



City and County of San Francisco Juvenile Probation Department

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The Honorable Members of the San Francisco Board of Supervisors:

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|--------------------------------|-------------------------------|
| Sandra Fewer – District 1 | Norman Yee – District 7 |
| Catherine Stefani – District 2 | Rafael Mandelman – District 8 |
| Aaron Peskin – District 3 | Hillary Ronen – District 9 |
| Gordon Mar – District 4 | Shamann Walton – District 10 |
| Vallie Brown – District 5 | Ahsha Safai – District 11 |
| Matt Haney – District 6 | |

**San Francisco City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102**

Re: Board File No. 190392 – Administrative Code – Juvenile Hall Closure

Dear Honorable Members of the San Francisco Board of Supervisors:

I write to express my views, concerns, and recommendations regarding Board File No. 190392 – Administrative Code – Juvenile Hall Closure, its impact on youths served by juvenile hall and the juvenile justice system, if passed. The current juvenile hall (JH) is located at 375 Woodside Avenue and is annexed to the Juvenile Justice Administration building which houses the Superior Court and Juvenile delinquency courtrooms, offices of Juvenile Probation, District Attorney, Public Defender, San Francisco Unified School District, Department of Public Health, San Francisco Public Library, and non-profit agencies. Each entity supports the delivery of service to detained youths. If the existing facility is closed in favor of creating an alternative in a separate location, the benefits associated with the services provided by these various offices in close proximity to the current facility would be compromised. In the absence of a clearly articulated plan to replace the existing structure, I am concerned that dismantling juvenile hall could serve to destabilize and adversely impact overall juvenile justice system operations.

Juvenile Hall is more than a secure detention facility. The existing 150-bed facility opened in 2006 at a construction cost of \$42 million. It was built in accordance with state regulations for such facilities as a modern and spacious detention setting. Since that time, programs, staffing, and priorities of the detention facility have evolved as reflected by the youth and family centered, trauma-informed, and goal-oriented, services and resources provided within its walls. Youth who arrive in crisis are stabilized, assessed and treated with care. In 2008, the average daily population (ADP) in JH was 123 youths. That same year, the facility exceeded its 150-bed capacity. Notwithstanding the rated capacity, the facility design consists of 40 double-occupancy rooms, and 70 single-occupancy rooms. The rooms designed for two youths can hardly be characterized as ideally suited for two teens given their size and the presence of a toilet which the youths would be expected to use in

the presence of their peers. For the past five years, all youth in SF’s juvenile hall are on single room status. The following photo shows a double-occupancy room in juvenile hall (vacant room without mattresses and bedding):

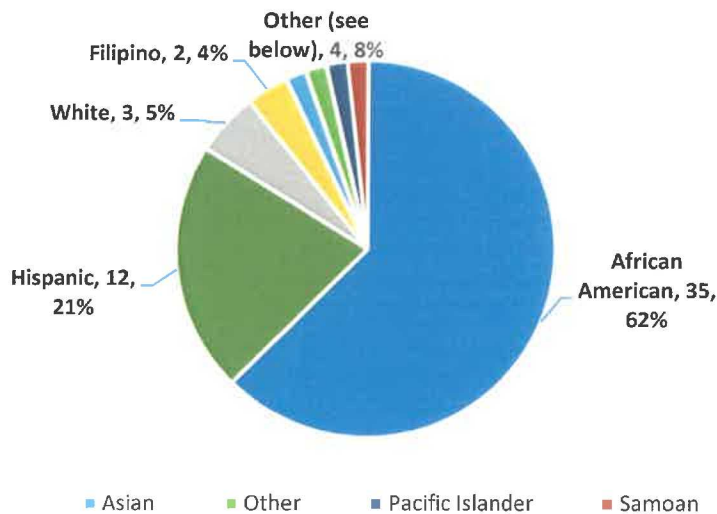


Juvenile Hall 2-person room without mattresses and bedding.

A dedicated focus on the use of alternatives to detention, diversion, and community program investments resulted in reduced reliance on secure detention, improved conditions of confinement, and fewer bookings into the facility. In 2013, the ADP was 76, and in 2018 it further declined to 44. More importantly, in 2018, 695 teens were booked in SF’s juvenile hall. The average length of stay was approximately 23 days. Juvenile detention is generally designed to be temporary. The dramatic decline of juvenile crime in San Francisco is a cause to celebrate. Even still, there is more work to be done.

Most youths involved in San Francisco’s juvenile justice system do not require secure custody. However, for the approximately 40 youths housed at JH on any given day, the facility represents a safe, secure, nurturing and necessary environment where their needs can be assessed, and a plan for their return to the community can be developed, meeting their best interests and in the furtherance of public safety. As such, judges, probation officers, and other practitioners must weigh the benefits and consequences of its use. The highest JH census thus far this year was on 01/22/2019. There were 56 youths in custody. An analysis of the race and ethnicity of the detainees determined the following:

***Single Day - Juvenile Hall
Ethnic Breakdown on Jan. 22, 2019 (n = 56)***



Closing the existing facility without a clear alternative denies these marginalized, disenfranchised, and vulnerable youths, the very interventions collectively designed to meet their needs. African American and LatinX youth would be impacted the most. The more than two-thirds reduction in juvenile court referrals is a clear indication that our youth are better off today, than a decade ago. Since closing the current Juvenile Hall does not eliminate the county’s obligation to detain juveniles, we can ill-afford to suffer a gap between the closure of the existing facility and the creation of an equally effective alternative. It has been discussed that the need would not exceed 15 beds. It is unclear how this number was determined, nor is there clarity as to the manner in which youth classification and housing requirements will be met as promulgated by the Board of State and Community Corrections in state regulations Title 15 and Title 24.

There has been much discussion regarding the offense types for detained youths in San Francisco’s JH including the presumption that large numbers of youths are in custody on misdemeanor offenses. For the past 21 years, the Community Assessment and Resource Center (CARC) has served as the City’s diversion resource for almost all youths arrested for misdemeanor offenses and infractions. Some non-violent felonies are also diverted to CARC instead of being referred to juvenile court. At the same time, probation and judicial decisions regarding detention extend beyond the offense for which the minor has been charged. The safety of the youth and other factors related to their community adjustment, including pending court matters, also drive these important custody decisions. However, a recent analysis of the offense distributions for detained youths at the end of January, February, and March 2019 shows that the percentage of youths in custody on misdemeanor offenses was 4% or less. The maximum number of youths detained on misdemeanor offenses for any of the dates included in the snapshots was 1 or 2 as indicated in the following charts:

TABLES: JUVENILE HALL BOOKINGS BY OFFENSE TYPE & CHARGE

BOOKING REASONS FOR YOUTH IN JUVENILE HALL BY OFFENSE TYPE

| | Youth in Juvenile Hall on: | | | | | |
|--|----------------------------|-------------|-----------|-------------|-----------|-------------|
| | 1/31/2019 | | 2/28/2019 | | 3/31/2019 | |
| Booking Offense Type & Charge | # | % | # | % | # | % |
| Felony Offenses | 28 | 61% | 27 | 73% | 30 | 60% |
| Warrants & Violations | 16 | 35% | 9 | 24% | 19 | 38% |
| Misdemeanor Offenses | 2 | 4% | 1 | 3% | 1 | 2% |
| Grand Total | 46 | 100% | 37 | 100% | 50 | 100% |

BOOKING REASONS FOR YOUTH IN JUVENILE HALL BY DATE:

| 3/31/2019 Snapshot | | | 2/28/2019 Snapshot | | | 1/31/2019 Snapshot | | |
|--------------------------------------|-------------|-------------|----------------------------------|--------------|-------------|---|-------------|-------------|
| Booking Offense Type & Charge | No of Youth | % of Youth | Booking Offense Type & Charge | No. of Youth | % of Youth | Booking Offense Type & Charge | No of Youth | % of Youth |
| Felony Offenses | 30 | 60% | Felony Offenses | 27 | 73% | Felony Offenses | 28 | 61% |
| Robbery | 16 | 32% | Robbery | 12 | 32% | Robbery | 12 | 26% |
| Assault w Great Bodily Injury | 2 | 4% | Assault w Great Bodily Injury | 2 | 5% | Burglary | 5 | 11% |
| Burglary | 2 | 4% | Conspiracy to Commit Theft | 2 | 5% | Cocaine Base for Sale | 2 | 4% |
| Possession of a Controlled Substance | 1 | 2% | Burglary | 2 | 5% | Assault w Great Bodily Injury | 1 | 2% |
| Concealed Firearm in a Vehicle | 1 | 2% | Cannabis for Sale | 1 | 3% | Burglary 2nd Degree | 1 | 2% |
| Murder | 1 | 2% | Assault w Deadly Weapon | 1 | 3% | Street Gang | 1 | 2% |
| Street Gang | 1 | 2% | Sale of Controlled Substance | 1 | 3% | Sale of Controlled Substance | 1 | 2% |
| Grand Theft Person | 1 | 2% | Rape of Disabled Person | 1 | 3% | Lewd & Lascivious Acts w Child under 14 | 1 | 2% |
| Grand Theft Over \$950 | 1 | 2% | Street Gang | 1 | 3% | Murder | 1 | 2% |
| Use of Tear Gas | 1 | 2% | Grand Theft Over \$950 | 1 | 3% | Grand Theft Over \$950 | 1 | 2% |
| Firearm at School | 1 | 2% | Murder | 1 | 3% | Stolen Auto | 1 | 2% |
| Battery against Person | 1 | 2% | Cocaine Base for Sale | 1 | 3% | Assault w Deadly Weapon | 1 | 2% |
| Assault w Deadly Weapon | 1 | 2% | Stolen Auto | 1 | 3% | | | |
| Warrants & Violations | 19 | 38% | Warrants & Violations | 9 | 24% | Warrants & Violations | 16 | 35% |
| WRNT602 | 11 | 22% | Home Supervision | 3 | 8% | WRNT602 | 7 | 15% |
| Home Supervision | 4 | 8% | WRNT602 | 3 | 8% | Home Supervision | 5 | 11% |
| Violation of Probation | 2 | 4% | Placement Failure | 2 | 5% | BENCH WRNT | 2 | 4% |
| CTORD WKND | 1 | 2% | BENCH WRNT | 1 | 3% | Placement Failure WI | 1 | 2% |
| BENCH WRNT | 1 | 2% | | | | WRNT HOLD | 1 | 2% |
| Misdemeanor Offenses | 1 | 2% | Misdemeanor Offenses | 1 | 3% | Misdemeanor Offenses | 2 | 4% |
| Battery | 1 | 2% | Battery | 1 | 3% | Escape | 1 | 2% |
| | | | | | | False Information to Police Officer | 1 | 2% |
| Grand Total | 50 | 100% | Grand Total | 37 | 100% | Grand Total | 46 | 100% |

The ordinance as proposed, calls for the closure of juvenile hall by December 2021, even though no alternative to the existing facility is identified. No jurisdiction the size of San Francisco or larger has taken the drastic step to close their juvenile detention facility. There is no national model for a shift of this magnitude. Therefore, the focus of the ordinance and its deadline should be redirected to prioritize the development of a plan for a viable alternative. If no plan is developed prior to the deadline, the closure of juvenile hall could place the county in the position of being required to develop an agreement with another county to house San Francisco Youth (*Welfare and institutions Code Section 872*). While the closure of juvenile hall as it is known today is an aspirational goal, the reality of creating the alternative requires a series of concrete considerations that must be managed within the context of various administrative processes, which can often be complicated and protracted.

Respectfully, I offer the following amendments to the current ordinance:

1. Strike the juvenile hall closure date of December 31, 2021. Instead, include language that calls for the development of recommendations that could serve as alternatives to the existing juvenile hall facility. This deadline could coincide with such plan being delivered no later than, December 31, 2021.
2. Alternatively, language should be included to restrict the closing of the existing juvenile hall unless and until the Presiding Judge of the Superior Court has approved an alternative detention facility in place of the existing juvenile hall located at 375 Woodside Avenue.
3. The BOS should fund the exploration and creation of modifications of existing vacant space within juvenile hall to serve juveniles who require inpatient psychiatric care, inpatient medical detoxification, and short-term crisis stabilization for chronically homeless teens who require clinical interventions.
4. The BOS should call for a full needs analysis of existing youth investments funded by the City for youths "at risk" of or involved in the juvenile justice system to include an outcomes study. Such analysis should be conducted prior to the authorization of a Youth Justice Reinvestment Fund.
5. The BOS and the Mayor should combine and coordinate the membership and priorities of the "Working Group" with those of the Mayor's Blue-Ribbon Panel on Juvenile Justice Reform.
6. Future amendments to the ordinance or new legislation will require a legislative framework and plan to support the implementation of any alternative to the existing juvenile hall structure, and should include capital investments, employee retraining and transition to new employment, and a fiscal plan and budget to support programming for any such alternative.

The Juvenile Probation Department is invested in continuing the longstanding tradition of San Francisco as an innovative, creative, and reform-minded community. We wholly support efforts to explore evidence-based and promising practices to reduce the risk factors that drive youth to crime, and are fully committed to efforts to improve the systems designed to respond to their evolving needs. We look forward to working with Mayor Breed, the Board of Supervisors, juvenile justice stakeholders and the public as we seek to adopt policies and practices that further reduce youth involvement with the justice system, advance principles of restorative justice, contribute to community safety, and advance the best interests of the youths we serve.

Sincerely,



Allen A. Nance

Chief Juvenile Probation Officer

C: Honorable Mayor London N. Breed
Honorable Judge Garrett Wong, Presiding Judge, Superior Court
Honorable Judge Monica Wiley, Supervising Judge, Unified Family Court, Superior Court
George Gascón, District Attorney
Vicki Hennessy, Sheriff
Naomi Kelly, City Administrator
Manohar Raju, Public Defender
William Scott, Chief Police Department
Angela Calvillo, Clerk of the Board of Supervisors
Joe Arellano, President, Juvenile Probation Commission
Angel Carrion, Chair, Juvenile Justice Commission
Kasey Lee, Bar Association of San Francisco
Mawuli Tugbenyoh, Advisor, Criminal Justice and Public Safety
Kelly Kirkpatrick, Budget Director
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Paula Hernandez, SFJPD Assistant Chief Probation Officer
Sandra Dalida, SFJPD Deputy Director of Administrative Services