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Californians United for a Responsible Budget

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June 19, 2014

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

CURB is a statewide alliance of over 65 organizations working to curb prison spending by reducing the number of people in prison and the number of prisons in California. Many of our San Francisco member organizations and allies have been adamant that San Francisco should not invest in a new jail as part of the Hall of Justice replacement project. Below is our response to the Jail Population Study Update that was issued on May 28, 2014 by the San Francisco Controller's Office – an update narrowly focused on adding more recent jail population data to their previous study¹. Although we had previously contacted the Controller's office about the inadequacies of their first report to consider cost-effective alternatives to the jail proposal, we were shocked and greatly disappointed to find that this update not only failed to respond to our stated concerns but looked at no issues other than demographic projections. There is much more at stake in the question of building this jail than just math, and even there, we disagree with the Controller's methodology.

In brief, our main concern is that the Controller has failed to consider any alternatives that might reduce the jail population in San Francisco. San Francisco has a declining jail population, but the Controller acts as though this trend will end. The Controller's projections are also insufficiently borne out by current numbers and trends – San Francisco has been steadily reducing our jail population, and our community groups expect this positive trend to continue. The Controller also includes no estimates for operating costs of the new jail, even though they can be reasonably expected to be higher than the jail they would replace. Lastly, the controller fails to place the jail project in the bigger context of local and national criminal justice policy that we as community members and the Sheriff himself recognize as central to this question. Just as the unjust nationwide pattern of mass incarceration was driven by policy rather than by demographics (as clearly stated by the National Research Council earlier this year²), progressive communities like San Francisco that seek to reverse that pattern must look at policy choices, and not just demographics. The Controller has failed in this critical task, but it is far from too late for you, our Supervisors, to take a deeper look.

¹ The full report can be reviewed here:

<http://sfcontroller.org/Modules/ShowDocument.aspx?documentid=5387>><http://sfcontroller.org/Modules/ShowDocument.aspx?documentid=5387>

² National Research Council. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: The National Academies Press, 2014. P.4: "CONCLUSION: The unprecedented rise in incarceration rates can be attributed to an increasingly punitive political climate surrounding criminal justice policy formed in a period of rising crime and rapid social change. This provided the context for a series of policy choices —across all branches and levels of government—that significantly increased sentence lengths, required prison time for minor offenses, and intensified punishment for drug crimes." http://www.nap.edu/catalog.php?record_id=18613



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Lack of Study of Alternatives

Our main concern is that the Controller's updated report includes no study of alternatives to incarceration or policy changes that would provide safer and more cost-effective outcomes for residents. Following the release of the Controller's initial jail population projections and jail needs assessment, in September of 2013 a coalition of CURB-affiliated community groups led by the Coalition on Homelessness, ACLU, Legal Services for Prisoners with Children, and Architects / Designers / Planners for Social Responsibility met with the Controller and expressed a direct willingness to help with making a more complete jail needs assessment that could project the impact of expanded community programs that we are intimately familiar with and their potential space needs. However, the Controller's updated report fails to respond to clearly stated community needs, instead placing a deeply mistaken emphasis on imagined needs for additional jail space without ever stopping to consider the impacts of providing that jail space or, most importantly, investing in proven alternatives. Unlike building more jail space, alternatives to incarceration would improve both public safety and community health — and for a lower cost than building the replacement jail.

In part this oversight was a failure of process. The Controller states: "In preparation for the forecast update, the Controller's Office met with representatives from the Adult Probation Department, District Attorney's Office, Public Defender's Office, Superior Court, the Police Department, and the Sheriff's Department." While this is a cross-section of the criminal justice system, as community advocates we made it clear that we wished to see consideration of public health and community based alternatives to jail expansion. The Controller made no effort to meet with the Department of Public Health, Department of Mental Health Services, related departments, or with us or other community groups. As we noted previously, nationally cited best practice for jail planning is to include the public in the planning process³, a standard the Controller continues to fail to meet.

More specifically, the Controller failed to study expansion of pre-trial alternatives to incarceration, even though the San Francisco Jail population is approximately 75% pre-trial. While the first Controller's report made a partial assessment of the impact of expanding successful programs within the Pretrial Services Division, this report not only fails to fully detail what was missing from the previous report, but actually leaves out the previous low-ball estimate of expanded pretrial diversion.

At the deeper level, the Controller failed to study implementation of promising community-based alternatives to incarceration. When we met with the Controller, our coalition presented specific areas for further study, none of which were pursued in this update. At your supervisors' Neighborhood Safety and Services Committee hearing on the Jail project--- which we very much appreciated – we and many other community advocates spoke up in public comment about the need for alternatives. Although the Controller's staff attended the hearing and must have heard what we had to say, they failed to engage with concerned groups and made no other attempt to

³ National Institute of Corrections, "Building Community Support for Jail Construction" ([PDF](#))



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study any community programming that might help proactively reduce crime and incarceration, which is the most cost-effective solution to the interrelated set of challenges posed by substance-abuse and mental-health related crimes.

Even in the area of special populations, where the Controller's previous projection recognized important issues, no attempt was made to update projections or study the issues pertaining to special groups in further detail. In particular, people with substance abuse and mental health issues represent a large fraction of the jail population, and people of color –especially African Americans – are grossly over-represented in the jail population. These groups have also been of special concern to the Sheriff in many of his recent public statements, and are of concern to many other City departments as well. However, this current update makes no attempt to provide a more refined assessment of how policy approaches to these populations might result in changes to the jail population or interact with other City and County programs serving these groups.

Current Jail trends versus Controller's projections

We are heartened by the fact that San Francisco has had great success in reducing our jail population over the last six years: since 2008, we have reduced the jail population by over 30 percent. This is a tribute to San Francisco's innovative and successful public safety policies. Yet the Controller seems to propose that we reverse that trend, as their projections of the jail population show that recent efforts to reduce that population will end – or indeed have already ended – and that the advances of the last six years which have led to drops in the numbers of San Franciscans in jail of over five percent a year will halt. In fact, the Controller's projected jail population for 2013 appears to be more than 300 people higher than the actual number of people in SF jails today (1,395 in January and February, according to the Sheriff).

But aside from mathematical differences, the Controller makes a bigger error which is to refuse to engage with policy as a driver of our jail population. Their simplistic assumption is that as the San Francisco population increases, so will the number of residents in jail. In fact, jail populations respond strongly to law enforcement policy, and San Francisco is a national leader in developing and implementing alternatives to incarceration. As of May 16th the current jail population was 1,395; if the jail population continues to drop at 5% a year as it has since 2008, we would see:

2015	1,325
2016	1,258
2017	1,196
2018	1,136
2019	1,079

If you then add back in the Controller's 'peaking factor' and 'classification factor' you end up with a projected jail population between 1,187 and 1,305. This modest jail population would allow for County Jails #3 & #4 (the two floors within the old Hall of Justice) to be closed while the average population could be housed entirely within San Francisco's two most modern jails - CJ #2 on 7th St. and CJ #5 in San Bruno. The maximum projected overflow need for 67 beds, to



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be used only in 'peaking' emergencies, could be housed in the currently vacant CJ #6 in San Bruno, which has a capacity far in excess of 67. Although it's not an ideal facility, it would only be used a few times per year.

We also believe that the Controller has taken an inadequate look at the classification factor. It is derived from consultants' standard procedures in use in many county jails, where diverse populations are generally housed separately: especially people with psychiatric needs and transgender people. San Francisco is a national leader in finding innovative ways to meet these needs of these vulnerable populations, but inside and out of jail. San Francisco does not aspire to lock up so many of the people who would fill the projected special housing units, but it seems that our jail planners are using national averages instead of responding to our particular community's needs and goals.

Lack of future cost forecasting

In both the Controller's initial report and the update, there was no effort to include any forecast of the future operating cost of the proposed replacement jail. However, the Sheriff has said repeatedly that the new facility would be able to offer a significant increase in programming, healthcare, and mental health services to better meet the needs of San Francisco's prisoners and the expectations of our community in how we will treat people in jail. Indeed, some of the biggest problems identified with CJ #3 and #4 – and a big part of the reason for their demolition – is the inability to offer the educational classes, health services, and mental health counseling that the Sheriff's department prides itself on in CJ #2 and CJ #5. So right now, CJ #3 and #4 are not staffed by an appropriate number of teachers, doctors, nurses, and psychologists; if a replacement jail were to open, it would need a higher level of many expensive staff positions.

To be a credible cost projection, proposed new staffing levels should be projected as compared to the operations to be replaced at County Jails #3 and #4, but this was not done. While a completely implausible account of transportation costs incurred by not building the replacement jail was included in the Controller's first report and mildly referenced in this report, no other operating costs were studied. Yet over the life of the facility, operating costs will dwarf construction costs, typically by a 9-to-1 ratio or more. One projection we are confident of is that if alternatives to incarceration can be expanded to completely offset the need for a replacement jail, San Francisco stands to save millions and millions of dollars in operating costs for many years to come.

The big picture

With recent calls to "End Mass Incarceration" coming from our Sheriff, the National Research Council, and even the New York Times Editorial Board⁴, an appropriate assessment would put San Francisco's incarceration rate in the context of other California, US, and -- most importantly -- world cities. And as the National Research Council recently noted, US incarceration rates are a

⁴ "End Mass Incarceration Now," The New York Times Editorial Board, May 24, 2014:
http://www.nytimes.com/2014/05/25/opinion/sunday/end-mass-incarceration-now.html?_r=0



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result of policy, not crime trends. However, the previous report and this update includes no comparative or policy analysis. The District Attorney and the Sheriff are advocating for policy changes that would reduce incarceration rates (specifically, reduced drug crime prosecution and increased electronic monitoring, respectively) and there is wide public support for community-based public health interventions in lieu of incarceration. The Controller's failure to update a population projection already completely lacking in any projections based on policy is hard to understand and impossible for us to accept.

We call on you, our Supervisors, to take a long, hard look beyond this shortsighted population projection at the bigger issues embedded within San Francisco's criminal justice system, our public health system, and the impacts on our vulnerable populations. In recent years, even as more innovative policies have reduced the jail population, budget cuts have hurt some older programs such as the Sheriff's Pretrial Diversion Project that keep people out of jail while keeping our communities safe. San Francisco can and should expand pretrial alternatives as much as possible.

But we should also be a leader in developing and expanding services that can keep people out of jail by reducing conflict and increasing community safety, especially among vulnerable populations. With homelessness and mental illness being key factors in the likelihood of people ending up in jail, we should work to deliver appropriate services such as supportive housing or behavioral health treatment to meet 100% of community needs. It is the people with unmet needs who end up in jail; it is more dignified, more effective, less stigmatizing, and less expensive to meet those needs in the community than to respond with jail-based treatment and services.

San Francisco can be a leader in expanding community-based alternatives to incarceration. We urge you to study and support those options instead of locking us into decades of incarceration with the proposed jail project.

A handwritten signature in blue ink, appearing to read "Emily Harris".

Emily Harris
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A handwritten signature in blue ink, appearing to read "Raphael Sperry".

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