally if the court finds that there is "not enough information to proceed" (i.e., a dismissal).

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<sup>3</sup> Only those charged with misdemeanor offenses or infractions are eligible for field/stationhouse citation.



NOTE: Inmates may proceed throughout the system in jail, as represented by the boxes at the top of the chart. Square boxes indicate that inmates are conditionally released from county custody, but are still in the criminal justice system. Rounded boxes indicate that inmates are conditionally released from county custody through diversion programs; upon program completion, the inmate is no longer in the criminal justice system. Hexagons indicate that inmates are unconditionally released from the county's custody. Pre-arrest programs, such as the Community Mediation Service, are not included.

\* PDP - The Pretrial Diversion Project operates these programs.

A misdemeanor detainee may be released conditionally through programs such as the Pretrial Diversion Project's pretrial diversion program and the San Francisco Probation Department's domestic violence diversion and drug diversion programs. These release mechanisms are denoted by rounded boxes which indicate that inmates so released are not in the county's custody, and will not return to the justice system if they successfully complete the diversion program.

Other mechanisms available at this point include Court OR, Supervised Citation, Bail/Bond or County Parole's Presentence Conditional Release. Inmates who are released through these mechanisms must return to court for preliminary hearing (for felony charges) or trial (for misdemeanor charges). Inmates who plead or are found guilty at arraignment proceed to sentencing.

For those charged with felonies, a court appearance is required for the preliminary hearing. At this time, a detainee may be released unconditionally (i.e., dismissal) if there is not enough information to proceed. An inmate may also still be released conditionally through Court OR or Bail/Bond. These inmates must return to court for trial. If an inmate pleads or is found guilty in the preliminary hearing, he/she proceeds to sentencing.

Inmates who appear in court for a trial may be released unconditionally if they are acquitted, or if it is found that there is not enough information to proceed (dismissal). If the inmate pleads or is found guilty, he/she proceeds to sentencing.

At sentencing, the court has several options. A judge may sentence an inmate to a prison term in the Department of Corrections, thus removing him/her from the county criminal justice system flow unconditionally (though the inmate is not "free").

A judge may also conditionally remove an inmate from the county criminal justice system through alternative placement in such programs as the First Offender and Drinking Driving programs operated by the probation department (for drunk driving offenders); the Substance Abuse and Community Service programs operated by the Pretrial Diversion Project; Project 20/San Francisco Alternative Sentencing Program; Jail Aftercare Services for mentally ill inmates; or Probation.<sup>4</sup>

Finally, the judge may sentence an inmate to county jail time. This option requires an inmate to be in custody of the Sheriff's Department.

Appendix D provides descriptions of the various conditional and unconditional releases employed in San Francisco.

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<sup>4</sup> NOTE: In some cases, county jail time is a condition of probation. At this time, the sentencing judge may also recommend placement in Work Furlough, the Sheriff's Work Alternative Program (SWAP) or County Parole. The Sheriff (or other appropriate administrator) makes the final determination in accepting participants. Of these programs, only Work Furlough requires an inmate to be in custody of the Sheriff's Department; however, to be eligible for County Parole programs inmates must spend some time in jail.



## IV. Data Analysis

## IV. DATA ANALYSIS

This chapter analyzes factors that help identify crowding issues. Consultants' analyses consisted of inmate tracking studies, inmate profile studies, a comparative analysis of San Francisco's system (using data from the Bureau of Criminal Statistics) and a review of population forecasts.

### A. Tracking Analysis

The purpose of tracking analysis is the identification of leverage points between booking and release from jail which affect time intervals or delays. Once these leverage points are identified, consideration must be given to the development of policies and/or procedures that will reduce the time intervals or delay. These policies and procedures are the heart of any jail population management plan.

Consultants employed two different data sets, one a sample of 709 bookings provided through Owens Information Systems (OIS), and then interpreted and analyzed.<sup>5</sup> Consultants also collected and reviewed data from a sample of 773 arrestees booked and released during one week in December. This second sample was chiefly employed to test the first, larger sample, and to lend confidence to the study of system flow.

For the first sample, Consultants obtained from OIS a sample of one-sixth of all persons admitted to the jail during the period October 1, 1989 to March 31, 1990. Data concerning these persons was obtained from intake to release, by whatever mode, so that both pretrial and post-sentence cases would be tracked.

This tracking sample consisted of approximately 900 cases, but many of the cases were actually admitted at a later date or had incomprehensible or missing intake dates. These cases were rejected, giving a final total of 709 persons. Multiple intakes of the same individual were eliminated as far as possible.

Consultants experienced considerable and continuing difficulties in adapting the data for statistical analyses as needed to elucidate the reasons for overcrowding. The data system, which is nearly twenty years old, was designed for tracking cases through the courts; as such, it contains information about each person's current and pending cases, charges, and rebooking status. This is of less interest to the jail manager since the person occupies only one bed regardless of his or her record and history; what is important here is simply how long that person will stay, the charges and release mode. The statistical process extracts a few significant parameters from the great mass of data and aggregates them into interpretable quantities. Yet Consultants needed to expend an unusual amount of effort to put the information into the most uniform and usable format, and even then, there were tremendous complications and some uncertainties.

These problems fell into at least three categories. One was simply the aggregation of the sample data. This task required making several passes through the main database in order to extract all of the desired quantities.

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<sup>5</sup> OIS is a private agency under contract to the San Francisco data management group, Information Systems Division, which is a subdivision of the San Francisco Controller's Office.

Tracking analyses for overcrowding study purposes consist essentially of classifying the arrestees by the charges for which they are booked and the mode by which they are physically released, and determining the length of stay for each category. Next is an analysis of the results to see whether there are potential time savings in any of the categories. The tracking analysis also gives a picture of the persons coming into the jail, which can provide some insight into projecting future jail populations.

Determining an inmate's length of stay obviously requires knowing when that person entered and left custody. This in turn requires following the person through all of the moves between entry and release (all of which are duly recorded). A major problem arose in that there was not always a unique identifier for every inmate. The system assigns to each person a "jail number," which is used for tracking through various arrests. But sometimes part of a record is intentionally dissociated from this number and assigned to a different number; at this point the trail is broken.<sup>6</sup> There is a unique and consistent "SF Number," but this is assigned only to persons who are fingerprinted.

Another complication in analyzing the data was selecting the single most serious offense from the consistently large and variable number of police charges. This was further complicated by the constant rebookings, especially when the original charge had been reduced or dismissed, since it was often not at all clear what the person had actually been arrested for. Generally speaking, the most serious charge is a major determinant of whether an inmate can be released pretrial or must be detained. When this can be determined only by careful study of each individual record, it becomes very difficult to use for statistical purposes without excessive labor and even more difficult for use in system population management.

Because of these problems, and because various members of the CJAG and other county officials had expressed some skepticism about the interpretation of stored data, Consultants gathered a second sample. In Jail #1, a "release slip" is prepared for each person released, and stored according to the day of release. Consultants obtained the slips for all persons released between December 12 and December 31, 1990, and recorded release information for those who had been booked in the period December 12 to December 18. This sample, after adjustments, was 752 persons. The list of all persons booked during that period was also obtained in order to determine how many remained in custody.

The second sample contained much more straightforward information than that extracted from the computer record. It was also a complete record, not a sample at all, for the short period over which it was taken. But compared to the conventional sample it had three disadvantages: it covered only a single week, which may not have been representative of the jail operations overall; it did not include lengths of stay longer than about two weeks; and it did not track inmates through Jails #2 or #3 (except for those lodged there to alleviate overflow). Nonetheless, the second data set greatly enhanced confidence in the overall reliability of the various county data analyses.

In the following discussions and data presentations, Consultants review the flow of inmates through the system by offense and release mode, focusing on average length of

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<sup>6</sup> The ability to detach part of a record from a jail number was originally instituted in order to correct erroneous entries (as with misidentification); however, it is sometimes used to eliminate unwanted charges on reports for the Sheriff's Department (at the department's request), as when a charge is not relevant to an inmate's release or housing status. OIS is currently instituting a procedure to do this without detaching records from the jail number.

stay (ALS).<sup>7</sup> To make the data more useful, many categories have been compressed (e.g., crimes of violence or property), and felony and misdemeanor cases have been considered differently. Consultants note that in providing an average, high and low values are not reflected; additionally, where some high values skewed averages, these values were removed from the sample.<sup>8</sup>

As in all justice system research there is room for some interpretation of the data. The tracking data indicates leverage points or causes of crowding discussed subsequently.

## 1. Sample Provided by the County

### a. Felony/Misdemeanor Breakdown

The total tracking sample consisted of 709 randomly selected bookings. Of these, 404 (57 percent) were for felony arrests and 305 (43 percent) were for misdemeanor arrests. San Francisco is unusual in comparison with most jurisdictions, where misdemeanor bookings tend to be higher than bookings for felonies, usually in a ratio of 60/40 percent.

Pretrial release data suggest some overcharging at the time of arrest; for example, there were 57 releases by means of Sheriff's citation from the jail.<sup>9</sup> This number represents nine percent of all felony bookings in the sample and 22 percent of all pretrial releases for felony bookings. According to the Sheriff's Department, it cite releases inmates as soon as a felony charge at arrest is reduced to a misdemeanor.<sup>10</sup>

In 98 of the 709 bookings tracked, the most serious charge was dismissed for lack of evidence or a similar reason. These 98 cases were 14 percent of the sample. The 98 cases accounted for 32 percent of all dismissals in the sample and 19 percent of all case dispositions.

### b. Breakdown by Nature of Offense

The felony subsample is dominated by arrests for drug sale and drug possession, arrests for holds and warrants, and arrests for crimes involving violence, in that order. Drug arrests account for nearly one-third (32 percent) of all felony bookings. Almost one-fifth (19 percent) of felony bookings are on holds/warrants. Crimes involving violence against other people accounted for 16 percent of all felony bookings.

The overall pretrial release rate for felony bookings is 41 percent, which is very low in comparison with other jurisdictions Consultants have surveyed in California.

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<sup>7</sup> To determine average length of stay, length of stay was calculated (from booking to release) for each inmate in the tracking sample, and averaged (overall, or within specified groupings). Note: ALS tables show maximum, minimum and standard (deviation) within a group; the latter is a statistical measure of the amount of spread in the average.

<sup>8</sup> Complete tracking data is included in Appendix E.

<sup>9</sup> Of the 57 releases, some were felony arrests reduced to misdemeanors. Nearly all of the others were felony arrests that were dismissed or discharged; presumably, this occurred after district attorney screening, and the inmates were cited on lesser charges. However, the data do not specify this.

<sup>10</sup> The statistics presented here have a broader context (e.g., other legitimate reasons for reductions such as the officer's lack of discretion to book a case as a misdemeanor); however, Consultants found it very difficult to consider this in all cases due to the ambiguity in the data itself.

The pretrial release rate is low due to problems in releasing those booked for violation of probation or parole and those with holds and warrants. Data show that only 26 percent of persons booked for violation of probation/parole and only 10 percent of those booked on felony holds/warrants were released pretrial.

Given the high number of arrests for drug related offenses, the impact on jail population is high. Drug related charges had a relatively high ALS in comparison with felony bookings for crimes involving violence and for property/theft arrests. The ALS for drug bookings was 3.79 days, whereas it was only 2.08 for property/theft and 2.49 days for violent crimes (excluding three robbery bookings which had extreme values and probably reflect unusual situations or post-trial release). Even when drug bookings are adjusted by excluding extreme values, the ALS is 2.70.

Release via the OR Bail Project probably helps keep overall ALS down. Of all bookings for property/theft, 56 percent are released to OR Bail Project, as are 45 percent of all felony drug bookings. In contrast, only seven percent of crimes involving violence are released to OR Bail Project.

With the exception of probation violations, misdemeanor bookings reflect widespread use of various pretrial release methods. The overall misdemeanor pretrial release rate, however, is only 81 percent. If public intoxication is eliminated from the misdemeanor subsample (since such bookings are generally released after four hours without further adjudication), the pretrial release rate drops to 78 percent.

It is not surprising that the greatest proportion of misdemeanor bookings were for driving under the influence (DUI) at 18 percent. The other significant proportions are for probation violations and holds/warrants (16 percent each of subsample). Consultants believe that many of these warrants and holds involve traffic and parking violations.

The pattern of pretrial release for these kinds of bookings is very different, however; 96 percent of all misdemeanor holds/warrants are released pretrial, compared to probation violations, where only 44 percent obtain pretrial release.

c. Pretrial Release by Offense Category

For felony bookings, release to the OR Bail Project is the most frequently used form of pretrial release, occurring in over one-third (34 percent) of felony cases. The next most frequently used form is jail citation release (22 percent). The ALS for jail citation release is significant, however: 5.87 days. If these bookings had originally been charged as misdemeanors, the ALS for jail citation would be only 0.37 days. Under the district attorney's seven-day-a-week booking operation (since May, 1987), the bulk of felonies are charged within 24 hours. Those remaining in custody longer than the 48 hour limit may have other holds. The high ALS for jail citation release probably reflects some delays in filing.

Of traditional pretrial release methods, Court OR was the slowest in the sample, 11.75 days.<sup>11</sup> Court OR accounts for one-fifth (20 percent) of all pretrial releases.

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<sup>11</sup> Eligibility for Court OR is dependent upon changes in case facts, information about the defendant, failure of witnesses to appear, witness requests to drop prosecution and residence. These eligibility factors can increase ALS.

Court OR can be usefully compared with surety bond release, which had a similar proportion of 19 percent but had an ALS of only 0.78 days.

Because Court OR did result in the release of many inmates, and it took nearly 12 days on average, Consultants view Court OR as an important leverage point in the analysis. If the offenders were eligible after an average of 11.75 days, they were eligible, in theory, much earlier. The question becomes how to provide the release related information to the bench, with confidence, in less time.

As expected, there was active use of jail citation to effect pretrial releases for misdemeanor bookings. If public intoxication is eliminated from the subsample (since jail citation is not used for such bookings), use of jail citation increases to an impressive 93 percent.

Overall, the ALS before pretrial release for the sampled misdemeanor bookings was probably less than one-half day, based on interpretation of the data.

### Primary Charge

N = 709

Felonies = 404 (57%)

Misdemeanors = 305 (43%)

Felonies	Pretrial	Post-ad <sup>12</sup>	Total	% Total
Violence	27	37	64	16%
Property/Theft	27	18	45	11%
Burglary	11	9	20	5%
Drug sale	42	38	80	20%
Drug use	31	19	50	12%
Probation/Parole	11	42	53	13%
Holds/Warrants <sup>13</sup>	7	68	75	19%
Other felonies	10	7	17	4%
	166	238	404	100%
	41%	59%		

<sup>12</sup> Post-adjudication.

<sup>13</sup> Consultants realize that post-adjudication inmates in this category may be in custody on underlying charges. However, there was no way to distinguish this from the data.

**Primary Charge  
(Continued)**

Misdemeanors	Pretrial	Post-ad <sup>14</sup>	Total	% Total
Violence	9	3	12	4%
Property/Theft	30	10	40	13%
Drugs	12	1	13	4%
Auto alcohol	53	1	54	18%
Other auto	17	4	21	7%
Probation	22	28	50	16%
Holds/Warrants	47	2	49	16%
Other Misd.	22	10	32	10%
Drunk in public	34	0	34	11%
	246	59	305	99%
	81%	19%		
W/O Public Drinking	212	59	271	
	78%	22%		

**Pretrial Release by Offense Category**

Felonies = 166

Type of Release	N	% of felony ALS	pretrial releases
Cash bail	4	3.32	2
Surety bond	32	0.78	19
Court OR	34	11.75	20
OR Project	57	1.05	34
Citation	36	5.87	22
COJ <sup>15</sup>	2	36.80	1
YGCR <sup>16</sup>	1	0.38	<1
	166	4.72 (avg.)	

<sup>14</sup> Post-adjudication.

<sup>15</sup> County Jail #1. Presumably, this means that the two inmates in the sample were "transferred" to County Jail #1. This, however, is not specified by the data.

<sup>16</sup> Youth Guidance Center.

**Pretrial Release by Offense Category  
(Continued)**

Misdemeanors = 226

Type of Release	N	% of felony	
		ALS	pretrial releases
Cash bail	3	0.66	1
Surety bond	1	1.59	<1
Court OR	11	3.21	4
Citation	205	0.37	83
COJ2 <sup>17</sup>	1	27.85	<1
849(b)(2)	25	0.41	10
	246	0.62 (avg.)	

**2. Sample Collected by Consultants**

As noted earlier, Consultants have been made aware that there are doubts and concerns among CJAG members regarding the accuracy of county-compiled data. Consultants note, in this regard, that the inaccuracy of some data entries and the confusion that exists regarding coding and use of the data, did not disable the above tracking analysis. While it was quite challenging to work with difficult data and it was clear that the data is not useful "as is" for population management, still Consultants believe the sample data fairly supports the analysis and represents the system flow.

Consultants collected raw data from booking and release slips in Jail #1 in order to compare trends with the larger county-supplied sample. The additional data were also collected and reviewed to confirm Consultants' interpretation of the county-supplied data.

Of necessity, data collection directly from the jail and during the study period presented limitation on data analysis. For example, the data were "pre-Christmas," not all bookings were released during the sampling time frame, and only a few data elements could be collected. Nonetheless, the data did serve to support the trends found in the county's data.

**a. Felony**

The sample of release bookings shows a total of 753 bookings released of 854 cases (PC 647fs represented an additional 65 cases). Of these, 350 bookings (47 percent) were for felonies and 402 (53 percent) were for misdemeanors. This is a reverse of the county tracking sample, but Consultants could see that it was affected by the high number of arrests for public intoxication, 111. When bookings for public intoxication were eliminated from the sample, it resembled the county sample: 55 percent felony bookings and 45 percent misdemeanor bookings. It is probably safe to say that felony bookings continue to outnumber misdemeanor bookings in the flow of cases booked into San Francisco jails.

It is probably also safe to say that the public inebriates clog the system in more ways than these obvious and recorded ones. Even if these persons are released within four hours they require staff time and limit facility management options.

<sup>17</sup> Denotes a transfer to County Jail #2.



The sample was also dominated by bookings for drug charges, which were 36 percent of all felony bookings. The same three charge types dominated the sample: drugs, violent crimes (17 percent) and property crimes (18 percent).

The pattern of types of misdemeanor charges also remained the same: the misdemeanor subsample was dominated by bookings on holds/warrants (20 percent) and DUI (19 percent).

b. Pretrial Releases by Offense Category

The types of pretrial release used also followed the county data tracking sample. The most frequently used mode of effecting felony pretrial releases was the OR Bail Project; this was followed by Court OR (31 percent and 20 percent, respectively).

Methods of pretrial release for misdemeanor bookings show a substantial decrease in use of Sheriff's citation (64 percent of all misdemeanor pretrial releases). Consultants are not able to identify reasons for this decrease. The ILPP sample does show greater variety of pretrial release methods. Overall ALS is probably more representative of current practices at 0.44 days. Again, this sample does not contain the extreme values seen in the county-compiled sample.

### 3. Length of Stay and Contribution to Crowding

To analyze jail overcrowding, it is important to determine who occupies the most beds, since the application of new policies will have the greatest impact here. A particularly simple way of looking at this is to classify inmates by their length of stay in the jail, regardless of criminal characteristics or the status of their cases.

The population of a jail can be expressed as the product of the number of admissions times the average length of stay. If the bookings are grouped according to the length of stay, then the product for each group is calculated and all are added up to give the total population. In virtually all jails, it is found that most people stay a very short time and a few stay much longer. Yet it is obvious that a person who stays, for example, 100 days will contribute as much to the population as 100 people admitted during that same period who stay only one day each, assuming that they do not all arrive at the same time. Whether the large numbers at the front end or the few long-stayers predominate can vary among jurisdictions. Determination of this identifies one area for addressing overcrowding.

The figure below shows the results of such a calculation for the tracking sample obtained from OIS. The figure is rather complex; here is what it means.

The bars (referring to the left axis) show the number of persons booked into the system in the sample. (The exact numbers depend on the sample size and are not important.) The horizontal axis shows their length of stay, in days.

It is clear that the vast majority of the individuals booked into the jail stay for no more than a day or two. It can also be seen that there are those who stay for periods of one to six months. Note that the "Days in Custody" scale becomes compressed toward the right.

The line drawing shows the contribution to total bed-usage of each of inmates with these lengths of stay. Each point reflects the sum of bed-days used by all of the inmates in the indicated length-of-stay interval. The lower line, marked "Interval," is the contribution of each group separately; the upper ("Cumulative") is the sum from zero length of stay up

through that interval. The scale unit here is the percent of the total bed-days, shown on the right-hand axis.

The cumulative line shows that about ten percent of the total jail population is made up of inmates who stay only a few days. Recall that this is the product of the number of inmates and their length of stay. The direct contribution of this group to overall population is not large because their short stay compensates for their large numbers. Inmates staying from one week to one month contribute another ten percent. The great bulk of the population is made up of inmates staying 30 days or more.

Note that the analysis at this level does not identify which jail the inmates are in, nor how far along they are in the judicial process. Some, obviously, are serving sentences. Most are felons; misdemeanants do not stay in custody long enough to add much to the population. But Consultants have also found, when breaking the sample down by charge and release mode, that there are in many groups individuals who stay in custody for an inexplicably long time, while others are released quickly.

The apparently small contribution to crowding of inmates at the short end of the length-of-stay range understates their impact on the entire problem. There are very large numbers of these people. The booking and intake process for them is not much different from what it is for those who stay a long time. Thus, they consume valuable resources of the Sheriff's Department, including time which could be allocated to solving other problems.

#### **4. Conclusion**

The two part tracking study was a difficult undertaking because of problems discussed earlier. Data limitations prevented an analysis of post-adjudication releases, but Consultants were able to complete a useful analysis by cleaning up data and reorganizing it. The analysis of county data showed leverage points and trends which are featured later in the critical discussion of causes of jail overcrowding.

#### **B. Inmate Profiles**

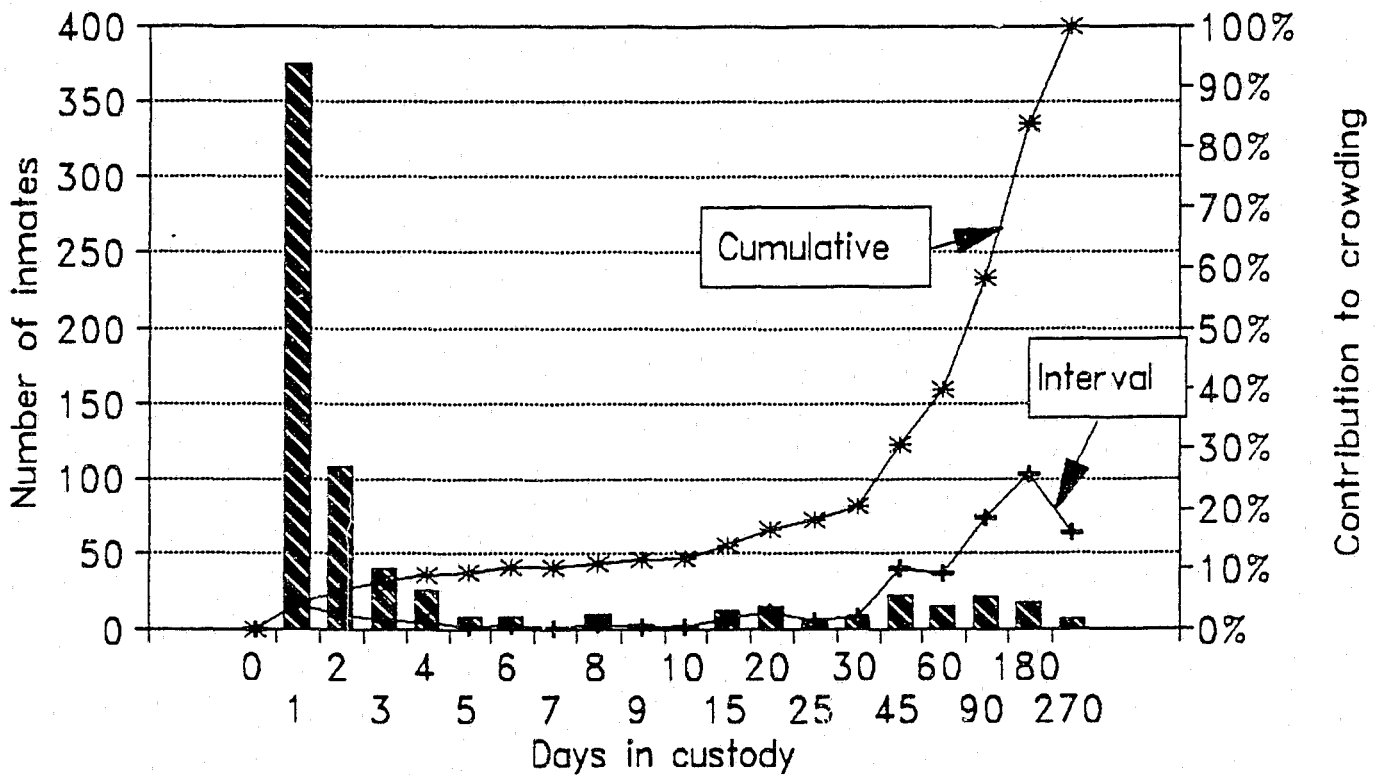
Consultants requested from OIS two samples of approximately 320 inmates in the jail (all facilities) on November 5 and November 17, 1990. These were to represent one out of every six inmates at those times, and the samples were intended to give a snapshot of the inmate population.

Visual examination of the data revealed that there were a number of persons who were in fact not in the jail on those dates. Some had come in and been released as early as 1987; others were admitted several years ago and were not shown as having been released at all.

In subsequent conversations with OIS, Consultants determined that there were indeed problems with the sample. It was generated by indirect means which cast some doubt on its validity. As it appeared that the errors in the profile would be numerous, Consultants abandoned it and instead obtained profile data from other sources described below.

# SAN FRANCISCO JAIL

## Length of Stay/Contribution to Crowding



Consultants obtained 1990 profile data from the Sheriff's Department and 1989 profile data from the Department of Public Health's Forensic Services. The 1990 data provides race and sex breakdowns of inmates incarcerated in Jail #1, Jail #2, Jail #3 and the Program Facility (Jail #7) during February 8, 1990 to March 2, 1990. Some residence and age breakdowns were also available for the female population, as was adjudication status for March, 1990 (both male and female). Finally, a longitudinal profile was taken of inmates booked between October 1, 1989 and March 30, 1990.

The 1989 data obtained from Forensic Services was part of the Client Overlap/Jail Population Studies.<sup>18</sup> Jail Population Study information provided Consultants with some sociodemographic characteristics (age, race, educational level, employment status, medical/psychiatric histories) as well as some criminal characteristics (arrest history) of inmates in Jail #1 on July 13, 18, 20, 21, 23-30, and August 3, 1989. Note that information for the Jail Population Study was obtained solely from inmate interviews; inmate records were not reviewed.

Data for a profile taken from a longitudinal sample was obtained from OIS and consists only of sociodemographic characteristics. Although criminal characteristics were part of the data, they were unusable for this study.

**1. Systemwide (2/8/90-3/2/90) N = 1,763**

**a. Sociodemographic Characteristics**

Sex - predominantly male at 86.3 percent (n = 1,522); female inmates represented 13.6 percent (n = 241)

Race/Males - predominantly black (57.2 percent of males), with 15.3 percent Hispanic and 22.1 percent white. Asians represented a small population at 2.5 percent. Below are race breakdowns for male inmates by jail (as a percent of the total male population).

	Jail #1	Jail #2	Jail #3	Jail #7	Total
Asian	1.3%	0.4%	0.6%	0.2%	2.5%
Black	10.3%	10.8%	25.1%	11.0%	57.2%
Hispanic	0.6%	3.0%	8.2%	3.5%	15.3%
White	6.5%	6.6%	7.2%	1.8%	22.1%
Other <sup>19</sup>	0.9%	0.6%	0.8%	0.5%	2.8%
Total	19.6%	21.4%	41.9%	17.0%	99.9%

Race/Females - predominantly black at 63.1 percent with 24.9 percent white and 5.8 percent Hispanic. Below are race breakdowns for female inmates by jail (as a percent of the total female population).

<sup>18</sup> Kate Monico Klein and Tanya Saul (Forensic Services), "(Draft) Preliminary Findings of Client Overlap Study and Jail Population Study," November 7, 1989.

<sup>19</sup> Includes Native American, Filipino, Pacific Islander.

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	Jail #1	Jail #2	Jail #3	Jail #7	Total
Asian	0.4%	0.0%	1.2%	0.0%	1.6%
Black	14.9%	12.4%	21.6%	14.1%	63.1%
Hispanic	0.0%	1.7%	1.2%	2.9%	5.8%
White	9.5%	3.7%	4.1%	7.7%	24.9%
Other <sup>20</sup>	0.0%	0.8%	1.2%	2.5%	4.5%
Total	24.8%	18.6%	29.3%	27.2%	99.9%

b. Criminal Characteristics

Adjudication Status - based on a March, 1990 monthly ADP of 1,971, there were 66.9 percent pretrial inmates and 33.1 percent sentenced inmates at all county jails.

2. Systemwide Female Inmates (8/21/90) N = 247

a. Sociodemographic Characteristics

Age - below are age breakdowns for the sample group:

Age	Percent of Total
18-24	23%
25-35	55%
Over 35	22%

Race - predominantly black (68 percent) with 23 percent white. Hispanic (Latino) and Asian inmates represented 4 percent and 3 percent respectively.

Residence - 81 percent resided in San Francisco. A substantial 13 percent did not have an address.

b. Criminal Characteristics

Adjudication Status - 32 percent were sentenced. The remaining 68 percent were unsentenced.

Length of Sentence - average length of sentence among sentenced inmates was five months.<sup>21</sup>

Primary Charge - drug use, possession, sale, etc. accounted for 57 percent of charges. PC 647f (drunk in public) comprised six percent. All other charges were grouped and totaled 37 percent.

<sup>20</sup> Includes Native American, Filipino, Pacific Islander.

<sup>21</sup> Jail #3 and Jail #3A only.

3. Male Inmates (1989) N = 48<sup>22</sup>

a. Sociodemographic Characteristics

Age - average age was 32, age range was 18-64.

Race - 62.5 percent were black; 10.5 percent were Hispanic and 16.7 percent were white. Asian and American Indian inmates represented 2.1 percent each, and "Other" comprised 6.3 percent.

Educational Level - many inmates were undereducated; 41 percent had not graduated from high school. 33 percent had a high school education while 25 percent had schooling beyond high school, including some college education.

Employment - the rate of employment was low compared to the general population. Only 50 percent reported being employed full or part time at the time of their arrest. Public assistance was the sole means of support for 18.8 percent and 17 percent reported supporting themselves with illegal activities.<sup>23</sup>

Medical/Psychiatric Histories - 33.3 percent had medical problems and 14.6 percent had been hospitalized for psychiatric problems.

Substance Abuse - 56.3 percent reported illegal drug use. 31.3 percent reported that they had been drunk in the last month.

b. Criminal Characteristics

Primary Charge - 31 percent for property crimes (not involving a person); 10 percent for drug and contraband; 35 percent for offenses against a person. There was one arrest (2.1 percent) for a vehicle violation and 14.6 percent were arrested on a warrant.<sup>24</sup>

Age at First Arrest - over half of the male inmates interviewed (60 percent) reported their first arrest by age 18. 81 percent had been arrested for the first time by age 21. 25 percent reported that their first arrest was for disorderly conduct.

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<sup>22</sup> Jail #1 only. The sample is relatively small and thus may not be representative of the total Jail #1 population.

<sup>23</sup> Total = 85.8 percent. As provided by the Department of Public Health, the data for this sample did not include complete statistical breakdowns. Categories with very small percentages, and the "other" category were not included.

<sup>24</sup> Total = 92.7 percent. As provided by the Department of Public Health, the data for this sample did not include complete statistical breakdowns. Categories with very small percentages, and the "other" category were not included.

**4. Female Inmates (1989) N = 53<sup>25</sup>**

**a. Sociodemographic Characteristics**

Age - average age was 30; age range was 18-46.

Race - 49 percent were black while 13 percent were white. Only 5.7 percent were Hispanic; Asian inmates totaled 5.7 percent. 9.4 percent were "Other." (The remaining 5.7 percent did not provide a response.)

Educational Level - 41.5 percent had not graduated from high school. 24.5 percent had a high school education while 32.1 percent had schooling beyond high school, including some college education. (The remaining 1.9 percent did not provide a response.)

Employment - only 25 percent reported being employed full or part time at the time of their arrest. 40 percent reported that their sole means of support was public assistance, and 17 percent said they supported themselves with illegal activities.<sup>26</sup>

**b. Criminal Characteristics**

Primary Charge - six percent were currently in jail for a disorderly conduct arrest; 23 percent for a property crime (not involving a person); 28 percent for drug or contraband; and 15 percent for an offense involving a person.<sup>27</sup>

Age at First Arrest - 25 percent reported first being arrested before age 18. First time arrests by age 21 is 62 percent of the total. 30 percent of the first time arrests were for disorderly conduct (malicious mischief, vandalism, prostitution, trespassing, begging, obstructing the sidewalk, loitering, or under the influence).

**5. Longitudinal Profile (10/1/89 - 3/30/90) N = 711  
(12/12/90 - 12/18/90) N = 773**

This longitudinal sample is based on the flow through the jail over time; it is not a static "snapshot" profile.

**a. 10/1/89 - 3/30/90 (Computer-Based Data)**

Sex - 86.0 percent male; 14.0 percent female.

Age - average age was 31.4; the age range was 19 to 69. San Francisco's population is generally older than other cities; consequently, there are more

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<sup>25</sup> Jail #1 only.

<sup>26</sup> Total = 82 percent. As provided by the Department of Public Health, the data for this sample did not include complete statistical breakdowns. Categories with very small percentages, and the "other" category were not included.

<sup>27</sup> Total = 72 percent. As provided by the Department of Public Health, the data for this sample did not include complete statistical breakdowns. Categories with very small percentages, and the "other" category were not included.

arrests for the older age groups. However, the rate of arrest per age group is still highest among the younger age groups.

Race - whites totaled 51 percent of the sample (however, in this data set, the percentage included Hispanics). Black inmates totaled 44 percent.

Residence - 63 percent resided in San Francisco; 17 percent had no residence or were transient. Nearly 12 percent resided in San Mateo or Alameda Counties (eight percent and four percent each), and an additional five percent also resided out of county. Residence was unknown for over two percent of the sample.

Arresting Agency - the San Francisco Police Department made 82 percent of all arrests; the California Highway Patrol comprised over six percent of arrests. BART, the state police, FBI, federal drug enforcement, UC Police and the U.S. Marshall combined for only four percent of arrests while the San Francisco Sheriff's Department arrested only one percent. 6.6 percent were "Other."

b. 12/12/90 - 12/18/90 (Consultant-Collected Data)

Sex - 84.1 percent male; 15.9 percent female.

Age - average age was 31.5; age range was 18-77.

Race - whites comprised 35.4 percent of the total sample while blacks were 38.4 percent. Hispanics made up 22.1 percent, and Asians and other races were 4.0 percent.

### **C. Comparative Analysis of San Francisco's System**

Consultants conducted brief comparative analyses with data from the Bureau of Criminal Statistics.<sup>28</sup> The rates of inmate system flow for adult felony arrests in San Francisco, two adjacent counties (Alameda and San Mateo) and the state as a whole were examined. Figures for 1980 and for 1989 were obtained from the California Bureau of Criminal Statistics. Comparable data for misdemeanors is not readily available.

Since 1980, there was nearly a doubling of the number of felony complaints presented in both San Francisco and the entire state. In San Francisco, there has been a marked increase in felony arrests for drug law violations and for "all other" offenses. Neither of these is included in the California Crime Index which has not shown much change in felony arrests.

It is presumably these nonindex felony arrests which account for the bulk of the increase in complaints and in justice system workload; arrests for other felonies have not changed much, and misdemeanor arrests have dropped markedly since 1987, almost entirely in the "drunk" category.

Statewide, about one quarter of felony complaints are not filed (law enforcement releases or denials). In San Francisco, this fraction rises to nearly one half, but virtually none are law enforcement releases. In Alameda the denials are substantially lower, and in San Mateo

<sup>28</sup> For more BCS data, see Appendix F.



only about five percent of complaints do not result in filings. Furthermore, this proportion has fluctuated much more in San Francisco over the ten-year period than in the other jurisdictions.

When cases are actually filed, however, San Francisco records a reasonable level of convictions - nearly 80 percent, which is very close to the state level. This ratio is much improved from its 1980 level. Yet San Mateo, with its very low denial rate, manages to record a slightly higher conviction rate. The San Francisco Superior Court sentences a large proportion of its felons to probation without jail (26.6 percent) compared to the state as a whole (6.1 percent) and San Mateo County (1.6 percent).

Consultants have also examined the original database for the tracking sample with regard to some of these issues. While the numbers are not comparable because of different methodologies, the sample shows about 75 percent of total charge dispositions to be nonconvictions (dismissed, discharged, acquitted, etc.), confirming the impression that a relatively small number of arrests in San Francisco actually lead to convictions.

#### **D. Review of Population Forecasts**

As part of the overcrowding study, Consultants reviewed the jail population projections made by NCCD (1988). Theirs was a more careful and sophisticated projection than is made by many other practitioners, and Consultants do not find serious fault with it. However, there are a few points that deserve attention.

Consultants have obtained the most recent (1989) county profile from BCS for San Francisco. They show a 15 percent increase in the California Crime Index from 1986 to 1989, and a 44 percent increase in felony arrests, mostly in the drug and "all other" categories.

Misdemeanor arrests have decreased sharply (from 50,000 to 29,000) with a decrease of over 10,000 arrests for drunkenness. (Consultants also noted in the tracking sample gathered at Jail #1 that drunks were brought in but did not receive jail numbers.) Automotive misdemeanors of all sorts and the unspecified "all other" have also fallen sharply. Other misdemeanor types do not show any notable decrease.

The second point is that there is a population bulge, the "baby bounce," in the 15-19 year old age range coming in the 1990s. Since arrest rates vary strongly with age, it is not sufficient to look at the total adult population (to 65); each age cohort needs to be followed separately.

Thus, NCCD's projections need to be modified. The number of young men in San Francisco will grow during the decade of the 1990s and will then fall off again. During this period, it is to be expected that the amount of serious crime in the city will increase proportionately. Judging by the crime index and the arrest rate, it appears that this bulge may already have begun. NCCD's jail population projections do not reflect this.

Consultants show NCCD's projections for ADP and bookings. A comparison with actual data suggests some revisions of projections will need to be made.

**NCCD Yearly ADP Projections vs. Actual ADP**

Year	Projected ADP <sup>29</sup>	In-Custody ADP <sup>30</sup>	Total ADP <sup>31</sup>
1987	1,603	NA	1,728
1988	1,623	1,647	1,741
1989 <sup>32</sup>	1,641	1,847	1,909
1990	1,642	1,767	1,875
1995	1,595	NA	NA
2000	1,553	NA	NA

**NCCD Booking Projections vs. Actual Bookings**

	1989	1990
NCCD Demographic Based <sup>33</sup>	51,126	50,564
NCCD Policy Based <sup>34</sup>	53,703	53,863
Actual <sup>35</sup>	56,694	49,976

<sup>29</sup> From NCCD, "San Francisco Jail Needs Assessment Final Report," October, 1988, p. 38.

<sup>30</sup> Provided by Sheriff's Department, Jail #1. Figures do not include Jail #6 data as participants are not in custody.

<sup>31</sup> Provided by Sheriff's Department, Public Information Office. These figures contain Jail #6 data.

<sup>32</sup> NOTE: 70% early release for sentenced prisoners began in 1989 and is reflected in the actual ADP. Without this mechanism, the federal master suggests that approximately 500 additional new jail beds would be needed. 1990 actual ADP figures also reflect the 70% early releases.

<sup>33</sup> From NCCD, "San Francisco Jail Needs Assessment Final Report," October, 1988, p. 37.

<sup>34</sup> Ibid.

<sup>35</sup> Provided by Sheriff's Department.

## V. Causes of Overcrowding

## V. CAUSES OF OVERCROWDING

Based on extensive, system-wide interviews, a review of documents and all prior studies, and analysis of available data, Consultants have identified the most significant causes of overcrowding in San Francisco's correctional facilities. The causes are a product of systemic problems; there is no one agency or program that is solely responsible for the overcrowding. On the contrary, criminal justice agencies in San Francisco generally have recognized the crowding problem and have tried to resolve such problems, but on an ad hoc basis. These individual efforts, however, have been mostly ineffective because of the lack of a data-based, coordinated and managed effort by all criminal justice system agencies and officials.

It is impossible to coordinate and manage a system composed of several discrete but interrelated agencies without reliable, readily accessible data and a coordinated interagency effort to manage crowding. The absence of data has resulted in a failure to understand and to make a commitment to addressing the systemic nature of crowding. Because of their overall impact, the lack of data and coordinated system management have been presented as the first two causes.

The remaining identified causes are process-oriented and presented, not by priority, but according to the flow from arrest to sentencing. (See System Flow Chart, Chapter II.) Descriptions of problems at each stage in the process are brief and oriented toward practical solutions that will be presented in Consultants' second major report.

The following discussion addresses major as well as minor causes of crowding. The conventional wisdom of all experts in the jail overcrowding field is that many "small" causes are extremely important because their cumulative effect has the impact of a major cause.

Consultants have only treated causes that the CJAG can address. Thus, this report does not focus on crime rate or the large pool of probationers and recidivists in the jurisdiction, including many state parolees who can be "violated" and then crowd the jail. These factors drive the statistics on population but are not immediately policy sensitive.

In Consultants' next report various causes will be linked to solutions and to possible bed space impacts. That analysis will lead to the requested population management plan.

### A. Lack of System Management Data

There is a complete lack of reliable, readily accessible systemwide data that are available and useful for jail population management. Compiled data are mistrusted, with the result that most agencies collect and rely on their own data for their own management purposes.

The criminal justice data system was designed for tracking individual cases rather than for determining the statistical quantities and system flow information needed in system population management. Although data retrieval is rapid, the information is organized in a complex format that makes aggregation and analysis very laborious and analysis uncertain.

Consultants have found it extremely challenging to employ available data as a tool to understand population management issues and problems.

Useful population data to manage jail crowding would, at a minimum, readily show average length of stay (ALS) for each charge or group of charges (e.g., violence, drugs); ALS for each release mode (e.g., citation bond, OR); and system failure to appear (FTA) rates by charge and release mode. Length of stay and FTA data would immediately identify leverage points and bottlenecks where changes in policy, program or practice could relieve jail crowding and/or improve public safety.

## **B. Lack of Effective Interagency Policy Development and Decision Making About Crowding**

There is almost a complete lack of effective interagency policy development and decision making about crowding. This in part is a result of the lack of system management data. Each agency operates with relative autonomy, and while an interagency committee (CJAG) exists, it is newly formed and has not yet had any impact on decision making processes within individual agencies or the system overall. Each agency of the criminal justice system has certain independent goals and values that may differ from or conflict with the others. As a result, there is not yet any shared commitment or objective to maximize existing jail resources and to address the jail's functions of punishment and detention in a collaborative manner.

Because the lack of management data limits their ability, the police, district attorney's office and judges are not as involved as they might be in managing jail beds and prioritizing their use. Overcrowding has minimal impact on the police's charging policies, prosecution's filing practices, or judges' pretrial release, trial management or sentencing practices. The result is that these elements in the county justice system have "given away" prioritizing the use of the jails.

## **C. Arrest**

1. Too often, police reports are not made available in a timely manner. The reports are not always written at the time of booking, or faxed to the OR Bail Project. Largely, the delays take place when an officer must postpone writing a report in order to complete a task of higher priority (such as answering another call for service). Additionally, an officer may not be available to transport completed reports to the Records Division. Although the police have made significant improvements, these problems still result in delay in pretrial release.

2. Police appear to book many arrestees with inadequately documented charges, and to overcharge.<sup>36</sup> It appears, as has been shown in earlier studies, that the district attorney drops charges before arraignment in nearly half of all felony arrests. The largest proportion of reductions/dismissals in police charges appear to be in drug possession/use and assault cases. In 1988, NCCD noted 40 percent of pretrial felons were charged with a drug offense; the current tracking sample shows drug arrests are still high -- 36 percent of all felony bookings.

The causes for the number of reduced charges and dismissed prosecutions are complex and beyond the scope of this report. Many dismissals involve regular prosecution strategies of preferring simple and quicker probation and parole violations. In these cases, the offender, against whom charges are dismissed, is not released.<sup>37</sup> Yet persons interviewed at every stage of the justice system emphasized the high level of dismissals and charge reductions.

These dismissals and reductions of charges result in scarce jail beds being occupied by inmates who could be released earlier. The average length of stay for the jail citation release of pretrial felons is 5.6 days, which shows time lost before police charges and prosecution filings are reduced. This average, however, may reflect rebookings where charges are reduced to misdemeanors (it also reflects high and low values in the data).

#### D. Booking

1. While the OR Bail Project appears efficient in speeding releases pretrial, it is not structured by the judges to maximize fast releases because it uses no objective points or criteria, does not recommend for or against OR release, and automatically excludes certain cases. It thus appears inadequate and inconsistently employed; e.g., for municipal judges, the OR release level ranges from 6.4 to 71 percent.<sup>38</sup> The OR Bail Project only releases 34 percent of the felonies released while the slower Court OR releases 20 percent.

In most comparable jurisdictions a system is in place that may better manage crowding and public safety. Consultants obtained information from the National Association of Pretrial Services Agencies (NAPSA) which was hired by the Bureau of Justice Assistance to conduct a national sample survey of pretrial service agencies. The following are findings regarding agencies they surveyed:

N=189            73 percent made recommendations in all cases.  
                    20.1 percent made recommendations when asked by the court.  
                    6.9 percent only provided background information.

<sup>36</sup> On the other hand, it was noted by a CJAG member that at the district level stations, police use Penal Code Section 849b (no charge release) for an average of 500 cases per month, not including drunk in public (PC 647f) charges.

<sup>37</sup> Several CJAG members commented that they felt the area of probation violations was a possible cause for the crowding study. Unfortunately, the probation violation issue is one where the data problems are most troublesome, leaving Consultants to rely primarily on interviews. In the draft report on solutions, Consultants will endeavor to provide more information on this issue.

<sup>38</sup> OR Project Data; Howard Messing, "NIC TA 90-J1316: San Francisco County Sheriff's Department, San Francisco, California," December, 1990, p. 10.

N=192      24.0 percent used an objective system only.<sup>39</sup>  
26.6 percent used a subjective system only.  
39.6 percent used a combination system (objective and subjective).  
Other systems were "miscellaneous combination" systems.

Most objective systems tie their criteria to FTA rates, ensuring fast release and a low FTA rate. San Francisco cannot monitor FTA data effectively.

2. Recent BCS data suggests that San Francisco has a far higher FTA rate than other counties (e.g., 14 percent in 1989, versus six percent and five percent for San Mateo and Alameda). Efforts are being made to reduce FTAs by the OR Bail Project in calling defendants to remind them of court dates; by the Sheriff's Department in mailing citation reminder letters to those cited; and by the National Center on Institutions and Alternatives (NCIA) which follows up in a variety of ways with some defendants released through supervised citation. However, no systematic overall program is in place to lower FTAs. After several FTAs, inmates are not released pretrial, though many are considered low risk.

Inconsistent OR use and delays, lack of criteria, recommendations and management data, and the lack of aggressive programs to lower FTAs all combine to cause crowding.

3. Bookings of persons who are mentally ill have increased disproportionately to overall jail bookings. The impact is that these inmates take up scarce safety cell beds and San Francisco General Hospital (SFGH) beds; the SFGH secure wing is currently full. When SFGH beds are full, mentally ill inmates back up at the jail with dire results.

Jail Psychiatric Services estimates that the jail system has an average of 16 percent mentally ill with a range of 11 percent to 22 percent. Consultants' data support these percentages. By most accounts, nearly all of these inmates should be housed elsewhere.

Housing these inmates creates categorical jail crowding as well because they usually require special separation from the general population, limiting the use of other beds.<sup>40</sup>

4. Arrestees booked on misdemeanor charges who otherwise would be cited out appear to be held in custody for several days (average 2.6) due to out-of-county traffic warrants. In most of these cases, local officials agree that the county holding the warrant is not interested in obtaining custody.

While data to sharply define the number of such cases is not available, most interviews support this problem as a cause of crowding.

5. Pretrial release of some young Hispanic persons, who may be illegal aliens, is often delayed due to lack of personal identification (i.e., a local address). Many are only identifiable as illegal aliens when Immigration and Naturalization Services (INS)

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<sup>39</sup> An objective system used either a point scale, risk matrix or bail guidelines.

<sup>40</sup> Consultants note that Forensic Services is now operating two programs under the Jail Alternatives Pilot Program: Jail Aftercare Services for mentally ill, and Public Inebriate Substance Abuse Services.

places a teletype hold. Otherwise, the defendant is listed as "transient" and cannot be released pretrial.

In some cases, jail personnel suspect that a defendant may be a minor but cannot obtain documentation. Classification staff then must follow up and interview the defendant. If it is determined that the defendant is a minor, a consulate, the defendant's attorney and the judge are notified, and the minor is transferred to the Youth Guidance Center.

The identification of illegal aliens is difficult, and data is not kept on these defendants; the result, overall, is some jail crowding.

## **E. Arraignment**

1. Pretrial release programs are not arrayed in any formal way nor are they formally coordinated. Judges do not appear to know about all of the available alternatives. Police, prosecutors and judges perceive many alternatives as inadequately funded and understaffed, thus insufficiently secure, disciplined, etc.

There are insufficient alternatives for arrestees who suffer from alcohol or substance abuse. Many offenders could be diverted to such programs if they existed with adequate staff and security, with an overall short and long term effect on crowding.

2. As a result of charging practices, delays in report preparation and distribution, and the decentralized nature of the liaison between police investigations and prosecutors, district attorney screening can be slowed and/or incomplete.<sup>41</sup> While a 24-hour review was recently instituted as an informal policy, some delays persist and it may even be the case that prosecutors are forced to drop cases and rebook to avoid statutory limits.<sup>42</sup>

One result appears to be the long average length of stay for a jail citation release of those charged with felonies that are reduced to misdemeanors, averaging 5.6 days. This average includes high and low values but nonetheless reflects a problem. About one in five felony cases are released in this way, causing delay and crowding.

## **F. Preliminary Hearing and Trial**

1. There is a need to speed felony case processing, particularly after arraignment, because of the high percentage of felony bookings (57 percent) and the percentage of pretrial felons remaining in custody (59 percent). Tracking data shows that felony charges resulting in dismissal require an average of 34 days, and those resulting in conviction 327 days, for both in-custody and released defendants. These numbers reflect average days per case until disposition, not time in custody.

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<sup>41</sup> See the CORO Foundation's "The Impact of Proposition 115 on the San Francisco Police Department," October, 1990.

<sup>42</sup> It should be noted, however, that Special Master Breed's Thirteenth Progress Report says, "The weekend rebooking program continues to provide an excellent discharge and reduction rate that would otherwise require additional bedspace in the jail." (p. 37)



2. No uniform system of managing cases through speedy case settlement conferences is in place. Each judge's approach is distinct. And there is no systematic emphasis placed on settling cases at arraignment or preliminary hearing. Probably enhanced somewhat by the "normal" problems of continuances, the norms for moving cases along have not kept pace with available custody resources, increasing crowding.

## **G. Sentencing**

1. Sentencing practices appear to vary, and are not, according to many interviews, sensitive to the availability of beds and limits imposed on overcrowding.

Participation in the excellent County Parole programs is limited by "No County Parole" orders given by some judges at the time of sentencing. Inmates with these orders are otherwise eligible for County Parole programs, but are not reconsidered, despite the program's strong supervision and high regard.<sup>43</sup> Yet inmates are released unconditionally without judges' input and with up to 30 percent of their sentence unserved due to crowding.

2. Presentence investigation (PSI) reports are not prioritized by the courts and probation for in-custody cases. Presently, they are continued 20 judicial days for sentencing (Section 1191 Penal Code), the date being set by the court prior to referral to the probation department.

It would be possible to provide PSI reports within 15 judicial days or less for targeted in-custody cases (those likely to be sentenced to state prison). This would reduce by seven days or more the time spent in the county jail for each defendant.

Penal Code Section 1203c has not been adequately used to speed processing of recent state prison releases, shortening the PSI process.

3. The probation department appears to be understaffed; the department has had electronic monitoring equipment (on loan from BI Incorporated) but not the personnel to operate a program.

## **H. Inadequate Physical Facilities**

1. San Francisco's correctional facilities were not designed to accommodate the numbers and types of inmates currently incarcerated. Special populations, mentally disturbed and high security inmates increase the need for single cells and administrative segregation which causes poor use of the jail due to the need to separate. At times, the jails are under the facility capacities, but cannot house more inmates because they are categorically overcrowded within individual jail areas.

An insufficient number of regular beds also causes crowding. Nonetheless, most of those interviewed, as well as the data and prior reports we have studied, suggest that new beds would not help much without a data-based population management plan.

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<sup>43</sup> See National Institute of Corrections' How to Develop a County Parole Program for Your Jurisdiction, September, 1988.

## Appendix

## APPENDIX A: ADP

### January, 1988 - December, 1990

Year	#1 % cap.	#2 % cap.	#3 % cap.	#4 % cap.	#5 % cap.	#5 % cap.	#7 % cap	ttl. % cap.
Jan-88	407	96.00	383	103.00	754	125.00	66	100.00
Feb-88	408	96.00	409	110.00	758	126.00	66	103.00
Mar-88	409	97.00	399	109.00	753	124.00	65	100.00
Apr-88	409	96.00	379	105.00	739	116.00	64	100.00
May-88	407	94.00	397	107.00	738	122.00	64	100.00
Jun-88	410	100.00	398	108.00	739	124.00	64	100.00
Jul-88	410	96.00	400	111.00	739	123.00	64	100.00
Aug-88	413	101.00	404	115.00	739	123.00	64	97.00
Sep-88	416	104.00	407	117.00	740	125.00	64	100.00
Oct-88	423	114.00	409	113.00	742	126.00	64	100.00
Nov-88	431	119.00	409	112.00	743	125.00	64	100.00
Dec-88	472	110.70	401	107.70	761	126.40	66	102.80
<b>ttl. 88</b>	<b>5015</b>	<b>1223.7</b>	<b>4795</b>	<b>1317.7</b>	<b>8945</b>	<b>1485.4</b>	<b>775</b>	<b>1202.8</b>
<b>avg. 88</b>	<b>417.92</b>	<b>101.98</b>	<b>399.58</b>	<b>109.81</b>	<b>745.42</b>	<b>123.78</b>	<b>64.58</b>	<b>100.23</b>
Dec-89	363	86.00	400	107.00	985	163.00	61	96.00
Nov-89	362	85.00	412	110.00	1063	132.00	61	96.00
Oct-89	369	87.00	413	111.00	1088	135.00	56	88.00
Sep-89	377	89.00	418	112.00	107	133.00	60	94.00
Aug-89	375	89.00	402	108.00	1039	129.00	53	83.00
Jul-89	343	81.00	408	110.00	991	124.00	50	78.00
Jun-89	343	81.00	398	107.00	970	121.00	51	80.00
May-89	375	84.00	404	108.00	957	119.00	62	97.00
Apr-89	371	88.00	403	108.00	953	118.00	66	103.00
Mar-89	413	97.00	405	107.00	917	114.00	65	101.00
Feb-89	541	127.00	418	112.00	852	142.00	64	100.00
Jan-89	538	126.20	441	148.60	766	127.20	62	97.00
<b>ttl. 89</b>	<b>4770</b>	<b>1120.2</b>	<b>4922</b>	<b>1348.6</b>	<b>10688</b>	<b>1557.2</b>	<b>711</b>	<b>1113</b>
<b>avg. 89</b>	<b>397.5</b>	<b>93.35</b>	<b>410.1667</b>	<b>112.3833</b>	<b>890.6667</b>	<b>129.7667</b>	<b>59.25</b>	<b>92.75</b>
Dec-90	365.6	85.80	297.3	79.90	676.5	110.50	51	79.60
Nov-90	361.5	84.80	289.5	77.80	670.3	109.50	51.2	80.00
Oct-90	359.4	84.30	295	79.30	668.8	109.20	52.4	81.80
Sep-90	361.5	84.80	345.7	92.90	670.3	109.50	63	98.40
Aug-90	342.7	80.40	335.8	90.20	615.8	100.60	64.8	101.20
Jul-90	346.8	81.40	339.3	91.20	633.3	103.40	61.4	95.90
Jun-90	333.9	78.30	348.5	93.60	682.3	111.40	63.6	99.30
May-90	359	84.20	354.9	95.40	729.4	119.10	66	103.10
Apr-90	371	87.00	394	106.00	1085	135.00	66	103.00
Mar-90	370	87.00	380	102.00	1063	133.00	67	104.00
Feb-90	375	88.00	399	107.00	1052	131.00	67	104.00
Jan-90	379	89.00	406	109.00	1009	126.00	60	94.00
<b>ttl. 90</b>	<b>4325.40</b>	<b>1015.00</b>	<b>4185.00</b>	<b>1124.30</b>	<b>9555.70</b>	<b>1398.20</b>	<b>733.40</b>	<b>1144.30</b>
<b>avg. 90</b>	<b>360.45</b>	<b>84.58</b>	<b>348.75</b>	<b>93.69</b>	<b>796.31</b>	<b>116.52</b>	<b>61.12</b>	<b>95.36</b>

## **APPENDIX B: CONTACTS**

Rita Adrian, Director of Neighborhood Programs for Community Boards  
Dennis Atergut, Chief Assistant City Attorney  
Wayne Anderson, Domestic Violence Diversion, Probation Department  
Jim Austen, National Center on Crime and Delinquency  
Hon. Lee D. Baxter, Municipal Court  
Hon. Jack K. Berman, Criminal Superior Court  
Lt. Richard Bignardi, Sheriff's Department  
Hon. Anne Bouliane, Municipal Court  
Allen Breed, Special Master  
Jeff Brown, Public Defender  
Carmen Bush, Supervisor, Community Services Division, Probation Department  
Hon. John Dearman, Presiding Judge, Civil Superior Courts  
Lt. Jan Dempsy, Sheriff's Department  
Hon. Joseph A. Desmond, Municipal Court  
Capt. Mary Ann deSouza, Sheriff's Department  
Hon. Herbert Donaldson, Municipal Court  
John Drago, Project 20 /San Francisco Alternative Sentencing Program  
Sgt. Richard Dyer, Public Information Officer, Sheriff's Department  
Sgt. Phil Fairbrother, Investigative Services, Internal Affairs, Sheriff's Department  
Kevin Foster, County Parole  
Armando Garcia, Drug Diversion Officer, Probation Department  
Lt. Richard Garibaldi, Sheriff's Department  
Peter Goldstein, Director, Budget Staff, Mayor's Office  
Tony Hall, Municipal Court Administration  
Deputy Gerald Haran, Sheriff's Department  
James Harrigan, Sheriff's Legal Counsel  
Sheriff Mike Hennessey, Sheriff's Department  
Paula Itaya, Chief Deputy, Criminal Division, Superior Court  
Hon. Charles J. James, Municipal Court  
Lt. Barry Johnson, San Francisco Police Department  
John Kaye, Senior Analyst, San Francisco Police Department  
Peter Keane, Chief Assistant Public Defender  
Lt. Allen Kennedy, Sheriff's Department  
Capt. Carl Koehler, County Jail #3, Sheriff's Department

Newton Lam, Special Assistant to the Mayor in area of Public Safety  
Deputy Sheriff Martin Lee, Work Furlough  
Will Leong, Pretrial Diversion Project  
Hon. Lenard Louie, Criminal Superior Court  
Hon. William Mallen, Presiding Judge, Municipal Court  
Lt. Dave Maron, San Francisco Police Department  
Hon. Lucy Kelley McCabe, Presiding Judge, Criminal Superior Court  
Karen Moen, California Community on Dispute Services  
Hon. Mary C. Morgan, Municipal Court  
Paul Morse, Inspector, San Francisco Police Department  
Hon. Philip J. Moscone, Municipal Court  
Hon. J. Dominique Olcomendy, Municipal Court  
Gordon Park-Li, Clerk-Administrator, Municipal Courts  
Hon. Claude D. Perasso, Criminal Superior Court  
Dr. Tom Peters, Head of Forensic Services, San Francisco Dept. of Public Health  
Paul Principe, Assistant Chief District Attorney  
Hon. Ronald Evans Quidachay, Assistant Presiding Judge, Municipal Court  
Irving Reichert, Director, OR Project  
Lt. Tony Ribera, Commanding Officer, Fiscal Division, San Francisco Police Department  
Alison Riker, National Center on Institutions and Alternatives  
Tanya Saul, Program Evaluator, Department of Public Health  
Arlene Sauser, Chief Adult Probation Officer, Probation Department  
Kristin Segabarth, National Association of Pretrial Services Agencies  
Deputy Sheriff John Pesenti, Sheriff's Work Alternative Program  
Hon. Dorothy Von Beroldingen, Municipal Court  
Sgt. John Walsh, Sheriff's Department  
Carol Wilkins, Deputy Mayor of Finance  
Hon. Raymond D. Williamson, Criminal Superior Court  
Sam Yockey, Controller, City and County of San Francisco  
Robert Zaragosa, Chief Deputy, Sheriff's Department

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## APPENDIX D: RELEASE PROGRAMS

Set forth below are descriptions of San Francisco County's conditional and unconditional release mechanisms.

### Public Inebriate Substance Abuse Services<sup>1</sup>

Since July, 1990, through the Jail Alternative Pilot Project, Public Inebriate Substance Abuse Services (PISAS) has provided treatment to public inebriates diverted to Ozanam (reception center) and referred for treatment at Salvation Army and Redwood Center.

The Salvation Army Detoxification program is a Social Model co-ed residential detox program that provides supervised a four-day (average) period of substance abuse withdrawal (primarily alcohol). The program has 25 beds; five are specifically for a pilot diversion program (from 647f citations).

At the Redwood Center, there is a 45-day residential program of Substance Abuse/HIV education, information, group counseling, individual counseling and recovery planning. The program has 42 beds for men only. Five of these beds are funded as part of a pilot diversion project (from 647f citations) and those beds are restricted for this population. Average length of stay in the program is 43 days.

Through December, 1990, JAS case managers have screened 356 inmates; approximately 40 percent were amenable to services beyond screening. While the intervention status of all JAS clients is not yet known, preliminary findings suggest that approximately half of the cases have terminated with a successful intervention, ranging from out-patient referrals to residential placements.

### Community Mediation Service<sup>2</sup>

The Community Mediation Service is an independent service which began in July of 1976. While the service does not directly save jail beds, it does intervene early to prevent the escalation of disputes that often results in involvement with the criminal justice system.

Most persons are referred to the service by police officers or the probation department. The person(s) in dispute would then call the service and set up a meeting time for counseling and mediation (if both parties in dispute meet). Three to five volunteer community residents provide counseling and mediation. During the meeting, an agreement is made to settle the dispute, and the Community Boards program follows up on the progress of the agreement.

Anyone may use the service as long as one of the disputing parties resides or works in San Francisco. There is no cost for those who use the service. In the event that the service cannot settle a dispute, those in dispute are counseled regarding other alternatives.

In an average month, the service sees approximately 100 cases.

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<sup>1</sup> For more information, contact San Francisco Department of Public Health, Forensic Services.

<sup>2</sup> For more information, see various pamphlets available through Community Boards.

### **California Community Dispute Services<sup>3</sup>**

The California Committee on Dispute Services (CCDS) is an independent agency which has been in existence for approximately eleven years and provides mediation and arbitration services. Primarily, their cases come from referrals from the police department, district attorney and the courts.

Offenders and victims are brought together to discuss settlement terms which can involve financial restitution or behavioral agreements (e.g., victim and offender agree to stay away from one another). Generally, referrals are made before arraignment with the majority coming from the district attorney's office after case screening.

The program typically takes all offenders referred to them. Those with drunk driving, domestic violence or felony offenses (except some "wobblers") are not eligible for the program.

The program receives approximately 80-90 referrals per month.

### **Field/Stationhouse Citation Release<sup>4</sup>**

The citation release is a pretrial program that began approximately 10 to 12 years ago at the district stations. It is operated by the San Francisco Police Department. All citations in the field are issued by arresting officers. Citations at district stations are issued by sergeants.

Eligible persons may be cited and released at the location of arrest, except where the facts which support eligibility are not available until after the subject has been brought to a police facility. A promise to appear is signed by the subject. A person may be cited and released at any time prior to the point where the Sheriff takes custody.

According to policy at the San Francisco Police Department, the following persons are eligible for citation release:

1. All persons arrested for a misdemeanor offense or offenses;
2. All persons arrested for an infraction offense or offenses.

There are, however, several reasons that a person meeting the above categories would not be released. These are found in the San Francisco Police Department's "Citation Release Policy and Procedures."

A total of 831 persons were cited and released in November of 1990; 12,235 persons were cited and released in fiscal year 1989-90 (ending in June, 1990).

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<sup>3</sup> For further information on the California Community Dispute Services, see a) CCDS brochure; b) "Annual Report," San Francisco CDS Program; c) "History and Mission," San Francisco CDS Program; and d) "Description of the Organization," San Francisco CDS Program.

<sup>4</sup> For further information on Field/Stationhouse Citation Release, see "Citation Release Policy and Procedures," San Francisco Police Department.

### **Sheriff's Citation<sup>5</sup>**

The Sheriff's citation release began in 1982. Since 1985, it has become broader in scope than that used by the police department. Criteria used for Sheriff's cite and release do not follow state law, but are allowed under the conditions of the consent decree.

Defendants are brought to the jail by the police department, California Highway Patrol or any other arresting agency. If the defendant is charged with a misdemeanor and meets release criteria, they are eligible for Sheriff's citation. Exceptions to the release criteria are made if the in-custody population is extremely high. Some persons, however, may not be released. These include persons charged with offenses involving weapons or domestic violence, those with continuing offenses or who pose a continuing threat to the community, those who don't have a California address, and those who refuse to sign a promise to appear. Citations are not given if there are outstanding warrants, PC 647f held for court or prostitution-related offenses.

It appears that all who are eligible are currently being released through this mechanism. Inmates not released through the Sheriff's citation program are referred to the supervised citation release program operated by the National Center on Institutions and Alternatives. Approximately 1,500 persons are released by the Sheriff's citation program per month.

### **Supervised Citation Release Project<sup>6</sup>**

The supervised citation release project has been in operation for nearly three years. It is operated by the National Center on Institutions and Alternatives (NCIA) which provides two staff persons.

Once detainees are booked, intake staff consider charges, failures to appear and other criteria and determine if an inmate can be cited out through the Sheriff's citation program. If the inmate is not eligible, it is noted on their card that they should be considered for supervised citation release. These cards are reviewed by NCIA staff once each day; detainees are interviewed and NCIA staff determines if release is appropriate. Once a detainee is released, NCIA follows up with reminders of court appearances.

Detainees who are booked after NCIA's daily review (e.g., at 9 p.m.) stay in jail overnight and appear at court the following day. Those who are given a court return date at this appearance are also eligible for supervised citation release. It appears that all eligible inmates are currently being released through this program.

As of November 1, 1990, the program had released 3,243 inmates. Between 60 and 70 detainees are released per month (61 in October of 1990).

### **San Francisco OR Bail Project**

This pretrial program has been in existence for approximately 25 years. It operates every day, including weekends and holidays.

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<sup>5</sup> For further information on the Sheriff's Citation program, see "San Francisco County Jail #1 Citation Quick Reference Sheet," Sheriff's Department.

<sup>6</sup> For further information on the Supervised Citation Release Project, contact the National Center on Institutions and Alternatives.

After booking, staff members interview all felony defendants and defendants charged with misdemeanor weapons and domestic violence offenses. Defendants with holds or warrants are not eligible for OR release. After the interview, the defendant's family and/or friends and other sources are contacted by telephone to verify the information from the interview. Next, rap sheets are compiled from the city and county of San Francisco, the state of California, Federal Bureau of Investigations and the Department of Motor Vehicles; the police report is next summarized. All of this information is then given to the duty judge on all but the most serious cases (e.g., murder), and the judge determines whether or not to release the defendant on OR, and whether or not the bail amount should be adjusted. No objective points or scales are employed, and no recommendations for release are made by the OR Project in compliance with directions from the bench. The OR Project has no release authority.

Before release, deputies from the Sheriff's Department confirm all information in the defendant's file. Before the defendant's court appearance, OR staff call the defendant to remind him/her of their appearance date and time.

The number of persons actually released through OR can vary from seven to 76 percent of the cases reviewed, depending on the duty judge. A total of 1,454 persons were interviewed in January of 1990; 1,231 persons were interviewed in November of 1990.

### **Supervised OR**

Inmates who are denied OR may infrequently be granted Supervised OR either by a duty judge or by a judge at arraignment. Currently, all cases taken to a duty judge are eligible for Supervised OR. Those who are released through this mechanism are required to adhere to conditions. For the most part, the requirement is to call the OR Project regularly. Persons on the program are reminded of their court appearance dates by the project.

Although the Supervised OR mechanism has been available for almost two years, it is only in the past four to five months that it has been used to any significant extent. As of January 18, 1991, there were only 11 persons on Supervised OR.

### **Court OR**

This release program uses information provided by the OR Bail Project. If a duty judge denies OR and Supervised OR to a detainee, the OR Bail Project tracks the case to see if the person remains in custody. If the case goes to court (arraignment), OR Bail Project staff resubmit the information gathered on the detainee to the judge, who can consider Court OR, or adjust bail. (Not all judges use the information provided, however.) Persons released through this mechanism are notified of upcoming court appearances by the OR Bail Project.

All paperwork is kept active for two months unless a person remains in custody. This is done because the defendant can be released through Court OR at any court date with approval of the judge.

Court staff estimate that 10 persons per day are released through this mechanism.

## **SF Pretrial Diversion Project<sup>7</sup>**

The San Francisco Pretrial Diversion Project began in 1976 and consists of three programs: Pretrial Diversion; Substance Abuse Referral Unit; and Community Service Program.

The latter two are post-conviction programs.

### **1. Pretrial Diversion**

The primary target of this program is the first offender. Approximately 80 percent of those accepted are first offenders. The remaining 20 percent have one or two prior offenses. After defendants are referred to the program by the courts, program staff determine if the defendant is acceptable. An eligibility report is prepared for the court; in it is a recommendation to divert or not divert the defendant. Between 600 and 700 reports are prepared for the courts in a year. Generally, the courts accept these recommendations. Defendants may be required to volunteer for community service or attend classes.

A progress report date is set when a defendant is accepted. At this date (usually three months after acceptance), the defendant's performance is evaluated, and charges may be dismissed. Average program completion time is three months; however, some defendants remain in the program for up to six months.

### **2. Substance Abuse Referral Unit**

Sentenced defendants can be referred to this component of the Pretrial Diversion Project by the probation department, defense attorneys, county parole, the Sheriff's Department or the courts. Two counselors interview all inmates who are referred. Those accepted are referred to a substance abuse treatment program (including some out-of-county programs), and upon completion, are discharged.

The only eligibility criteria for this program is that the defendant have a substance abuse problem. Many are required to participate in the program as a condition of their probation, early release or parole, or in lieu of incarceration. The Pretrial Diversion Project tracks cases for three months (when the substance abuse program is completed) or until probation or parole is completed. There are approximately 600 participants in this program per year. Program commitment can range from two to four months.

### **3. Community Service Program**

Defendants may be referred to this program by the courts if they can prove that they are not able to pay their fines. Five to ten percent of those referred actually can pay fines but not as a lump sum. For these persons, the program sets up a deferred payment plan. Defendants who cannot pay in this manner are required to perform community service for one of the 500 bay area organizations listed with the program. Length of service is determined by dividing the fine amount by five.

There are approximately 500 participants in this program per year, with an average program commitment of six months to one year.

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<sup>7</sup> For more information on the San Francisco Pretrial Diversion Project, see "Eligibility Requirements for Diversion through the San Francisco Pretrial Diversion Project."

### **Project 20/San Francisco Alternative Sentencing Program<sup>8</sup>**

The Project 20/San Francisco Alternative Sentencing Program (SFASP) began about 20 years ago with the support of the adult probation department. Judges, the probation department, and other counties may refer defendants to the program. Program staff then assess the suitability of the defendants; those who refuse to work or have a bad attitude are usually rejected and referred back to the courts. Those who are accepted are referred to one of over 200 nonprofit, volunteer agencies that can use the services of the defendants. There are no other eligibility criteria.

Program participants pay an administrative fee of \$10 for one to 25 hours of community service. The fee increases by \$10 for each additional 25 hours with a maximum fee of \$75. Intercounty transfer of cases requires a flat fee of \$25.

Upon completion of a participant's allotted hours of community service, the Project 20/SFASP is notified by the nonprofit agency. Project 20/SFASP staff then notify the court; defendants do not need to return to court. In November of 1989, 248 defendants were referred by Project 20/SFASP; there were 540 active cases who had provided 9,766 hours of service to nonprofit agencies.

### **Drug Diversion<sup>9</sup>**

This program has been operated by the San Francisco County Probation Department since the early 1970s. At arraignment, a judge refers the defendant to the probation department. After an investigation, the probation department refers the defendant to a drug diversion program outside of the department.

At the end of the defendant's commitment to the program, the program will issue proof of completion. The defendant must submit this to the probation department at least 30 days before his/her next court date. The probation officer will then write a progress report which describes how the defendant has performed in the program, or if the defendant has not yet completed the program, the report will detail why and how much more time is needed. Charges are dropped against defendants who successfully complete the drug diversion program.

To be eligible, defendants must meet the following criteria:

- No convictions involving illegal substances prior to the current offense.
- The offender must not be charged with an offense involving violence or threatened violence.
- The offender must have no violations involving narcotics or restricted dangerous drugs other than the current violation.
- The offender's record must not show any revocation of parole or probation.
- No diversion within the last five years prior to the current offense.
- No prior felony convictions in the last five years prior to the current offense.

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<sup>8</sup> For more information, see various pamphlets available through Project 20/SFASP.

<sup>9</sup> For more information on the Drug Diversion program, see "Annual Report," San Francisco Adult Probation Department.

The program handles an average range of 150-175 court referrals per month (December of 1990 was unusually low at only 102 referrals).

### **Domestic Violence Diversion<sup>10</sup>**

Domestic violence diversion through the probation department began in 1981. A judge may choose this type of diversion for a defendant any time between first appearance and adjudication. Typically, the district attorney notifies the court of a defendant's eligibility for diversion before the first appearance.

Probation department staff then investigate the defendants to determine if they are eligible for diversion. The following criteria must be met:

- No domestic violence diversion in the last five years;
- No violent convictions in the last eight years;
- Offense must be a misdemeanor (i.e., a simple battery).

Investigators prepare a report after interviewing the defendant and submit it to the court where the judge makes a final decision regarding diversion.

If referred to one of several programs, defendants must undergo counseling lasting, typically, six to nine months. They must not reoffend. During counseling, defendants live at home unless there is a restraining order stipulating that they must not contact family members. Charges are dismissed once the program is completed, the probation department is notified (by the program), and the court is notified.

There are approximately 12-18 new cases per month for the combined programs (to which the probation department refers clients).

### **Drinking Driving Program<sup>11</sup>**

In existence since the probation department opened, the drinking driving program's primary function is to process court referrals and introduce sentenced drunk drivers to the lone state-licensed program. Only second offenders and multiple offenders are eligible for the program. (First offenders are referred to the first offender program which was separated from the drinking driving program in 1990.)

At sentencing, defendants are referred to the probation department for the program. Unless they must serve time in the county jail as part of their sentence, defendants attend an orientation meeting on the Wednesday following their sentencing. At this time, the probation department distributes a packet to each defendant which includes the name of the program and information about payment.

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<sup>10</sup> For more information on the Domestic Violence Diversion program, see "Annual Report," San Francisco Adult Probation Department.

<sup>11</sup> For more information on the Drinking Driving Program, see "Annual Report," San Francisco Adult Probation Department.

The program handles an average of 841 active cases per month (approximately 40 new cases per month).

### **First Offenders' Program<sup>12</sup>**

This program began in 1990 and is similar to the drinking driving program in the type of offender served. However, persons with more than one conviction for drunk driving are not eligible for this program.

Persons are referred to the first offenders' program by the court, which also specifies which of the four private treatment agencies the offender will attend, and for how long. Participants pay a flat fee of \$405.

There were 1,334 active cases in December of 1990.

### **Jail Aftercare Services<sup>13</sup>**

Jail Aftercare Services (JAS) assists inmates with mental health and/or substance abuse problems prior to release to obtain treatment and social support services in the community upon release from jail. JAS will work with the inmate, the court, attorneys, probation officers, and the community to transition the inmate from the criminal justice system to an appropriate community setting upon dismissal of charges, as an alternative sentence, as a condition of probation or upon release from custody.

Any inmate who has a psychiatric impairment, requires services and is amenable to services may be referred for a JAS evaluation. The inmate may have a concurrent substance abuse problem. The court must be willing to consider a community placement option. Inmates referred to JAS must be able to be released from custody via dismissal of charges, receiving credit for time serviced, receiving probation or diverted through an established project. Jail Psychiatric Services through JAS will not be responsible for an inmate's return to court. JAS will work with other criminal justice agencies to increase the client's compliance with court-ordered conditions.

### **Sheriff's Work Alternative Program<sup>14</sup>**

The Sheriff's Work Alternative Program (SWAP) began approximately nine years ago in San Francisco. This post-sentence program takes 250-300 new persons each month.

The program takes all persons convicted of a misdemeanor, as well as some felons. Those with medical problems which prevent them from performing manual labor cannot participate in SWAP. Generally, persons are sentenced to the program in lieu of incarceration; the judge assigns a date for the defendant to go to SWAP and "sign up." Participants pay a \$25 initiation fee and a \$2 fee for each day of work.

Once the person has signed up, they choose two days of the week when they will perform work. They arrive at the SWAP office at approximately 8:30 a.m. and are sent out to perform manual labor in the community (e.g., washing buses, trimming trees, helping at

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<sup>12</sup> For more information on the First Offenders' Program, see "Annual Report," San Francisco Adult Probation Department.

<sup>13</sup> For more information, contact Jail Psychiatric Services, or Forensic Services.

<sup>14</sup> For more information, see Press Release from Sheriff's Department regarding SWAP.



the food bank, working with CalTrans). Participants return to the SWAP office at 3 p.m. and are done for the day. Participants do not spend time at any Sheriff's facility.

Participants are allowed two unexcused absences from the program. If they have more than two unexcused absences, a warrant is issued, and the participant can serve the rest of their term in jail. A participant may appeal if they have documentation of reasons for their absence from the program.

### **Work Furlough Program<sup>15</sup>**

The work furlough program was begun in the early 1970s by the adult probation department. The program is operated by the Sheriff's Department. Only a maximum of 70 participants are allowed in the program at any one time due to facility configurations (60 males, 8 females). There are 43-44 new admits per month.

To determine eligibility for the program, there is a three-person screening team which interviews sentenced inmates. Inmates chosen for the program are transferred to the work furlough facility at 930 Bryant. During the day, these inmates are scheduled to go to their work place (or to school); at the end of the work day, and at all other times except while working, they must be in the work furlough facility.

All sentenced inmates are eligible for work furlough unless a judge orders otherwise. Inmates are not required to have jobs to participate in work furlough. There is a job search program, and counselors are available to help participants find employment. When the program is crowded, priority is given to inmates who already have jobs, and those who are family "breadwinners." Students accepted into the program are allowed to attend classes.

### **County Parole<sup>16</sup>**

The County Parole program began in San Francisco in 1909 as the first alternative to incarceration. Several programs comprise the whole of county parole; each of these is described below.

There is a County Parole Board made up of the Sheriff, Chief Probation Officer, and a public member appointed by the Presiding Judge of the Superior Court.

For fiscal year 1989-1990, 450 paroles were granted with a 93 percent successful completion rate and 64.2 jail beds freed. Projected paroles granted for fiscal year 1990-1991 is 374 with 78 jail beds freed.

Below are descriptions of each of the programs operated by county parole.

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<sup>15</sup> For more information, see "Annual Report January - December 90," Sheriff's Work Furlough Program.

<sup>16</sup> For more information on County Parole, see a) "San Francisco County Parole Annual Report," County Parole; b) "Statistical Summary July 1, 1989 to December 7, 1990," County Parole; and c) "Programs Descriptions," County Parole.

1. Electronic Home Detention

The majority of inmates released through county parole participate in this program which started in 1989. With approximately 40-45 participants daily, electronic home detention confines prisoners to their residence except for preapproved periods of employment, schooling or counseling. Compliance with the in-home curfew is verified by computer-generated random telephone calls to the prisoner's residence. The prisoner wears a unique bracelet that confirms his/her presence in the home at the time of the call. Prisoners also report to county parole offices in person once a week.

To be eligible, a prisoner must be sentenced, convicted of a nonviolent offense and:

- Have completed 30 days at the work furlough facility (there is an automatic review by the county parole office supervisor of all inmates admitted to work furlough); or
- Be recommended by a jail commander when only 30 days or less remain to be served (then go through an interview with a county parole officer); or
- Be recommended by the sentencing judge regardless of time served in custody with a stay of execution pending county parole's suitability interview and notice of acceptance or rejection to court.

Participants pay 20 percent of their gross income during program participation; these fees offset operating equipment costs.

2. Day Reporting

This program began in 1989 and is currently operated by work furlough. Responsibility for this program's operation will be transferred to county parole in January of 1991.

Seven to 10 prisoners participate in this program daily. Day reporting provides intensive supervision and counseling of prisoners requiring in-person reporting every other day for urinalysis and activity planning and monitoring.

The program considers nonviolent prisoners who have completed 30 days at work furlough and who, due to unusual living arrangements or variable work schedules, cannot be placed on electronic home detention.

As with electronic home detention, 20 percent of participants' gross income during program participation is required as a fee.

3. 70 Percent Completion Parole

Participants in this program total four to six daily. The program started in 1989 and features parole of convicted prisoners including once a week reporting to a Deputy Sheriff/Parole Officer for appropriate counseling and review of parole performance.

All sentenced county prisoners who have been convicted of nonviolent offenses and who have completed 70 percent of their sentence are automatically eligible for this program. Currently, however, only SWAP participants are in the program because jail inmates have a choice between unconditional release after completion of 70

percent of their sentence (as per the consent decree), or parole. Logically, unconditional release is chosen.

#### 4. Discretionary Parole

Discretionary parole is the "traditional" type of parole which dates back to 1909 in San Francisco County. Participants total five to eight daily and report once a week to an assigned Deputy Sheriff/Parole Officer for appropriate counseling and review of parole performance. Parolees are counseled on substance abuse, employment possibilities, and general life skills to avoid recidivism.

All sentenced inmates are eligible for discretionary parole unless:

- The sentencing judge has ordered that the prisoner is not eligible for county parole;<sup>17</sup>
- The inmate has other pending unadjudicated local cases;
- The inmate has a noncitable warrant from another jurisdiction;
- The inmate has less than ten days left to serve when his/her hearing before the parole board is scheduled.

Inmates may apply for consideration before the County Parole Board after completion of one-third of their sentence. Applications are given to all eligible inmates at intake; if it is unclear at intake whether or not an inmate is eligible, they are given an application. All applications are logged in by county parole staff, and a complete check is run on applicants to verify eligibility. Incomplete applications are returned for completion and resubmission.

If an inmate's application is accepted, a notice of acceptance with a tentative parole hearing date is sent. Information on the inmate is provided to the parole board which will then interview the applicant and decide whether or not to grant parole. Approximately 50 percent of applicants are granted parole.

The board meets twice each month and hear an average of seven applicants at each meeting. Approximately six to seven paroles are granted each month.

Parolees are required to adhere to standard requirements and terms of supervision. Although the parole board may impose supervision for up to two years, generally, the period of supervision is equal to the remaining term to be served (adjusted for release at 70 percent completion of sentence).

#### 5. Unconditional Parole to State Prison

Through this program, which began in 1985, five to eight county sentenced prisoners who are also serving concurrent state prison terms are unconditionally paroled and transferred to state prison each month. This is an administrative transfer that results in no fewer days of incarceration but provides relief from the county's burden of housing of a concurrent state prisoner.

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<sup>17</sup> Only the superior court may order no county parole; the municipal court can make this recommendation but not order it.

To be eligible, an inmate must have a concurrent state prison sentence or state parole revocation sentence. Eligible inmates are identified by a classification officer/committee and referred to county parole for preparation of a parole order.

6. Presentence Conditional Release

This program was instituted in December of 1990. It is anticipated that there will be 15 to 20 participants daily by April of 1991. Presentence felons who have been denied OR release are given conditional release from jail. These prisoners remain under the Sheriff's legal custody pursuant to a local court order in each case. Participants report three times per week to an assigned Deputy Sheriff for counseling and drug testing while awaiting adjudication of their pending criminal charges.

Nonviolent presentence felons (as authorized by individual court order) are eligible. county parole staff determine who is eligible and notify the defendants' attorneys, who then apply for a court order to release the inmate under county parole supervision.

Parole Violations and Revocation Procedures

Parolees participating in any of the programs described above are monitored. If a parolee is arrested, county parole places a "no bail" hold at the jail. This hold must be reviewed by County parole staff within 48 hours to determine if the parolee must be detained while he/she awaits a parole board hearing.

Parole status is made known to the court by a notation on jail records. Parole revocation proceedings are not automatically initiated upon notice of arrest. The parole board reviews the charges and conditions of parole and determines appropriate action. There are three outcomes of a hearing, generally: 1) no action; 2) modification of parole conditions; or 3) revocation of parole and return of the parolee to jail to serve part or all of their remaining sentence (NOT adjusted for 70 percent release). Of eight parole revocation hearings in the last board meeting, six paroles were revoked.

County parole has the authority to make arrests and issue warrants.

## APPENDIX E: TRACKING DATA

FELONY, PRETRIAL		No.	COMPUTER-BASED			SAMPLE
Primary Charge	Release Mode		Avg.	Max	Min	Std
Other sex	Court OR	2	2.09	3.48	0.70	1.39
Assault	Cash bail	2	1.27	2.44	0.11	1.17
Assault	Citation	6	3.14	15.43	0.10	5.52
Assault	Court OR	2	9.90	17.39	2.41	7.49
Assault	OR project	1	0.67	0.67	0.67	0.00
Assault	Surety bond	4	0.28	0.44	0.13	0.12
Domestic	Citation	4	1.43	2.65	0.40	0.84
Domestic	Jail #1	1	7.98	7.98	7.98	0.00
Domestic	OR project	1	0.62	0.62	0.62	0.00
Domestic	Surety bond	3	0.80	1.85	0.12	0.75
Robbery	Jail #1	1	65.63	65.63	65.63	0.00
Robbery	Court OR	2	70.29	70.57	70.02	0.28
Weapons	Citation	1	0.57	0.57	0.57	0.00
Weapons	Court OR	1	3.45	3.45	3.45	0.00
Weapons	Surety bond	1	3.45	3.45	3.45	0.00
Burglary	Citation	6	1.04	1.76	0.15	0.55
Burglary	OR project	5	0.74	1.18	0.48	0.27
Auto theft	Court OR	1	19.51	19.51	19.51	0.00
Auto theft	OR project	3	0.84	0.98	0.70	0.11
Theft	Citation	4	0.83	1.20	0.21	0.39
Theft	OR project	6	0.86	1.00	0.61	0.12
Theft	Surety bond	3	0.18	0.26	0.08	0.08
Fraud	Cash bail	1	5.16	5.16	5.16	0.00
Fraud	Citation	1	0.95	0.95	0.95	0.00
Fraud	Court OR	1	13.52	13.52	13.52	0.00
Fraud	OR project	6	0.85	1.13	0.11	0.34
Fraud	Surety bond	1	0.34	0.34	0.34	0.00
Drug sale	Cash bail	1	5.56	5.56	5.56	0.00
Drug sale	Citation	2	7.61	13.99	1.23	6.38
Drug sale	Court OR	12	3.59	19.84	0.58	4.98
Drug sale	OR project	19	1.48	10.08	0.57	2.05
Drug sale	Surety bond	7	0.54	1.80	0.09	0.56
Drug sale	Youth Gdc. Ctr.	1	0.38	0.38	0.38	0.00
Drug use	Citation	7	21.67	82.36	0.15	29.89
Drug use	Court OR	4	2.65	3.30	1.93	0.53
Drug use	OR project	14	0.94	1.75	0.61	0.26
Drug use	Surety bond	6	0.86	1.74	0.09	0.71
Auto other	Surety bond	2	0.05	0.10	0.00	0.05
Probation	Citation	1	8.09	8.09	8.09	0.00
Probation	Court OR	1	87.90	87.90	87.90	0.00
Warrants	Citation	3	0.20	0.38	0.04	0.14
Warrants	Court OR	1	9.02	9.02	9.02	0.00
Warrants	OR project	1	0.28	0.28	0.28	0.00
Warrants	Surety bond	2	1.56	2.51	0.61	0.95
Misc. fel.	OR project	1	0.09	0.09	0.09	0.00
Misc. fel.	Surety bond	2	0.28	0.41	0.15	0.13

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

FELONY, PRETRIAL		No.	COMPUTER-BASED			SAMPLE Std
Primary Charge	Release Mode		Avg.	Max	Min	
Court return	Citation	1	0.06	0.06	0.06	0.00
Court return	Court OR	7	6.86	14.17	1.11	4.85
Court return	Surety bond	1	4.55	4.55	4.55	0.00
All felonies	Cash bail	4	3.32	5.56	0.11	2.21
All felonies	Citation	36	5.87	82.36	0.04	15.66
All felonies	Jail #1	2	36.80	65.63	7.98	28.82
All felonies	Court OR	34	11.75	87.90	0.58	20.91
All felonies	OR project	57	1.05	10.08	0.09	1.25
All felonies	Surety bond	32	0.78	4.55	0.00	1.06
All felonies	Youth Gdc. Ctr.	1	0.38	0.38	0.38	0.00
All felonies	All modes	166	4.72	87.90	0.00	13.57

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

FELONIES, POSTADJUDICATION		No.	COMPUTER-BASED			SAMPLE Std
Primary Charge	Release Mode		Avg.	Max	Min	
Rape	Delivered	1	1.14	1.14	1.14	0.00
Rape	Released	1	5.78	5.78	5.78	0.00
Other sex	Delivered	1	100.27	100.27	100.27	0.00
Other sex	Released	1	2.90	2.90	2.90	0.00
Assault	Delivered	2	4.47	8.92	0.01	4.45
Assault	Released	10	10.80	51.83	0.39	16.44
Assault	Other	1	1.79	1.79	1.79	0.00
Domestic	Delivered	2	4.27	5.13	3.40	0.87
Domestic	Released	7	9.40	40.51	0.69	13.58
Robbery	Delivered	3	59.04	83.42	35.42	19.61
Robbery	Released	10	64.53	193.04	0.92	72.71
Weapons	Delivered	2	21.55	40.30	2.80	18.75
Weapons	Released	2	0.78	0.89	0.66	0.11
Burglary	Delivered	2	90.60	94.87	86.32	4.28
Burglary	Released	7	5.76	23.93	0.61	8.19
Auto theft	Delivered	1	2.39	2.39	2.39	0.00
Auto theft	Released	4	1.33	1.70	0.67	0.41
Theft	Delivered	3	87.40	189.12	3.78	76.74
Theft	Released	8	1.30	3.98	0.74	1.02
Arson	Released	1	16.37	16.37	16.37	0.00
Fraud	Released	2	0.88	0.95	0.81	0.07
Drug sale	Delivered	13	46.19	131.33	1.20	41.56
Drug sale	Released	25	14.27	117.50	0.72	32.39
Drug use	Delivered	5	61.81	110.57	7.18	38.35
Drug use	Released	14	9.55	42.52	0.76	16.39
Probation	Delivered	18	56.10	211.93	1.78	68.94
Probation	Released	3	35.17	56.81	5.12	21.92
Warrants	Delivered	59	18.86	258.47	0.27	46.43
Warrants	Released	9	36.58	168.83	0.05	48.99
Court return	Delivered	9	65.19	187.82	7.04	50.63
Court return	Released	12	52.95	170.61	0.48	55.73
All felonies	Released	116	21.24	193.04	0.05	41.01
All felonies	Delivered	121	36.40	258.47	0.01	53.67
All felonies	Other	1	1.79	1.79	1.79	0.00
All felonies	All modes	238	28.87	258.47	0.01	48.42

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

MISDEMEANORS, PRETRIAL		No.	COMPUTER-BASED			SAMPLE Std
Primary Charge	Release Mode		Avg.	Max	Min	
Assault	Citation	8	0.53	3.42	0.06	1.09
Domestic	Cash bail	1	0.59	0.59	0.59	0.00
Weapons	Citation	1	0.06	0.06	0.06	0.00
Sex	Citation	5	0.17	0.35	0.07	0.10
Burglary	Citation	9	0.21	0.50	0.07	0.14
Theft	Citation	18	0.33	2.90	0.07	0.64
Theft	Court OR	3	4.79	12.02	0.49	5.14
Drug use	Citation	11	0.13	0.24	0.03	0.06
Drug use	Court OR	1	3.71	3.71	3.71	0.00
DUI	Cash bail	1	0.78	0.78	0.78	0.00
DUI	Citation	51	0.15	0.40	0.02	0.07
DUI	Jail #2	1	27.85	27.85	27.85	0.00
Auto other	Citation	17	0.11	0.39	0.00	0.09
Nuisance	Citation	9	0.14	0.19	0.10	0.03
Drunk	Citation	8	0.20	0.64	0.05	0.17
Drunk	Court OR	1	7.88	7.88	7.88	0.00
Probation	Cash bail	1	0.61	0.61	0.61	0.00
Probation	Citation	3	1.40	3.70	0.06	1.63
Probation	Court OR	4	1.32	2.62	0.51	0.79
Probation	Surety bond	1	1.59	1.59	1.59	0.00
Warrant out	Citation	46	0.66	8.87	0.00	1.73
Warrant	Citation	1	0.52	0.52	0.52	0.00
Misc. misd.	Citation	7	0.24	0.66	0.06	0.21
Court return	Citation	11	1.05	9.60	0.00	2.71
Court return	Court OR	2	2.05	2.96	1.15	0.90
All misdemean.	Cash bail	3	0.66	0.78	0.59	0.08
All misdemean.	Citation	205	0.37	9.60	0.00	1.13
All misdemean.	Jail #2	1	27.85	27.85	27.85	0.00
All misdemean.	Court OR	11	3.21	12.02	0.49	3.44
All misdemean.	Surety bond	1	1.59	1.59	1.59	0.00
All misdemean.	All modes	221	0.64	27.85	0.00	2.35



San Francisco Jail Population Management Plan: Causes of Overcrowding Report

MISDEMEANORS, POSTADJUDICATION		No.	Avg.	COMPUTER-BASED		SAMPLE Std
Primary Charge	Release Mode			Max	Min	
Assault	Released	3	32.71	52.09	12.48	16.18
Weapons	Released	1	1.70	1.70	1.70	0.00
Sex	Released	2	3.77	3.89	3.65	0.12
Burglary	Released	5	18.43	89.45	0.47	35.52
Theft	Released	5	4.22	16.15	0.83	5.98
Drug use	Released	1	0.76	0.76	0.76	0.00
DUI	Released	1	13.36	13.36	13.36	0.00
Auto other	Released	4	1.33	2.69	0.51	0.84
Nuisance	Delivered	1	2.11	2.11	2.11	0.00
Nuisance	Released	4	0.65	1.36	0.02	0.48
Drunk	Released	25	0.41	2.60	0.07	0.65
Probation	Released	19	18.91	82.47	0.90	25.33
Warrant out	Delivered	2	0.52	0.57	0.46	0.05
Misc. misd.	Released	2	0.64	0.78	0.50	0.14
Court return	Released	9	5.71	18.68	0.49	6.15
All misdemean.	Released	81	8.21	89.45	0.02	18.15
All misdemean.	Delivered	3	1.05	2.11	0.46	0.75
All misdemean.	All modes	84	7.95	89.45	0.02	17.87

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

FELONY, PRETRIAL		No.	CONSULTANT-COLLECTED			SAMPLE
Primary charge	Release Mode		ALS	Max	Min	Std
Other Sex	Citation	1	0.18	0.18	0.18	0.00
	Court OR	1	9.13	9.13	9.13	0.00
Assault	Jail #2	2	0.82	1.02	0.61	0.20
	Court OR	1	2.45	2.45	2.45	0.00
	Delivered	1	0.16	0.16	0.16	0.00
	Out of county cite	1	1.47	1.47	1.47	0.00
	Retain in custody	1	3.01	3.01	3.01	0.00
	Surety bond	4	1.41	4.66	0.12	1.89
Domestic	849b release	1	1.78	1.78	1.78	0.00
	Cash Bail	2	1.88	2.74	1.02	0.86
	Citation	2	0.45	0.89	0.01	0.44
	Court OR	4	3.26	4.53	1.67	1.06
	OR project	1	4.51	4.51	4.51	0.00
	Surety bond	4	1.51	2.92	0.15	1.26
Robbery	Court OR	1	3.09	3.09	3.09	0.00
	Surety bond	1	2.63	2.63	2.63	0.00
Weapons	Court OR	1	1.29	1.29	1.29	0.00
	OR project	2	0.86	1.21	0.51	0.35
	Surety bond	2	0.69	0.79	0.59	0.10
Burglary	Cash Bail	1	2.59	2.59	2.59	0.00
	Citation	4	0.64	1.40	0.14	0.52
	Jail #2	2	9.50	15.10	3.90	5.60
	Court OR	1	1.88	1.88	1.88	0.00
	Delivered	2	5.23	9.84	0.62	4.61
	Out of county cite	3	3.67	8.16	0.85	3.21
	OR project	4	0.66	0.74	0.54	0.07
	Surety bond	2	3.15	5.06	1.25	1.91
Auto theft	Cash Bail	1	0.74	0.74	0.74	0.00
	Court OR	1	3.82	3.82	3.82	0.00
	Delivered	1	1.69	1.69	1.69	0.00
	OR project	2	0.83	0.89	0.78	0.06
Larceny	Citation	1	1.23	1.23	1.23	0.00
	Jail #2	2	2.68	4.95	0.40	2.28
	Court OR	8	2.72	3.98	1.78	0.74
	Out of county cite	1	4.21	4.21	4.21	0.00
	Surety bond	2	0.39	0.55	0.23	0.16
Fraud, etc.	Cash Bail	1	0.67	0.67	0.67	0.00
	Citation	6	0.97	1.87	0.12	0.51
	Jail #2	1	6.85	6.85	6.85	0.00
	Court OR	2	1.39	1.99	0.80	0.59
	Delivered	1	0.52	0.52	0.52	0.00
	OR project	10	1.59	6.51	0.70	1.67
	Surety bond	2	0.24	0.35	0.13	0.11
	Supervised cite	4	1.27	1.95	0.15	0.69
Drug sale	849b release	2	0.82	1.19	0.46	0.36
	Cash Bail	2	0.81	0.93	0.69	0.12
	Citation	1	0.90	0.90	0.90	0.00
	Jail #2	5	7.93	15.27	0.12	6.27

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FELONY, PRETRIAL		CONSULTANT-COLLECTED SAMPLE				
Primary charge	Release Mode	No.	ALS	Max	Min	Std
	Court OR	8	4.04	17.03	1.34	4.94
	Delivered	4	1.91	3.88	0.71	1.19
	Out of county cite	2	0.69	1.34	0.04	0.65
	OR project	30	0.88	1.31	0.10	0.30
	Surety bond	3	0.46	0.86	0.22	0.28
	Supervised cite	1	5.42	5.42	5.42	0.00
	849b release	1	1.37	1.37	1.37	0.00
Drug use	Citation	2	0.87	1.60	0.14	0.73
	Jail #2	2	6.49	12.42	0.56	5.93
	Court OR	11	3.44	14.36	0.58	3.89
	Delivered	1	2.79	2.79	2.79	0.00
	OR project	17	1.00	2.03	0.05	0.48
	Surety bond	1	0.31	0.31	0.31	0.00
	Supervised cite	1	1.43	1.43	1.43	0.00
Automotive	Cash Bail	1	0.34	0.34	0.34	0.00
	OR project	1	1.77	1.77	1.77	0.00
	Surety bond	1	0.17	0.17	0.17	0.00
Probation	Cash Bail	1	5.42	5.42	5.42	0.00
	Delivered	1	2.51	2.51	2.51	0.00
Warrants	Citation	1	0.25	0.25	0.25	0.00
	Jail #2	6	2.76	6.51	0.29	2.09
	Court OR	3	2.39	3.19	1.02	0.97
	Delivered	9	2.93	8.73	0.56	2.79
	Out of county cite	1	0.21	0.21	0.21	0.00
	Surety bond	1	2.13	2.13	2.13	0.00
	Supervised cite	1	0.25	0.25	0.25	0.00
Misc Felony	Citation	2	0.53	0.78	0.27	0.25
	Jail #2	1	2.68	2.68	2.68	0.00
	Court OR	1	3.28	3.28	3.28	0.00

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

FELONY, PRETRIAL		No.	CONSULTANT-COLLECTED			SAMPLE
Primary charge	Release Mode		ALS	Max	Min	Std
Other Sex	All modes	2	4.65	9.13	0.18	4.48
Assault	All modes	10	1.44	4.66	0.12	1.43
Domestic	All modes	14	2.14	4.53	0.01	1.48
Robbery	All modes	2	2.86	3.09	2.63	0.23
Weapons	All modes	5	0.88	1.29	0.51	0.32
Burglary	All modes	19	2.97	15.10	0.14	3.88
Auto theft	All modes	5	1.58	3.82	0.74	1.17
Larceny	All modes	14	2.38	4.95	0.23	1.43
Fraud, etc.	All modes	27	1.41	6.85	0.12	1.58
Drug sale	All modes	58	2.04	17.03	0.04	3.42
Drug use	All modes	36	2.10	14.36	0.05	3.02
Automotive	All modes	3	0.76	1.77	0.17	0.72
Probation	All modes	2	3.96	5.42	2.51	1.45
Warrants	All modes	22	2.41	8.73	0.21	2.30
Misc Felony	All modes	4	1.75	3.28	0.27	1.26
All felonies	All modes	223	2.08	17.03	0.01	2.75
All felonies	849b release	4	1.20	1.78	0.46	0.48
All felonies	Cash Bail	9	1.68	5.42	0.34	1.55
All felonies	Citation	20	0.73	1.87	0.01	0.53
All felonies	Jail #2	21	4.99	15.27	0.12	5.06
All felonies	Court OR	43	3.25	17.03	0.58	3.17
All felonies	Delivered	20	2.61	9.84	0.16	2.70
All felonies	Out of county cite	8	2.28	8.16	0.04	2.53
All felonies	OR project	67	1.07	6.51	0.05	0.88
All felonies	Retain in custody	1	3.01	3.01	3.01	0.00
All felonies	Surety bond	23	1.18	5.06	0.12	1.42
All felonies	Supervised cite	7	1.74	5.42	0.15	1.63
All felonies	All modes	223	2.08	17.03	0.01	2.75

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FELONY, POSTADJUDICATION		No.	CONSULTANT-COLLECTED SAMPLE			
Primary charge	Release Mode		ALS	Max	Min	Std
Assault	Credit time served	1	5.92	5.92	5.92	0.00
	Discharge	9	2.08	3.79	0.58	1.33
Domestic	Dept. of Corrections	2	4.72	5.55	3.89	0.83
	Credit time served	2	5.71	8.95	2.46	3.24
Robbery	Discharge	11	1.80	3.09	1.26	0.50
	Dept. of Corrections	1	1.81	1.81	1.81	0.00
Weapons	Discharge	6	2.05	3.78	0.85	1.24
	Dept. of Corrections	1	3.38	3.38	3.38	0.00
Burglary	Dept. of Corrections	2	3.36	4.15	2.57	0.79
	Credit time served	1	13.63	13.63	13.63	0.00
Auto theft	Discharge	10	0.88	1.94	0.00	0.46
	Credit time served	1	6.26	6.26	6.26	0.00
Larceny	Discharge	3	1.31	1.78	1.05	0.33
	Dept. of Corrections	2	2.92	2.92	2.91	0.00
Fraud, etc.	Credit time served	1	14.78	14.78	14.78	0.00
	Discharge	2	2.71	2.71	2.71	0.00
Drug sale	Dept. of Corrections	2	2.05	2.67	1.44	0.62
	Discharge	7	1.25	1.61	1.07	0.17
Drug use	Dept. of Corrections	6	2.37	2.95	1.78	0.44
	Discharge	5	0.89	1.38	0.13	0.45
Probation	Dismiss	1	1.13	1.13	1.13	0.00
	Dept. of Corrections	8	2.59	4.42	1.50	1.04
Warrants	Jail #3	1	3.01	3.01	3.01	0.00
	Credit time served	2	11.31	12.77	9.85	1.46
Probation	Discharge	9	1.15	1.34	0.89	0.16
	SWAP project	1	3.95	3.95	3.95	0.00
Warrants	Dept. of Corrections	22	2.56	6.40	0.52	1.63
	Discharge	2	1.80	2.99	0.62	1.19
Warrants	Dismiss	1	5.03	5.03	5.03	0.00
	Dept. of Corrections	2	1.60	2.82	0.39	1.22
Warrants	Discharge	1	0.49	0.49	0.49	0.00
	Dismiss	1	8.19	8.19	8.19	0.00
Warrants	Probation	1	3.73	3.73	3.73	0.00

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FELONY, POSTADJUDICATION		No.	CONSULTANT-COLLECTED			SAMPLE
Primary charge	Release Mode		ALS	Max	Min	Std
Assault	All modes	10	2.46	5.92	0.58	1.71
Domestic	All modes	15	2.71	8.95	1.26	2.01
Robbery	All modes	7	2.02	3.78	0.85	1.15
Weapons	All modes	1	3.38	3.38	3.38	0.00
Burglary	All modes	13	2.24	13.63	0.00	3.44
Auto theft	All modes	4	2.55	6.26	1.05	2.16
Larceny	All modes	5	5.21	14.78	2.71	4.79
Fraud, etc.	All modes	9	1.43	2.67	1.07	0.47
Drug sale	All modes	12	1.65	2.95	0.13	0.84
Drug use	All modes	21	2.89	12.77	0.89	2.96
Probation	All modes	25	2.60	6.40	0.52	1.66
Warrants	All modes	5	3.12	8.19	0.39	2.85
All felonies	All modes	127	2.54	14.78	0.00	2.44
All felonies	Dept. of Corrections	48	2.62	6.40	0.39	1.36
All felonies	Jail #3	1	3.01	3.01	3.01	0.00
All felonies	Credit time served	8	9.33	14.78	2.46	4.01
All felonies	Discharge	65	1.49	3.79	0.00	0.89
All felonies	Dismiss	3	4.78	8.19	1.13	2.88
All felonies	Probation	1	3.73	3.73	3.73	0.00
All felonies	SWAP project	1	3.95	3.95	3.95	0.00
All felonies	All modes	127	2.54	14.78	0.00	2.44

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

MISDEMEANOR, PRETRIAL Primary charge	Release Mode	No.	CONSULTANT-COLLECTED			SAMPLE Std
			ALS	Max	Min	
Assault	849b release	1	0.24	0.24	0.24	0.00
	Citation	8	0.33	1.10	0.11	0.32
	Jail #2	2	0.81	1.50	0.11	0.69
	Out of county cite	2	3.25	6.33	0.17	3.08
	OR project	1	0.17	0.17	0.17	0.00
	Surety bond	2	0.26	0.37	0.14	0.12
Domestic	Supervised cite	1	0.79	0.79	0.79	0.00
	Court OR	1	0.16	0.16	0.16	0.00
Weapons	Citation	1	0.05	0.05	0.05	0.00
	Court OR	2	1.65	2.08	1.22	0.43
Sex	Citation	3	0.13	0.21	0.00	0.09
	Court OR	1	4.84	4.84	4.84	0.00
	Delivered	1	0.41	0.41	0.41	0.00
Burglary Theft, etc.	Citation	11	0.19	0.48	0.05	0.14
	Citation	10	0.16	0.62	0.05	0.16
	Jail #2	1	0.11	0.11	0.11	0.00
	Court OR	1	2.77	2.77	2.77	0.00
	Out of county cite	2	0.43	0.58	0.27	0.16
	OR project	1	0.10	0.10	0.10	0.00
	Retain in custody	1	0.04	0.04	0.04	0.00
Drug sale	Supervised cite	1	1.32	1.32	1.32	0.00
	Citation	3	0.57	1.16	0.24	0.42
Drug use	Citation	13	0.41	1.42	0.07	0.43
	Delivered	1	1.96	1.96	1.96	0.00
	Out of county cite	1	0.14	0.14	0.14	0.00
	OR project	1	1.29	1.29	1.29	0.00
DUI	Cash Bail	1	0.15	0.15	0.15	0.00
	Citation	62	0.24	2.16	0.02	0.29
	Jail #2	1	0.34	0.34	0.34	0.00
	Court OR	5	0.92	2.44	0.00	0.94
	Delivered	1	3.50	3.50	3.50	0.00
	Out of county cite	1	0.21	0.21	0.21	0.00
	Surety bond	1	0.15	0.15	0.15	0.00
	Supervised cite	1	0.83	0.83	0.83	0.00
Other auto	Citation	14	0.21	1.00	0.01	0.23
	Court OR	1	1.36	1.36	1.36	0.00
Nuisance	Citation	2	0.25	0.40	0.09	0.16
	Out of county cite	1	0.56	0.56	0.56	0.00
Drunk	849b release	96	0.22	1.17	0.10	0.19
	Citation	7	0.21	0.35	0.04	0.12
	Out of county cite	2	0.23	0.33	0.13	0.10
Probation	Citation	2	0.37	0.68	0.06	0.31
	Out of county cite	1	0.33	0.33	0.33	0.00
	Surety bond	1	0.74	0.74	0.74	0.00
FTA	Citation	7	0.17	0.25	0.05	0.06
	Jail #2	1	0.48	0.48	0.48	0.00
	Court OR	2	0.38	0.71	0.06	0.33

San Francisco Jail Population Management Plan: Causes of Overcrowding Report

MISDEMEANOR, PRETRIAL		No.	CONSULTANT-COLLECTED			SAMPLE
Primary charge	Release Mode		ALS	Max	Min	Std
Warrant out	Delivered	1	2.39	2.39	2.39	0.00
	Citation	3	0.08	0.15	0.01	0.06
Warrant	Delivered	2	0.45	0.62	0.28	0.17
	Out of county cite	40	0.47	9.00	0.01	1.39
	Citation	20	0.28	0.69	0.01	0.19
	Jail #2	1	0.52	0.52	0.52	0.00
	Court OR	6	1.12	1.62	0.63	0.34
	Delivered	1	3.76	3.76	3.76	0.00
Misc. misd.	OR project	1	0.11	0.11	0.11	0.00
	Supervised cite	1	0.64	0.64	0.64	0.00
	Citation	3	0.14	0.21	0.09	0.05



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MISDEMEANOR, PRETRIAL		No.	CONSULTANT-COLLECTED SAMPLE			
Primary charge	Release Mode		ALS	Max	Min	Std
Assault	All modes	17	0.73	6.33	0.11	1.45
Domestic	All modes	1	0.16	0.16	0.16	0.00
Weapons	All modes	3	1.12	2.08	0.05	0.83
Sex	All modes	5	1.13	4.84	0.00	1.86
Burglary	All modes	11	0.19	0.48	0.05	0.14
Theft, etc.	All modes	17	0.40	2.77	0.04	0.67
Drug sale	All modes	3	0.57	1.16	0.24	0.42
Drug use	All modes	16	0.54	1.96	0.07	0.58
DUI	All modes	73	0.34	3.50	0.00	0.55
Other auto	All modes	15	0.29	1.36	0.01	0.36
Nuisance	All modes	3	0.35	0.56	0.09	0.20
Drunk	All modes	105	0.22	1.17	0.04	0.19
Probation	All modes	4	0.45	0.74	0.06	0.27
FTA	All modes	11	0.44	2.39	0.05	0.64
Warrant out	All modes	45	0.45	9.00	0.01	1.31
Warrant	All modes	30	0.58	3.76	0.01	0.71
Misc. misd.	All modes	3	0.14	0.21	0.09	0.05
All mismem.	All modes	362	0.38	9.00	0.00	0.76
All mismem.	849b release	97	0.22	1.17	0.10	0.19
All mismem.	Cash Bail	1	0.15	0.15	0.15	0.00
All mismem.	Citation	169	0.25	2.16	0.00	0.27
All mismem.	Jail #2	6	0.51	1.50	0.11	0.47
All mismem.	Court OR	19	1.29	4.84	0.00	1.14
All mismem.	Delivered	7	1.85	3.76	0.28	1.35
All mismem.	Out of county cite	50	0.56	9.00	0.01	1.49
All mismem.	OR project	4	0.42	1.29	0.10	0.51
All mismem.	Retain in custody	1	0.04	0.04	0.04	0.00
All mismem.	Surety bond	4	0.35	0.74	0.14	0.24
All mismem.	Supervised cite	4	0.89	1.32	0.64	0.26
All mismem.	All modes	362	0.38	9.00	0.00	0.76

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MISDEMEANOR, POSTADJUDICATION		No.	CONSULTANT-COLLECTED			SAMPLE
Primary charge	Release Mode		ALS	Max	Min	Std
Assault	Credit time served	3	9.76	15.05	6.83	3.74
Domestic	Credit time served	1	14.20	14.20	14.20	0.00
Weapons	Probation	1	1.49	1.49	1.49	0.00
Sex	Credit time served	1	4.54	4.54	4.54	0.00
	SWAP project	1	1.13	1.13	1.13	0.00
Burglary	Discharge	1	1.16	1.16	1.16	0.00
Theft, etc.	Discharge	5	0.76	1.28	0.17	0.42
Drug sale	Jail #3	1	2.30	2.30	2.30	0.00
Drug use	Dept. of Corrections	1	0.94	0.94	0.94	0.00
	Credit time served	1	7.00	7.00	7.00	0.00
	Discharge	1	1.62	1.62	1.62	0.00
DUI	Jail #3	1	0.97	0.97	0.97	0.00
	Credit time served	1	3.16	3.16	3.16	0.00
	Probation	1	0.56	0.56	0.56	0.00
Nuisance	Discharge	2	0.94	1.79	0.08	0.86
Drunk	Credit time served	1	5.66	5.66	5.66	0.00
	Discharge	1	0.21	0.21	0.21	0.00
	Dismiss	4	0.40	0.60	0.31	0.12
Probation	Jail #3	1	0.59	0.59	0.59	0.00
	Credit time served	1	1.10	1.10	1.10	0.00
FTA	Credit time served	1	1.98	1.98	1.98	0.00
	Discharge	1	0.73	0.73	0.73	0.00
	Dismiss	1	1.99	1.99	1.99	0.00
Warrant out	Discharge	1	11.82	11.82	11.82	0.00
Warrant	Credit time served	3	7.33	11.12	0.76	4.67
	Dismiss	2	0.60	0.73	0.46	0.14
Misc. misd.	Discharge	1	1.23	1.23	1.23	0.00
Assault	All modes	3	9.76	15.05	6.83	3.74
Domestic	All modes	1	14.20	14.20	14.20	0.00
Weapons	All modes	1	1.49	1.49	1.49	0.00
Sex	All modes	2	2.83	4.54	1.13	1.70
Burglary	All modes	1	1.16	1.16	1.16	0.00
Theft, etc.	All modes	5	0.76	1.28	0.17	0.42
Drug sale	All modes	1	2.30	2.30	2.30	0.00
Drug use	All modes	3	3.19	7.00	0.94	2.71
DUI	All modes	3	1.56	3.16	0.56	1.14
Nuisance	All modes	2	0.94	1.79	0.08	0.86
Drunk	All modes	6	1.25	5.66	0.21	1.98
Probation	All modes	2	0.84	1.10	0.59	0.25
FTA	All modes	3	1.56	1.99	0.73	0.59
Warrant out	All modes	1	11.82	11.82	11.82	0.00
Warrant	All modes	5	4.64	11.12	0.46	4.89
Misc. misd.	All modes	1	1.23	1.23	1.23	0.00
All misd.	All modes	40	3.10	15.05	0.08	4.05

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MISDEMEANOR, POSTADJUDICATION		No.	CONSULTANT-COLLECTED			SAMPLE
Primary charge	Release Mode		ALS	Max	Min	Std
All misd.	Dept. of Corrections	1	0.94	0.94	0.94	0.00
All misd.	Jail #3	3	1.29	2.30	0.59	0.73
All misd.	Credit time served	13	6.84	15.05	0.76	4.51
All misd.	Discharge	13	1.73	11.82	0.08	2.96
All misd.	Dismiss	7	0.68	1.99	0.31	0.55
All misd.	Probation	2	1.02	1.49	0.56	0.47
All misd.	SWAP project	1	1.13	1.13	1.13	0.00
All misd.	All modes	40	3.10	15.05	0.08	4.05

## APPENDIX F: BCS DATA<sup>18</sup>

### Felony Dispositions - 1989 (BCS)

	State	SF	Alameda	S. Mateo
California Crime Index	992,555	30,821	44,430	12,370
Felony Dispositions	275,151	19,146	18,505	2,903
Law enf. releases	20,773	4	1,420	56
Complaint denied	43,328	9,329	3,014	101
Pct. not filed	24.2%	48.8%	31.2%	5.4%
Complaints filed	208,696	9,811	12,723	2,746
Misdemeanor	84,283	3,083	5,341	1,094
Felony	124,413	6,728	7,382	1,652
Lower court dispositions	117,375	5,169	7,522	1,283
Not convicted	36,687	1,932	3,502	342
Convicted	80,688	3,237	4,020	941
Pct. of total filings	56.2%	52.7%	59.1%	46.7%
Superior dispositions	91,321	4,642	5,201	1,463
Not convicted	5,382	135	410	58
Convicted	86,939	4,507	4,791	1,405
Total Convictions	167,627	7,744	8,811	2,346
As pct. of dispositions	60.9%	40.4%	47.6%	80.8%
As pct. of filings	80.3%	78.9%	69.3%	85.4%
Sentences	86,939	4,507	4,791	1,405
Prison	29,056	1,180	1,080	420
Probation	5,344	1,201	1,130	22
Probation with Jail	50,221	2,062	2,565	955

<sup>18</sup> Consultants note the following statement provided by the District Attorney's Office: "the statistics referred to in Appendix F . . . cannot be relied upon in their present configuration. The explanatory publication by DOJ, referred to as 'trees' must also be published if one is to get a clear picture of precisely what occurred at the Municipal Court level and how many of the cases involve 'dismissals' due to statutory diversions. I also note that over 2,000 of our motions to revoke in lieu of filing a new case didn't get into the State statistics. That matter is under review."

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1980 and 1989

	State		San Francisco	
	1980	1989	1980	1989
California Crime Index	928,297	992,555	38,045	30,821
Felony dispositions	189,303	275,151	10,845	19,146
Law enf. releases	20,057	20,773	0	4
Complaint denied	27,925	43,328	1,961	9,329
Pct. not filed	25.3%	24.2%	15.6%	48.8%
Complaints filed	141,321	208,696	9,154	9,811
Misdemeanor	66,495	84,283	3,491	3,083
Felony	74,826	124,413	5,663	6,728
Lower court dispositions	97,712	117,375	6,726	5,169
Not convicted	31,114	36,687	4,203	1,932
Convicted	66,598	80,688	2,523	3,237
Pct. of total filings	69.1%	56.2%	73.5%	52.7%
Superior dispositions	43,609	91,321	2,428	4,642
Not convicted	4,652	4,382	420	135
Convicted	38,957	86,939	2,008	4,507
Total convictions	105,555	167,627	4,531	7,744
As pct. of dispositions	55.8%	60.9%	41.8%	40.4%
As pct. of filings	74.7%	80.3%	49.5%	78.9%
Sentences	38,957	86,939	2,008	4,507
Prison	10,311	29,056	467	1,180
Probation	4,424	5,344	96	1,201
Probation with jail	20,743	50,221	1,371	2,062