



MEMORANDUM

Date: May 4, 2020
To: The Honorable Members, San Francisco Board of Supervisors
Angela Calvillo, Clerk of the Board
From: Shakirah Simley, Director, Office of Racial Equity, SF Human Rights Commission
Subject: **Administrative Code - County Jail 4 Closure Racial Impact Statement**

File No. 190547 Administrative Code - Office of Racial Equity - Analysis of Pending Ordinances establishes that the Office shall analyze and report on ordinances introduced at the Board of Supervisors in the areas of housing/land use, employment, economic security, public health and public safety that may have an impact on racial equity or racial disparities. In order to fulfill these requirements, the following brief assessment for racial impact is provided.

File No. 200372 Administrative Code – County Jail No. 4 Closure

Ordinance amending the Administrative Code to require the City to close County Jail No. 4, located on the seventh floor of the Hall of Justice, by November 1, 2020; to require the Sentencing Commission to establish a Safety and Justice Challenge Subcommittee (Subcommittee) to plan for the reduction of the City's daily jail population and closure of County Jail No. 4; and affirming the Planning Department's determination under the California Environmental Quality Act.

Analysis:

The Office of Racial Equity is developing a legislative analysis tool to assess policy's potential to address impacts and root causes of racial disparities, in either a negative or positive way.

Legislation must meet at least one of the following criteria:

- Does the legislation explicitly address racial disparities, and will its passage result in the reduction or elimination of racial inequities?
- Will the legislation protect against racial violence, racial profiling, implicit and explicit bias and discrimination?
- Will the policy help eliminate barriers to access to resources, social services, public benefits, and institutions?
- Does the legislation advance full inclusion, belonging and civic engagement for everyone in San Francisco?
- Does the legislation meaningfully improve the conditions of communities of color and/or preserve or strengthen the ability of San Franciscans to achieve their full potential?



Recommendation:

This policy will reduce harm and reduce racial disparities in the criminal justice system that have most critically impacted Black, Latinx, and Native American/indigenous communities. This legislation will reduce disparities by reducing unnecessary uses of detention and encouragement of the use of alternatives, such as pre-trial diversion programs. The closure of County Jail #4 (CJ4) and a safe reduction of San Francisco's jail population will significantly mitigate racial disparities in San Francisco. Passage of this legislation and the establishment of the Safety and Justice Challenge Subcommittee will promote more long-lasting and equitable public health and public safety measures for justice-involved individuals, deputy sheriffs, jail health employees, and the community at large.

Analysis Background:

Racial equity is the just and fair inclusion in society, so that all people can reach their full potential, no matter their race, ethnicity, or background. Communities of color are disproportionately impacted by the criminal justice system, often funneled into detention due to deeply embedded systemic racism and pervasive bias. Racial disparities are cumulative in the criminal justice system - from law enforcement presence in schools, police stops, searches, and use of force, to disproportionate arrests and processing resulting in more severe convictions and longer sentences.

Race matters in the justice process in the United States, and in San Francisco. Nationally, Black people remain 3.6 times more likely to be incarcerated in local jails than white people. These disparities are also present in San Francisco; there is a disproportionate number of people of color in our prisons and jails. In 2015, the Burns Institute found that African American adults in San Francisco are 11 times more likely than white adults to be booked into County Jail; Latinx adults are 1.5 times more likely to be booked than white adults. Between 2008 and 2014, African Americans accounted for 41% of people arrested, 43% of people booked into jail, 38% of those charged by the San Francisco District Attorney's Office, and 39% of new convictions, despite only accounting for 6% of the population of the county. Although data is limited, disaggregation shows a more nuanced picture of the Asian American Pacific Islander community representation in the criminal justice system. Over the past decade detention rates for the AAPI community in prison have steadily increased, along with a rise in immigration detention and deportation of the Southeast Asian community under the Trump Administration.

The intersection of poverty and homelessness deepens racial disparity - this inequality persists in our county jail system. According to San Francisco Health Commission Resolution No. 19-5, approximately 40% of those incarcerated in San Francisco county jails are homeless or marginally housed. African Americans have remained considerably overrepresented among the homeless population in San Francisco; accounting for 36% percent of all people experiencing homelessness in 2019.

Office of Racial Equity
San Francisco Human Rights Commission
25 Van Ness Ave # 800, SF, CA 94102



Communities of color also bear the burden of long-term impacts of the carceral system. Black and brown neighborhoods experience greater destabilization with high rates of residents cycling in and out of prison, as well as a lack of necessary resources for a just re-entry to society, such as housing, employment, and educational opportunities. In addition, families of color with loved ones in detention often suffer from increased financial stress, trauma, mental health distress and dissolution. Further, the criminal justice system breeds greater wealth inequality gaps for people of color. This economic racial harm has far-reaching impacts - from a money bail system that targets low-level offenders who cannot afford their freedom while awaiting trial, to limited employment prospects and reduction of wage earnings, upon returning home.

This legislation also addresses several essential public health issues. The closure of County Jail #4 is deemed seismically unsafe; its plumbing, sewage, kitchen, and laundry facilities have fallen into disrepair. Those conditions pose ongoing physical threats to the safety of justice-involved individuals, employees, and visitors.

The COVID-19 pandemic is a public health emergency that has illuminated and worsened structural racism and health disparities. The justice-involved population disproportionately has underlying health conditions that would make them more susceptible to contracting COVID-19. Further, due to current conditions in courts, detention, and correctional facilities the risks of disease transmission are greatly enhanced. Safe reduction of our jail population and the closure of County Jail #4 will help mitigate the risk of COVID-19 transmission in jails.

Racial disparities in the criminal justice system can be repaired and disrupted with the introduction of appropriate policy. Further, in closing CJ4 we need to prevent unintended consequences; eliminating out-of-county transfers or expansions of jailing through electronic monitoring and jail-bed construction must be prioritized. We need to uplift proven and preventative measures to address poverty and redirect resources directly to communities of color, including fair housing, healthcare, access to healthy food, and culturally competent mental health and substance use treatment. To disrupt root causes of systemic racism within our criminal justice system, broad, population-level change is required, so that we can restore justice and dignity to those unfairly affected by this system.

Sincerely,

A handwritten signature in black ink, appearing to read "Shakirah Simley".

Shakirah Simley
Director, Office of Racial Equity
San Francisco Human Rights Commission
