

1 [Board Response - Civil Grand Jury Report - Inquiry into the Operation and Programs of the
2 San Francisco Jails]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2013-2014 Civil Grand Jury Report, entitled**
5 **“Inquiry into the Operation and Programs of the San Francisco Jails;” and urging the**
6 **Mayor to cause the implementation of accepted findings and recommendations**
7 **through his/her department heads and through the development of the annual budget.**

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9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, The 2013-2014 Civil Grand Jury Report, entitled “Inquiry into the
19 Operation and Programs of the San Francisco Jails” is on file with the Clerk of the Board of
20 Supervisors in File No. 140942, which is hereby declared to be a part of this resolution as if
21 set forth fully herein; and

22 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
23 to Finding No. 1 and Recommendation No. 1b, contained in the subject Civil Grand Jury
24 Report; and

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1 WHEREAS, Finding No. 1 states: “More than 50 deputies are presently out on long
2 term disability. Their positions are being held, preventing the hiring of new deputies. This
3 results in serious overtime costs and additional responsibilities and workload for staff. The
4 City has a policy of limiting the time an employee receives temporary disability payments,
5 which leads to eventual permanent disability status and financial closure, thereby opening up
6 positions for new hires;” and

7 WHEREAS, the Recommendation No. 1b states: “The Board of Supervisors should
8 request an audit conducted by the Budget and Legislative Analyst of payments made on
9 behalf of the Sheriff’s Department for workers compensation claims and related overtime
10 costs;” and

11 WHEREAS, in accordance with California Penal Code, Section 933.05(c), the Board of
12 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
13 Court on Finding No. 1 and Recommendation No. 1b contained in the subject Civil Grand Jury
14 report; now, therefore, be it

15 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
16 Superior Court that the Board of Supervisors agrees with Finding No. 1, for reasons as
17 follows: The Board of Supervisors notes that the Sheriff’s Department disputes the figure of 50
18 deputies, noting that some of the employees included in this figure are actually out on Family
19 and Medical Leave Act, military, or medical leave. The Civil Grand Jury is right to identify the
20 workers’ compensation and disability retirement application processes as financial drains on
21 the Department that impede its ability to fill positions. As the Department of Human Resources
22 notes, most of the operative laws are beyond San Francisco’s authority, but practical
23 improvements can be made by bringing employees back to work on modified duty, an effort
24 the Board of Supervisors fully supports; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
2 No. 1b has been implemented for follows: At the Government Audit and Oversight Committee
3 meeting on September 25, 2014, Supervisor London Breed requested the Budget and
4 Legislative Analyst to prepare a report on the payments made on behalf of the Sheriff's
5 Department for workers' compensation claims and related overtime costs during the last
6 several years. As the Department of Human Resources notes, it and the Sheriff's Department
7 may be able to correlate workers' compensation claims with increases in overtime costs and
8 quantify the impact; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
10 implementation of accepted findings and the recommendation through his/her department
11 heads and through the development of the annual budget.

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