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3/7/2019  
SUBMITTED/PRESENTED



## OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

1 DR. CARLTON B. GOODLETT PLACE  
ROOM 456, CITY HALL  
SAN FRANCISCO, CALIFORNIA 94102



**VICKI L. HENNESSY**  
SHERIFF

### **Sheriff Vicki Hennessy Opening Remarks to Government Audit & Oversight Committee March 7, 2019**

Thank you Supervisors Walton, Brown, Mar & Fewer for inviting me to participate in this hearing today.

I am honored to be your Sheriff. I have spent my career as a peace officer, serving the people of San Francisco since 1975 and as a member of the command staff, working to professionalize the department. I view this and future collaborations as a way to continue this process.

As your Sheriff, I have participated in numerous initiatives over the last three years. I worked with community advocates and city agencies collaboratively on projects such as:

- Co-chairing the Work Group to Re-envision the Jail Replacement
- Immigration and upholding our Sanctuary City Policy
- Financial Justice to abolish criminal justice fees and policies
- Bail reform
- Implementing TGN training and responsive policies
- Supporting and fighting for increased funding for Pretrial Diversion.

I understand that being in jail can be traumatic. I have dedicated significant budget resources to making it less traumatic, all the while coping with a failing infrastructure and serious understaffing -- the direct result of a four-year hiring freeze from 2012 to 2016. Our department is just catching up.

I know and understand the people in our jails are someone's brother, mother, aunt, child, and friend.

I know the people in our jails are also among the most vulnerable.

I know and understand that many inmates suffer from mental health conditions and/or substance abuse diseases.

And like some of you in this room today -- my family is also touched by these conditions.

I also know that most of the people remaining in our jails have also been charged with serious or violent felonies.

As I have said many times, my job as Sheriff is to keep everyone safe. Safe from each other. Safe from any excessive or unnecessary use of force. Safe from the drugs or weapons that are smuggled into the jails.

My job as Sheriff is also to make sure the people who work for me understand expectations, are trained to those expectations and are held accountable. To do so, we require budgetary resources to provide quality training and education to staff.

Part of meeting expectations is conducting safe cell searches for contraband, specifically illegal drugs and weapons. These searches are routinely performed to prevent injury to inmates, staff and visitors; and to reduce the flow of illegal drugs from entering the jail which may lead to fatal overdoses. Last weekend at our women's jail, we experienced a fentanyl overdose. Our deputies' quick actions prevented a fatality. Three years ago, we weren't so lucky when we had a death by overdose in San Bruno facility.

On December 3, 2018, I received separate calls from my colleague, the late public defender Jeff Adachi, and also from one of my staff regarding alleged misconduct surrounding searches at County Jail #5. Hearing the allegations made me feel angry, extremely concerned but also determined to get to the truth. It is necessary for me as Sheriff to keep an open mind and wait for the results of the investigations, ensuring due process for victims, complainants and the accused – similar to what our District Attorney and Public Defender do. I cannot prejudge. I need to follow the facts.

I immediately opened an internal investigation and asked Jeff to forward me any information he had. He did so.

My Internal Affairs Unit began interviewing inmates at the location of the complaint and adding others to the complaints as well as talking to witnesses; and gathering all relevant documents and video evidence.

I was out of the office during the month of January on medical leave. When I returned, I became concerned about the pace of the investigations and realized that others were also concerned. I spoke with Supervisor Walton and I contacted the Department of Police Accountability, met with Paul Henderson, and toured DPA's offices.

I learned that DPA has 49 employees including eight attorneys and additional support staff to conduct investigations. The Sheriff's Department's Internal Affairs unit has nine staff with no other administrative support. I was impressed with DPA's operation and the renewed professionalism that Paul Henderson has brought to the office. I felt confident that DPA was the right fit to provide professional, independent investigations.

This week, I began turning over the December 3 investigations to the Department of Police Accountability. At the conclusion of each investigation, DPA will provide me with a report detailing the results, including findings, as well as policy and training recommendations. If DPA finds that any of the allegations rise to the level of criminal conduct, DPA will turn that investigation over to the appropriate law enforcement agency for the jurisdiction.

This is a first step in our conversation and collaboration today toward having all inmate and public complaints about staff investigated by an independent agency. This is a process that will need refinement, conversation and will take some time to transition.

Where there is misconduct, we will root it out and hold those deputies accountable. When deputies are doing the right thing and serving their community well, we will lift them up and praise their service.

I have known many people on both sides of justice for more than four decades. Anyone who knows me, knows that I make myself available to listen, to talk and hopefully reach consensus.

I look forward to continuing the conversation and ensuring that community and inmate complaints receive independent, fair and just investigations that the public can trust.

Please feel free to contact me for a meeting. I am committed to doing whatever it takes to ensure trust and public accountability.

San Francisco Sheriff's Department Internal Affairs Case Summary - Sworn Members

INVESTIGATIONS	2016	2017	2018
Admin. Investigations	35 (2 Whistleblower)	25(2 Whistleblower)	59 (19 Whistleblower)
Citizen Complaints	27	33	80 (21 to DPA)
Total Investigations	62	58	119
Completed as of March 7, 2019	All	55	52
Open Cases as of March 7, 2019	0	3 ( Tolled)	67 (21 at DPA)
DISPOSITIONS	2016	2017	2018
Sustained as of March 7, 2019	19 ( 24 Individuals)	15 (24 Individuals)	16 ( 19 people)
	30%	26%	31%
DISCIPLINARY ACTION/OTHER	2016	2017	2018
Reprimands	3	3	1
Suspensions	8	8	2
Terminations	3	2	2
Corrective Action	3	8	
Resignation or Retirement	2	3	
Mediation/ Elapsed			
Pending Legal Review			7
Pending Disciplinary Hearings (Noticed)			7

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# SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER  
MATT GONZALEZ – CHIEF ATTORNEY



Sheriff Vicki Hennessy  
San Francisco Sheriff's Department  
City Hall, Room 456  
1 Carlton Goodlett Place  
San Francisco, CA 94102

January 16, 2019

Dear Sheriff Hennessy,

I write to file a formal complaint regarding the deplorable conditions at the San Francisco jail and ongoing and repeated misconduct by SFSD deputies. I have previously sent you and SFSD Legal Counsel email correspondence about specific incidents, including physical abuses at county jail #5 and strip searches at county jail #2. I attach copies of the reports sent to you.

As I expressed in our earlier conversation, our clients are fearful of retaliation for coming forward with their complaints. Despite their fear, some are prepared to publicly come forward with their complaints if necessary. As their attorney of record, it is my ethical duty to seek the appropriate action and relief on behalf of my clients, who have suffered emotional and physical abuse at the hands of members of the Sheriff's Department.

I know that you are currently out of the office but look forward to hearing back from you or your staff regarding this. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Adachi".

Jeff Adachi  
Public Defender

Cc: Mark Nicco, Suzy Loftus, SFSD Legal Counsel

Adult Division - HOJ  
555 Seventh Street  
San Francisco, CA 94103  
P: 415.553.1671  
F: 415.553.9810  
[www.sfpUBLICDEFENDER.ORG](http://www.sfpUBLICDEFENDER.ORG)

Juvenile Division - YGC  
375 Woodside Avenue, Rm. 118  
San Francisco, CA 94127  
P: 415.753.7601  
F: 415.566.3030

Juvenile Division - JJC  
258A Laguna Honda Blvd.  
San Francisco, CA 94116  
P: 415.753.8174  
F: 415.753.8175

Clean Slate  
P: 415.553.9337  
[www.sfpUBLICDEFENDER.ORG/services](http://www.sfpUBLICDEFENDER.ORG/services)

Reentry Council  
P: 415.553.1593  
[www.sfreentry.com](http://www.sfreentry.com)

Bayview Magic  
P: 415.558.2428  
[www.bayviewmagic.org](http://www.bayviewmagic.org)

MoMagic  
P: 415.563.5207  
[www.momagic.org](http://www.momagic.org)



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**VICKI L. HENNESSY  
SHERIFF**

January 31, 2019.  
Reference: 2019-011

The Honorable Jeff Adachi  
San Francisco Public Defender  
555 7<sup>th</sup> Street  
San Francisco, CA 94103

Dear Public Defender Adachi,

I am in receipt of your letter dated January 16, 2019, where you filed a formal complaint regarding both what you call deplorable conditions at the San Francisco jail as well as specific misconduct alleged to have been committed by sheriff's deputies. I first learned of these allegations on December 2, 2018, both from you and internal sources. I take these allegations seriously. I immediately identified this as a priority and launched a full investigation that same day, directing Internal Affairs employees to interview all complainants and witnesses.

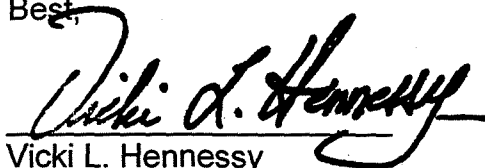
In order to run a jail that is safe and humane for everyone who enters – inmates, staff, attorneys, visitors and all others – I rely on the cooperation and partnership from our extended community to raise issues as they become aware of them. I appreciate your list of persons involved and any continuing information you have or will provide. From our initial conversation in December of last year to today, I have taken steps to ensure a thorough investigation and fair treatment of complainants and witnesses. Our department will not pre-judge the outcome of this investigation until we have concluded our examination and review of the facts. This includes additional inmate, staff and witness interviews; review of Incident Reports; Search and Use of Force logs; and study of all available video evidence.

We have made some personnel moves as well as assigned additional supervisory support to ensure the integrity of this investigation. I also am reviewing our inmate living area search policies to ensure best practices.

While I disagree with your general assessment that our San Francisco jail is "deplorable," I would note that as the elected Sheriff, I have referred to our County Jail #4 Hall of Justice facility in San Francisco as an embarrassment. The real people who are bearing the brunt of this problem are the men and women housed in and working at that facility. Current conditions at County Jail #4 caused by its outdated correctional design and our collective efforts to safely reduce the jail count over the last two years are real problems that face all of us as city leaders. As Sheriff, I continue to work every day to ensure that the men and women in our facilities are housed safely and humanely. Additionally, I work to mitigate these issues to the greatest degree possible while planning for exiting the Hall of Justice in the future.

I appreciate your continued assistance in raising any concerns, as soon they are brought to the attention of your staff. I will share the results of our investigations in the items mentioned in your letter of January 16, 2019 as they are concluded.

Best,



Vicki L. Hennessy  
Sheriff



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**VICKI L. HENNESSY  
SHERIFF**

February 25, 2019  
Reference: 2019-020

Paul Henderson, Director  
San Francisco Department of Police Accountability  
25 Van Ness Avenue, Suite 700  
San Francisco, CA 94102

Dear Director Henderson,

I want to thank you and your team for meeting with me two weeks ago, and again last week, to discuss the possibility of assuming responsibility for the December 2, 2018, investigations opened by my department based on allegations made by inmates arising from housing area searches that occurred in November in two of our jails.

At those meetings, I was pleased to see the evolution of your office into a full-fledged investigative agency, with 49 employees. In contrast, my agency has nine employees assigned to Internal Affairs. I have been seeking a greater investment in this unit since I became Sheriff in 2016. It's important to me to maintain the integrity of every investigation and obtain a just outcome.

As we discussed, Sheriff's Department Internal Affairs investigators work extremely hard with few resources. However, they are committed to and provide me with completed, fair, impartial investigations that follow the facts. I have confidence in their integrity and the accuracy of the investigations and their conclusions. These completed investigations that are sustained serve as a basis for possible disciplinary action. As the elected Sheriff, I have the ability to formally reprimand, suspend up to thirty days, and to terminate employees, depending on the circumstances and the severity of the charges.

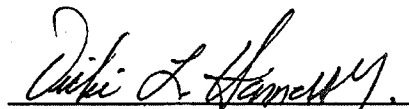
At this point, however, faced with the skepticism of law enforcement in general, emerging best practices, I believe it is in the best interests of the department and City that these investigations be transferred to your staff, as an independent agency to assist the SFSD.



Therefore, this is a formal request to assist the San Francisco Sheriff's Department by taking over the process of these ongoing investigations. I look at this as a new partnership. My staff will work with you to ensure you have all the necessary items you require. A liaison will be appointed to work with you on an on-going basis to provide you with the case files to-date, relevant Sheriff's policies, statutes, training materials, and other items governing the conduct of staff. This will include access to our facilities and assistance in any employee interviews.

At the conclusion of each investigation, I understand I will receive a report detailing the results, including findings, as well as policy and training recommendations. Thank you for your assistance. I look forward to working with you in this instance and exploring a permanent partnership in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki L. Hennessy", written over a horizontal line.

Sheriff Vicki L. Hennessy  
Sheriff

cc: Undersheriff Freeman, Assistant Sheriff Johnson



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VICKI L. HENNESSY  
SHERIFF

February 25, 2019  
Reference: 2019-022

The Honorable Shamann Walton  
SF San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton Goodlett Place  
San Francisco, CA 94102

Dear Supervisor Walton,

I write this letter to let you know that today I formally requested that the Department of Police Accountability (DPA) assist the Sheriff's Department by taking over the cases recently detailed in the media that we began working on December 2, 2018.

After a great deal of consideration, including speaking with you and Jeff Adachi, a review of the progress of the investigations with my staff, the capability of the DPA to provide immediate and robust assistance and my concern for public transparency, I contacted the DPA Director, Paul Henderson, who assured me his staff is lined up and ready to go.

As a career Deputy Sheriff who has held almost every position in the department, I have long recognized the importance of Internal Affairs conducting thorough investigations into allegations of misconduct. It is important to me to maintain the integrity of every investigation and achieve a just outcome.

When I was elected Sheriff, I called for an external audit of the Internal Affairs unit. A review of cases demonstrated integrity and impartiality. However, in order to fully functional, the unit needed greater investment. I have requested additional resources every year, but unfortunately, we haven't received the appropriate budget to allow us to ensure all investigations were completed in a timely manner.

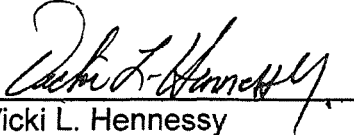
Currently, the emerging best practice is for these investigations to be conducted by an independent agency. We are fortunate to have the independent, well resourced, (DPA). DPA has agreed to assume the investigations begun on December 2, 2018, involving allegations against a number of deputized staff.

As the Sheriff, I welcome the increased transparency and oversight that an outside investigation brings to this process to ensure public trust.

Attached you will find my letter to the Director of DPA, Paul Henderson, that includes additional information on our discussions and agreements.

Please let me know if you would like any further information.

Sincerely,

  
Vicki L. Hennessy  
Sheriff

cc: Undersheriff Freeman, Assistant Sheriff Johnson