



**CITY AND COUNTY OF SAN FRANCISCO**

**BROOKE JENKINS  
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August 21, 2024

To:

Laurie Garduque

CC:

Brooke Jenkins  
Manohar Raju  
Lisa Pratt  
Cristel Tullock  
David Mauroff  
Paul Miyamoto  
Brandon Riley  
Frances Hsieh  
Tara Agnese  
Alexandra Lopes  
Mark Culkins  
Simin Shamji  
Carolyn Goosen  
Tanya Mera  
Alissa Riker  
Aaqilah Islam  
Ashley Qiang

Laurie Garduque:

Thank you, Laurie, for your candid letter, it is helpful to have a clear understanding of the Foundation's position on the Safety Justice Challenge grants. Unfortunately, the letter's hostile tone and the fact that it was sent to individuals that are not at all connected to this grant are consistent with how we have felt approached since we took office in July of 2022. To put it bluntly, the correspondence presents as extremely accusatory towards SFDA for deliverable outcomes. This is unfortunate as our administration has been working tirelessly to meet and adjust to the Foundation's expectations notwithstanding its inconsistent messaging.

Despite our identifying for you and Justice System Partners (JSP) that splitting behavior between the San Francisco agencies was an ongoing issue preventing progress on the grant, you continued to reinforce this conduct through isolated site visits while rejecting our numerous requests to have you meet with all partners in one space in order to address underlying issues and to help identify common goals. Moreover, it has continued to feel as though the ideological goal of reducing the jail population at all



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costs has conflicted with our emphasis on doing so responsibly and safely, which I am sure is a new boundary in a post-Chesa Boudin era.

The Foundation has continued to indirectly emphasize that success is solely being measured by how rapidly we release people from custody regardless of their risk to the public or the lack of infrastructure in place to assist them in avoiding future criminal conduct as evident by your continued reference to jail population census when appraising our grant efforts. Whereas the SFDA office is committed to identifying ways to safely reduce the jail population and racial disparities through methods including expanding our jail population review team capacity and addressing long stayers in the jail, this remains a compromise that we are simply not willing to make. Our office has a mission to protect the safety of all those who live, work and visit San Francisco, and while we believe in the mission of identifying alternatives to incarceration, we must achieve it in a manner that does not come at the expense of the safety of our city.

SFDA financially and operationally supports SJC efforts. In fact, our office is the only agency that is actively funding our own positions related to this work. Moreover, we are the only agency actively in the sustainability phase of the grant. SFDA has at least 12 other general funded positions that support the SJC initiative and other policy reform work within the office, including: 2 Senior Administrative Analysts, an Attorney, an Alternative Sentencing Planner, the Director of Research, 1 Administrative Analyst, the Director of Policy, the Executive Director of Special Projects & Programs, the Director of Strategic Planning & Community Initiatives, the Director of Youth and Young Adult Services, the Youth and Young Adult Services Coordinator, and the Chief of Staff. This progress highlights SFDA's continued commitment to addressing the increase in the jail population and reducing racial and ethnic disparities.

Due to this fundamental difference in criminal justice reform approach, the San Francisco District Attorney's Office hereby relinquishes our role as Grant administrator on the Safety Justice Challenge grant. Based on your letter and actions, I don't believe SFDA is being presented with a genuine, collaborative partnership.

### **Our philosophy**

Our office believes understanding the root causes of criminal behavior and actions is the most effective way to reduce jail population, reduce recidivism, and ensure people are ushered to the appropriate level of services needed to live healthy lives. The Foundation's simple focus on jail population numbers, not holding people accountable, and/or offering no consequences for unsafe behavior is irresponsible and not trauma informed for the individual or the community we serve.

As we have discussed with you previously during site visits and on phone calls, the elephant in the room is a change in administration and COVID. Jail population reductions during 2019-2020, which you often quote, were due to a STATE MANDATE to release individuals due to COVID. One could even argue that



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the subsequent surge in crime post COVID could be due to this hasty approach to reduce jail populations without providing appropriate support to justice involved persons.

On multiple occasions you have sat in meetings with two Black women, lecturing to us about your concern for jail population increases, the injustices of the criminal justice system and populations that need serving. District Attorney Jenkins and I have full passion and stake in improving racial and ethnic disparities in the jail population. This is not a social experiment to us, or an obligation to meet the expectations of grants, it's our real lives. It impacts our fathers, husbands, uncles, cousins, and dear friends. We are not doing this work out of inspiration from a book, article or ethnic studies course, we are doing this with full "lived experience" of the impacts of an unjust criminal system.

Reform to this system can not be hasty, it can not only focus on one dimensional data points, like jail census numbers, it must peel the onion back to understand and address root causes that lead to jail population increases and racial inequities. Rigorous, thoughtful analysis and program development may take longer but will yield better outcomes and sustainable changes in the criminal justice system that will actually make a difference to our people and communities. During our site visits, we have discussed this approach with you, and you seemed to agree with real sustained systems change, yet now based on your correspondence, that seems to be in doubt.

### **Obstacles and workforce challenges**

Below is an abbreviated timeline and discussion of key factors that contributed to SJC delayed activities. Demonstrating that much of your "concern" about SFDA commitment was the result of administrative breakdowns that happened during prior administration or during administration shifts.

- July 8, 2022, New SFDA administration was in place.
- July 2022, SJC Project Director resigned with no administrative handoff.
- July 2022 – February 2023, the SFDA Director of Policy & Grants assumed primary responsibility for management of the SJC grants.-She resigned in February 2023.
- In December 2022 SFDA realized the contract with Bright Research Group (BRG)-expired. This contract expired under the leadership of the previous administration and staff who knew of this and did nothing to amend the contract before expiration.
- June 2023, SFDA hired a new Director of Policy & Grants who began to quickly learn the SJC grant process, engage with SJC partner agencies on grant needs, and attempt to rectify expired contract matters. In addition to assuming the many other duties of a Director of Policy & Grants
- August 2023, SFDA hired a new SJC Project Director. Upon this hire, critical administrative grant duties were achieved, such as: submission of the resolution to accept-and expend the Sustainability grant, submission of necessary no cost extensions, submission of required progress reports, exploration of solutions to expired BRG and CPL contracts, and engagement



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with SJC partners and stakeholders so that budget modifications and capstone grant request could be written.

**SJC Partners.** SJC Partners' inability to fill vacancies funded by the grant has been a significant obstacle affecting progress on the grant's key strategies and spending down the remaining funds. The Department of Public Health (DPH) has struggled to hire a Behavioral Health Clinician for most of the grant award periods. Despite several meetings and discussions with DPH since August 2023, the position remains unfilled. Another challenge the grant faced was the Public Defender's Office (PDR) was not billing the grant for the 1 funded 0.25 FTE. The SFDA recognized the cause for concern and brought this to the attention of PDR, and PDR reaffirmed their commitment to the grant. The Court could not fill the Court Analyst position for a significant period, which also hindered the grant's progress. SFDA intervened in working with the Court and engaged in discussions to fill the court analyst vacancy. They successfully filled the position in December 2023, allowing critical functions on the grant to resume. The positions from DPH and PDR remained unfilled.

#### **Jail population increase & proposed reduction interventions**

Our office has proposed multiple strategies to reduce the jail population. However, SFDA is met with indifference or resistance from the Foundation, while other CCSF partner's proposals are encouraged and even funded, despite the Foundation's guidelines that no new positions or projects (site visit, August 2023) should be created in the Sustainability or Capstone grants. In fact, during our meeting, you and our Justice System Partners (JSP) technical assistance provider found a way to justify the formation of new positions and programs despite previous guidance to the contrary. Currently the SJC grants Sustainability and Capstone proposal, as noted by our budget modification submission includes two new positions proposed by the Department of Public Health (DPH) and the Public Defender's Office (PDR).

**Long-Stayers.** SFDA has discussed with you the importance of focusing on "long-stayers" in jail, as the data demonstrates many of these individuals are being held in jail for more than two years and are primarily Black and Brown people. Nevertheless, when our team presents this idea as a viable, data driven strategy that supports the SJC initiative to reduce the jail population and address racial, and ethnic disparities, we are met with opposition and told "don't get lost in the data." This message is inconsistent with one of CCSF's SJC strategies to "Drive with Data."

**Jail Population Review (JPR) team.** In addition, the SFDA's office has proposed a sustained and shared focus on the in-custody jail population through the Jail Population Review (JPR) team. This team, led by the SFDA's office, continues to meet and encourage a multi-partner case identification process to ensure that case selection procedures are as inclusive as possible. JPR has expedited release or resolution for almost half of the cases reviewed. In fiscal year 22-23, 42% of cases discussed in JPR moved forward via the JPR pathway, meaning provided structured release designed to help stabilize individuals, support public safety and reduce recidivism.



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In 2023, case referrals to JPR came from six different agencies: Sheriff's (51%), SFDA (36%), DPH (7%), PDR (2%), Conflicts Counsel (2%), and SF Pretrial (3%). The SFDA JPR team continues outreach efforts to improve referral rates among CCSF partners. SFDA suggested that sustainability and capstone grants focus on expanding and improving JPR, but we were told this was not a "unique project" because every SJC jurisdiction has a JPR team. However, in CCSF's budget modification, which includes the Sustainability grant, we are funding positions for a "pre-arraignment" program that is misnamed as it will operate at the arraignment phase of a case and that essentially is seeking to serve the same function as our JPR team, but at a different time frame in the judicial process. Why not continue to build, refine, and sustain a program that per the data is showing great promise in addressing the jail population? Wouldn't that be "driving with data?"

We are concerned that your decisions when working with CCSF have a bias towards driving with filtered data that validates your ideology and agenda versus truly analyzing *all* data to drive criminal justice reform actions.

For example, in San Francisco, 55% of those on pretrial release have come back to jail on a new charge during pretrial release and more than 1/3 of those on pretrial release who had initially come in on a current or past violent charge have come back to jail on another violent charge during pretrial release. Yet we are being encouraged by JSP and the Foundation to engage in a pre-arraignment program and to engage in a pretrial release intervention to reduce the jail population as written in our current budget modification.

The pre-arraignment program you refer to is set to be funded by the approved budget modification. So, by delaying payment, the Foundation is delaying progress, subsequently delaying jail population reduction efforts, and setting CCSF up for failure on the deliverables you set forth in your bench letter. Again, this is another action taken by the Foundation that contradicts the SJC claimed goal to reduce the jail population. Yet somehow, your memo is deflecting a perceived lack of progress onto the leadership of SFDA by insinuating that another agency should take lead due to lack of progress.

Instead, you are contradicting your initial direction of no new staff or programming by allowing for the start of a new pre-arraignment program that funds three new staff positions, 1 FTE DPH position, 1 FTE PDR position and 1 patient navigator position that requires a contract with SF Pretrial. Per city rules, procurement procedures require a public fair bidding process for this position, which could significantly delay progress on the start of this program. This contradicts guidance the Foundation and JSP have repeatedly provided with the Sustainability grant, which is that CCSF partners should be moving towards sustaining reform efforts. This is particularly confusing given that DPH and PDR, who are requesting funding for new positions, are the partners who have failed to fill their current positions.

**Budget Modification & Spending**

The Mayor signed the resolution to accept and expend the Sustainability grant in February 2024. On March 27, 2024, the Foundation directed CCSF to submit a budget modification and work plan for all



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three grants by April 5, 2024 to account for unspent funds, primarily caused by vacant positions in DPH and PDR. SFDA worked with all partners and submitted a budget modification on April 5, 2024. However, we learned from the Foundation and JSP that the initial submission was not sufficient, so SFDA planned a CCSF retreat on May 3, 2024, to continue collaboration on the budget modification. The final modification was submitted on May 20, 2024. We received approval for the No Cost Extension and budget modification on August 5, 2024, which approved CCSF to spend down SJC grant funds. As of December 2023, CCSF had expended 96% of the SJC funds in the Implementation grant and 78% of Renewal funds. It should be noted, 67% of Renewal funds are associated with position vacancies at the Department of Public Health (DPH) and the Public Defender's Office (PDR). Nevertheless, we are expected to be fully expended by December 31, 2025.

**SJC Fellows Program**

As we have discussed with the Foundation and JSP numerous times, we have attempted to expedite contracts with BRG and CPL. However, for the new BRG contract, our first option of using an existing contract through Just Home was not a viable option due to city and county guidelines. Therefore, SFDA's SJC Director quickly restarted the sole source contract process. Again, the delay with the BRG contract was due to the contract being allowed to expire by previous administration with no alert to incoming leadership. Once this was discovered, our leadership responded quickly and communicated the troubles clearly to JSP and the Foundation. Moreover, the scope of work for the fellows can not be determined until a contract is in place, per BRG guidelines. Again, this is something we discussed with you and JSP.

**Commitment**

Our office does not need to "re-commit" to any grant objectives, as we have never been uncommitted to pursuing safe alternatives to incarceration. SFDA and CCSF has remained committed to safely and responsibly reducing jail population through our leadership in Jail Population Review process, spearheading efficient workgroups, and independently moving forward on analyzing long-stayer data despite lack of commitment and buy-in from the Foundation and JSP.

The Foundation and JSP have had bias towards our office's approach to public safety from the outset, which is noted by constant reference to the previous administration's irresponsible approach and COVID driven response to jail reduction. Moreover, there have been remarks that cast doubt over the leadership of our SJC Director and the Foundation has fostered splitting behavior amongst CCSF agencies as evident by you coming to SFDA office during site visits and divulging doubt and "concerns" that other CCSF agencies had about SFDA leadership since the change of administration.

It is unfortunate that a Foundation of your stature is clearly engaging in politics and holds bias towards our office's administration. Your suggestion of change in leadership demonstrates your bias as you place blame for a perceived "lack of progress" solely on the current SFDA leadership.



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SFDA is committed to leading the effort to responsibly reduce the jail population, address racial and ethnic disparities, and ensure that people are receiving the care they need to avoid recidivism. We will do this work with or without grant funding, because this work is not about a performative grant, it is about real sustained change.

Again, our office has already entered the sustainability phase because we pay for the work done out of our own budget, we do not need grant funding to do this work – at this point we are just managing the grant funding for the other partners, specifically, DPH, PDR and APD's data analyst.

I have successfully led multi-million-dollar grant efforts aimed to address racial disparities in other industries, so my disappointment at the Foundation's approach to collaboration and commitment to breaking through structural disparities imposed by the systems that claim to "help" Black and Brown communities is grounded in experience with what this work should really look like.

Our office will not be used as sharecroppers to a Foundation's vision of criminal justice reform. Nor will we sit silently and allow structural racism to play out through a grant process.

That is our commitment to **true** criminal justice reform.

Best wishes,  
Monifa Willis, PMHNP-BC  
Chief of Staff