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9

10   UNITED STATES DISTRICT COURT

11   NORTHERN DISTRICT OF CALIFORNIA

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RIANA BUFFIN and CRYSTAL PATTERSON, et al.,	Case No. C15-04959 YGR
Plaintiffs,	**SUPPLEMENTAL BRIEF BY THE CITY AND COUNTY OF SAN FRANCISCO REGARDING PILOT PROJECT**
vs.	
THE CITY AND COUNTY OF SAN FRANCISCO, VICKI HENNESSY in her official capacity as the San Francisco Sheriff, and KAMALA HARRIS, in her official capacity as the California Attorney General,	Hearing Date: To be set Time: 2:00 p.m. Place: Courtroom 1, Fourth Floor Judge: Hon. Yvonne Gonzalez Rogers
Defendants.	

CCSF's Supplemental Brief re Pilot Project   n:\govlit\li2015\160447\01128660.doc
CASE NO. C15-04959 YGR

1   Pursuant to the Court's August 11, 2016 Order, ECF No. 90, Defendant City and County of

2   San Francisco ("the City") submits this supplemental brief regarding the pilot project in which the OR

3   Project uses a data-driven risk assessment tool to assist in formulating pretrial release

4   recommendations to the Superior Court.

5   The Laura and John Arnold Foundation developed the Public Safety Assessment pretrial risk

6   assessment tool (the "Tool"), and has made it available to certain jurisdictions, including San

7   Francisco, without charge. *See* Riker Decl. ¶¶ 2-3 & Exhs. A & B. The pilot project has been

8   operational in San Francisco since April 30, 2016. *Id.* ¶ 2. Based on a variety of factors about the

9   defendant, the Tool provides numerical scores regarding the risk of new criminal activity (NCA) and

10   of failure to appear (FTA), and includes a "flag" for a risk of new violent criminal activity (NVCA).

11   *Id.* ¶ 4 & Exh. C. A working group with representatives from the Superior Court, the Sheriff's

12   Department, the District Attorney's Office, the Public Defender's Office, the San Francisco Pretrial

13   Diversion Project, and the San Francisco Bar Association (on behalf of Conflict Counsel) is

14   responsible for the development of a Decision Making Framework (DMF) for the use of the Tool. *Id.*

15   ¶¶ 5-6 & Exhs. D & E. In addition, the Foundation provides technical assistance and provides

16   approval of the San Francisco DMF and Court Report template. *Id.* ¶ 7.

17   As described in previous filings in this case, the OR Project prepares a "workup" for the court

18   to consider when deciding whether an arrestee should be released on his or her own recognizance.

19   *See, e.g.*, ECF No. 22 ¶¶ 3-5; ECF No. 71-4 ¶¶ 11-12. Previously the preparation of the workup

20   involved an interview process. *See id.* Under the pilot project, OR Project employees now prepare

21   information for the court using the Tool and the DMF. Riker Decl. ¶ 8. The Court Report, which

22   includes a recommendation about pretrial release, is included with the OR workup. *Id.*

23   Once the information is submitted to the court, eligible arrestees—those not charged with

24   certain categories of felonies, *see* Cal. Penal Code § 1270.1(a)—may obtain pre-arraignment release

25   on their own recognizance, if granted by the court. In other cases the court considers the information

26   when it sets the terms of pretrial release at or after arraignment. The court may accept or reject the

27   recommendation in the Court Report. Riker Decl. ¶ 8. The pilot project provides a new method for

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1 the OR Project to use but does not alter the court's responsibility for making decisions about pretrial

2 release under California law.

3 Dated: August 15, 2016

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                                                                   City Attorney
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