

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

November 4, 2016

The Honorable John K. Stewart
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

The following is a status report on the 2015-2016 Civil Grand Jury Report (Report), "San Francisco County Jails: Our Largest Mental Health Facility Needs Attention."

The Board of Supervisors Government Audit and Oversight Committee conducted a public hearing on October 7, 2016, to discuss the findings and recommendations of the Civil Grand Jury and the departments' responses to the Report.


The following City departments submitted a response to the Civil Grand Jury (copies enclosed):

- Sheriff's Department received on September 12, 2016
- Mayor's Office submitted a consolidated response for the Police Department, Department of Human Resources, Department of Public Health, and the City Administrator received on September 12, 2016
- Office of the City Attorney received on September 16, 2016

The Report was heard in Committee and Resolution No. 442-16 was prepared for the Board of Supervisors' approval that formally accepted or rejected the findings and recommendations. The Board of Supervisors provided the required response on October 18, 2016 (copy enclosed).

If you have any questions, please contact Erica Major at (415) 554-4441.

Sincerely,


Angela Calvillo
Clerk of the Board

cc: Members, Board of Supervisors
Honorable John K. Stewart, Presiding Judge
Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury
Kitsaun King, 2016-2017 San Francisco Civil Grand Jury
Jay Cunningham, 2015-2016 San Francisco Civil Grand Jury
Alison Scott, 2015-2016 San Francisco Civil Grand Jury
Kate Howard, Mayor's Office
Kelly Kirkpatrick, Mayor's Office
Nicole Elliott, Mayor's Office
Naomi Kelly, Office of the City Administrator
Jon Givner, City Attorney's Office
Vicki Hennessy, Sheriff's Department
Theodore Toet, Sheriff's Department
Acting Chief Toney Chaplin, Police Department
Christine Fountain, Police Department
Micki Callahan, Department of Human Resources
Susan Gard, Department of Human Resources
Barbara Garcia, Department of Public Health
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Nancy Alfaro, 311
Andy Maimoni, 311
Severin Campbell, Budget and Legislative Analyst's Office
Debra Newman, Budget and Legislative Analyst's Office
Jadie Wasilco, Budget and Legislative Analyst's Office
Ashley Clark, Budget and Legislative Analyst's Office

1 [Board Response - Civil Grand Jury - San Francisco County Jails: Our Largest Mental Health
2 Facility Needs Attention]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled**
5 **“San Francisco County Jails: Our Largest Mental Health Facility Needs Attention;” and**
6 **urging the Mayor to cause the implementation of accepted findings and**
7 **recommendations through his/her department heads and through the development of**
8 **the annual budget.**

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

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

19 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
20 Supervisors must conduct a public hearing by a committee to consider a final report of the
21 findings and recommendations submitted, and notify the current foreperson and immediate
22 past foreperson of the civil grand jury when such hearing is scheduled; and

23 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
24 the Controller must report to the Board of Supervisors on the implementation of
25

1 recommendations that pertain to fiscal matters that were considered at a public hearing held
2 by a Board of Supervisors Committee; and

3 WHEREAS, The 2015-2016 Civil Grand Jury Report, entitled "San Francisco County
4 Jails: Our Largest Mental Health Facility Needs Attention" (Report) is on file with the Clerk of
5 the Board of Supervisors in File No. 160620, which is hereby declared to be a part of this
6 Resolution as if set forth fully herein; and

7 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
8 to Recommendation Nos. R.B.1.c, R.C.2.c and R.D.4.c contained in the subject Report; and

9 WHEREAS, Recommendation No. R.B.1.c states: "The Board of Supervisors should
10 approve the Mayor's supplemental budget request for funds to address the problems with old
11 locks at Jail #4 and any other remaining serious maintenance issues;" and

12 WHEREAS, Recommendation No. R.C.2.c states: "The Board of Supervisors should
13 approve the amount for 24/7 staffing when the budget reaches them;" and

14 WHEREAS, Recommendation No. R.D.4.c states: "The Board of Supervisors should
15 approve the Sheriff's request for the purpose of training all Deputies at County Jails on suicide
16 prevention and crisis intervention;" and

17 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
18 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
19 Court on Recommendation Nos. R.B.1.c, R.C.2.c and R.D.4.c contained in the Report; now,
20 therefore, be it

21 RESOLVED, That the Board of Supervisors reports that Recommendation No. R.B.1.c
22 has been implemented for reasons as follows: As part of the annual budget process, the
23 adopted budget appropriation for FY2016-2017 and FY2017-2018 includes \$132,300 and
24 \$138,915, respectively, for County Jail #3 and County Jail #4 lights and locks maintenance.
25

1 The Board of Supervisors will seriously consider any additional funding needs for safety
2 problems at County Jail #4; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
4 No. R.C.2.c will not implemented for reasons as follows: The FY2017-2018 and FY2018-2019
5 budget will not reach the Board of Supervisors for several months, and the Board cannot
6 make funding commitments at this time, especially since its own composition will be different
7 when the next budget is passed. However, in consultation with the Sheriff's Department and
8 Department of Public Health, the Board of Supervisors will carefully consider the prospect of
9 staffing Jail Behavioral Health Services 24 hours 7 days a week; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors reports Recommendation No.
11 R.D.4.c has been implemented for reasons as follows: Per the Mayor's Office response: "The
12 FY2017-2018 budget includes training all Deputies at County Jails on suicide prevention and
13 crisis intervention, including enough for a training float;" and, be it

14 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
15 implementation of the accepted findings and recommendations through his/her department
16 heads and through the development of the annual budget.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 160620

Date Passed: October 18, 2016

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "San Francisco County Jails: Our Largest Mental Health Facility Needs Attention," and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

October 07, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 07, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 18, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160620

I hereby certify that the foregoing Resolution was ADOPTED on 10/18/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

Mayor

10/28/2016

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Peggy Newman
for Angela Calvillo
Clerk of the Board

10/28/16
Date



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy
Resolution

160620 [Board Response - Civil Grand Jury - San Francisco County Jails: Our Largest Mental Health Facility Needs Attention]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "San Francisco County Jails: Our Largest Mental Health Facility Needs Attention;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

10/18/2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

10/31/2016 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

November 01, 2016

Date

Peggy Neuen
for Angela Calvillo
Clerk of the Board



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

September 12, 2016
Ref: VLH 2016-118

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 SEP 12 PM 2:54
RG

Honorable John K. Stewart
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart;

I write in response to the report of the 2015-2016 Civil Grand Jury, *San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*. The members of the Civil Grand Jury are to be commended for choosing to focus on one of the most complex issues facing county jails today, that of providing compassionate, medically appropriate treatment for individuals with mental illness who become involved in the criminal justice system.

My responses to the Civil Grand Jury's findings and recommendations are as follows:

Finding A.1. *There is currently no jail procedure that accounts for those arrestees referred for hospital care.*

Agree.

Recommendation R.A.1.a. *Jail intake should develop a system to communicate and track cases where the triage nurse determines that the arrestee must be taken to a hospital for emergency medical or psychiatric care before admission to Jail.*

The recommendation has not been, but will be implemented as part of an effort to improve the booking process, including enhanced documentation. The entire effort is anticipated to take approximately six months. While the Department of Public Health enters this information into their data system, federal law, specifically the Health Information Portability and Accountability Act (HIPAA), prohibits the sharing of the information contained in it with the Sheriff's Department.

Recommendation A.1.b. *The SF Police Chief and Sheriff should revisit their MOU regarding transport and custody transfer.*

The recommendation has not been, but will be implemented. The Sheriff's Department has already begun meeting with the Police Department to revise the field arrest card to include more information about detainees and circumstances of arrest. The effort is estimated to take six months.

Finding A.2. Arrestees and their arresting officer may not always understand the importance of full disclosure of medical history.

Agree.

Recommendation A.2. In the interest of obtaining a more complete medical history, the Sheriff and the Director of Jail Health Services should update intake policies and practices to seek informed consent to contact and receive records from the arrestee's case manager, primary provider, and family or friends who may have information about the arrestee's medical history and therapeutic medications.

The taking of medical history and the maintenance of medical information are responsibilities placed with the Department of Public Health. Thus, this recommendation is more appropriately addressed by the Director of Public Health, but the Sheriff's Department will assist in any way possible.

Finding A.3. When an arresting agency brings an arrestee to the Jail for intake, there is a field arrest card.

Agree.

Recommendation A.3. The Sheriff should review current Field Arrest Card content and procedures to assure that best practices are employed, and information necessary for the health and safety of the arrestee and jail personnel is communicated in writing. The information should include circumstances of arrest and any observations or concerns the arresting officer may have about the medical or psychiatric condition of the arrestee.

This recommendation will be implemented in collaboration with the Police Department as part of an effort to improve the booking process. Additional information will include circumstances of arrest and documentation of medical or psychological trauma or distress, which will assist jail staff to appropriately assess and classify individuals on intake. The effort is anticipated to take approximately six months.

Finding A.4. Although the Sheriff has access to multiple criminal data bases, the arresting agencies do not necessarily share arrest records with the Sheriff's custody staff at the time of custody transfer.

Agree.

Recommendation A.4.a By early 2017, the Sheriff should implement a policy and procedure requiring arresting agencies to provide a digital copy of the arrest report, including charges and a description of the arrest, within six hours of the transfer of the arrestee.

This recommendation will not be implemented. Digital copies of arrest reports are generally not available within six hours, and to impose this requirement on the more than 20 agencies who bring their arrestees to the San Francisco County Jail for booking, would be unfairly burdensome to the agencies that are small and lack the resources to comply. The improvements we are making to the field arrest card will capture much of this information.

Recommendation A.4.b Once the "share the arrest record" process of R.A. 4a is in place, the Sheriff should require all arresting agencies to comply with the process.

This recommendation will not be implemented. Digital copies of arrest reports are generally not available within six hours, and to impose this requirement on the more than 20 agencies who bring their arrestees to the San Francisco County Jail for booking, would be unfairly burdensome to the agencies that are small and lack the resources to comply. All agencies that book arrestees into County Jail #1 will be required to use the improved field arrest card referenced above.

Finding A.5. The results of a preliminary psychiatric evaluation conducted by Jail Behavioral Health at intake could be helpful to the arrestee's long term mental health care if shared with the arrestee's case manager, if any.

Agree.

Recommendation A.5. The Sheriff and Director of Public Health, in consultation with the City Attorney for issues related to HIPAA, should develop and implement a policy for sharing with an arrestee's case manager (if any), the results of a preliminary psychiatric evaluation conducted at intake.

This recommendation will not be implemented. The Sheriff's Department already receives generalized information which allows us to properly classify and house individuals with behavioral health issues. The confidentiality of prisoner medical information serves to encourage prisoners to share sensitive information with Jail Health Services staff. It is ill-advised to expand the role of custody staff to include communication with a prisoner's case manager regarding specific diagnoses or personal information not required or approved by law.

Finding A.6. Although there are several ways for family members and friends to contact custody staff regarding concerns about their loved ones who are in jail, models for improvement are available.

Agree.

Recommendation A.6. The Sheriff should add to the inmate handbook a paragraph about the importance of contacting a family member or friend and should provide a 24/7 number that the inmate could give to this contact.

This recommendation has not yet been, but will be implemented. This information will be included in the next revision of the prisoner orientation guide, anticipated to be updated within the next six months. We are in the process of identifying a dedicated telephone line and implementing a procedure for responding to calls that are received, which we anticipate completing in one month. As soon as that is accomplished, we will post the number on our website.

Finding B. 1. In Jail #4, old locks jam frequently, causing safety concerns. Other maintenance issues continue to arise.

Agree.

Recommendation B.1.a. The Sheriff should prepare a supplemental budget request for funds to immediately address problems with old locks and any other remaining serious maintenance issues.

The recommendation as to the repair of the locks has been implemented. It was not necessary to seek a supplemental budget request as funds for this purpose were already available in the Sheriff's Department's budget. As the Jury noted, the locks are only one of many outstanding maintenance and capital improvements that fill a list of long-term unmet needs. The Sheriff's Department is working closely with the Department of Public Works on a general conditions assessment that will serve as a roadmap of projects prioritized according to operational needs. These will be costed out and funding sources identified, resulting in a plan for moving forward.

The future of County Jail #4 is dependent on several factors, including population trends and the outcome of the Re-Envisioning the Jail Replacement Project's report to the Board of Supervisors, anticipated to be completed by the end of 2016. Repairs and upgrades needed to ensure the safety and security of County Jails #4 are analyzed and prioritized in light of the outcome of that effort, the condition of other jail facilities that require attention, and the availability of funds from all possible sources. The Sheriff's Department works closely with the Real Estate Division, which is responsible for repairs at the Hall of Justice, to address acute critical maintenance issues.

The simple fact is that County Jail #4 is dangerously obsolete in both function and design, and has been for more than 25 years. It is widely accepted that the jail must be closed and the prisoners moved to another facility. Of concern, however, is that since January 2016, a period of just nine months, the average daily population of the jails has risen by approximately 88.

The closure of County Jail #4 will necessitate retrofitting of County Jail #2 to accommodate high security prisoners, and to provide kitchen and laundry services now provided by County Jail #4. In addition, the Department of Public Works has identified critically needed roof repairs to 425 7th Street, which houses County Jails #1 and #2, including replacement of mechanical systems that are beyond their useful life. We must also reconfigure space in County Jail #1, to provide greater privacy for detainees during medical/psychiatric triage, consistent with HIPAA requirements.

The challenge is to do what we can to keep County Jail #4 as safe and secure as possible by responding to critical maintenance issues, while avoiding throwing good money after bad by investing in long-term improvements that will not solve the structural issues of that facility.

Finding B.2. Ending use of Jail #4 would also require finding a new kitchen and laundry facility for Jails #1 and #2.

Agree.

Recommendation B.2. The Sheriff should make interim plans for replacing kitchen and laundry facilities for Jails #1 and #2 by the end of 2016.

The recommendation requires further analysis. Plans to repair and upgrade County Jails #1 and #2 will be evaluated and prioritized in light of the Re-Envisioning the Jail Replacement Project's report to the Board of Supervisors, anticipated to be completed in November 2016, as well as by the condition of other jail facilities that require attention, and the availability of funds from all possible sources. The Sheriff has advised the Mayor's Office and the Department of Public Works that planning for renovation of the kitchen and laundry area of County Jail #2 should be a priority for funding.

Finding C.1. Jail #4 lacks suitable space for observation and treatment programs.

Agree.

Recommendation C.1. The Sheriff and the Director of Health should find a new replacement facility where Jail #4 inmates can be housed and receive appropriate treatment programs.

This recommendation requires further analysis, which will be informed by the outcome of the Re-Envisioning the Jail Replacement Project. The Sheriff's Department, the Department of Public Health and the Department of Public Works capital planning team developed a plan for a modern, code-compliant rehabilitation and detention facility, with appropriate treatment areas, intended to replace County Jail #4, but it was not approved by the Board of Supervisors.

Finding C.2. Jails have Jail Behavioral Health Services during the day but not at night. Without more behavioral health services in the jails to prepare inmates for reentry, the community mental health model recommended by Dr. Kupers and other experts will not be feasible.

Recommendation C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Public Health should determine the amount to be included in the 2017-2018 budget request.

As Jail Behavioral Health Services is a division of the Department of Public Health, the finding and recommendation are best addressed by the Director of Public Health. However, I agree that having Jail Behavioral Health Services available 24/7 is extremely important to the well-being of prisoners and to staff safety. I support this expansion of services and will assist in its implementation in any way possible.

Finding C.3. Drug diversion is a serious issue in the Jail.

Agree.

Recommendation C.3 The Director of Public Health and the Sheriff need to develop better methods of informing custody staff which patients are being prescribed narcotic medications so that custody staff may pay extra attention to diversion risks to and from those getting "high value" medications.

This recommendation will not be implemented. Federal law prohibits the disclosure of medical information to custody staff. Policy and procedures are already in place to minimize medication diversion.

Finding C.4. The San Francisco Sheriff's website provides minimal information about mental health issues of those detained in the jail. As seen on Exhibit Figure 2, the link to "Behavioral Health and Reentry Programs" leads to a general discussion of these programs, and provides a phone number. A caller can only reach a human being at that number during regular business hours.

Agree.

Recommendation C.4.a. The San Francisco Sheriff should update the Department's website to provide additional information about mental health issues concerning those detained in jail, using the Cook County, Illinois Sheriff's Department website (Figure 3) as a "best practices" guideline.

The recommendation has not been, but will be implemented. In coordination with Behavioral Health Services, this information will be provided on the Sheriff's Department's website. We will also include this information in the prisoner orientation handbook and improve the information available by phone. The work will be completed within six months.

Recommendation C.4.b. The Sheriff should also, in cooperation with the Department of Emergency Services and SF311, develop a mental health information script for use by 311 operators when the Jail Health's Administrative Office is closed. The script should include communication tips for family members and suggest how to provide jail staff with concerns about the potential of detainees to engage in self-harm.

The recommendation will not be implemented. In addition to the providing the information referenced in the response to Recommendation C.4.a., the Sheriff's Department is in the process of providing a dedicated telephone number for family members and others to report their concerns directly to appropriate Jail Behavioral Health staff. The telephone number will be provided to 311, so staff can direct callers to the appropriate on-duty Jail Health Services supervisor who can better assist them.

Finding C.5 The Sheriff's Department provides data to the controller and the State Department of Corrections but does not make this data available to the public

Disagree partially. The Sheriff's Department provides monthly and quarterly reports to the Board of State and Community Corrections. These reports are public and accessible on the BSCC website. We will, however, place links to the BSCC website on the Sheriff's Department's website within one month.

Recommendation C.5 The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.

The recommendation has not been, but will be implemented. The Sheriff's Department will work with the appropriate city staff to make this data available through OpenSF. The time frame for this effort is anticipated to be six months.

Finding D.1. The Sheriff's Department expenditure for overtime is increasing. Increased overtime results in fatigue and stress on the staff.

Agree.

Recommendation D.1.a. To reduce the need for overtime, the Sheriff should, in coordination with the City and County Human Resources Department, put high priority on filling existing vacancies by redoubling recruiting efforts and expediting the hiring process, with the assistance of a dedicated Sheriff's Department recruitment staff.

The recommendation has been implemented. The Sheriff's Department is in the process of selecting a recruitment deputy who will coordinate all recruitment activities. In addition, we have worked with the Department of Human Resources to include emotional intelligence in entry-level testing and we have filled vacancies in promotional ranks of senior deputy, sergeant and lieutenant. As of this writing, full staffing of the Sheriff's Department requires 874 sworn positions filled. We now have 771 sworn staff working, plus 49 in various stages of training. These trainees will assume full duty in groups starting in late September through early December 2016. The Department's 2016-2017 budget provides for the hiring of an additional 60 sworn positions, who will assume full duty in groups starting late April through December 2017. If all trainees succeed in completing the POST academy and CORE jail operations course, it will bring our staffing to 880. Unfortunately, we are expecting 20 to 30 retirements during this time period. Thus, we will need to rely on overtime to fill shift vacancies.

Recommendation D.1.b. Identify positions that might be re-classified as administrative support, i.e. civilian, rather than requiring sworn deputies to handle those duties.

The recommendation requires further analysis. The Sheriff's Department is currently conducting a management audit of the Sheriff's Department's Information Technology and Support Services unit to, among other things, determine if some sworn positions are suitable for re-classification. The FY 2016-2017 budget provides for re-classification of selected positions in the Records Unit. We will continue to look for opportunities to re-classify positions that can be performed by civilian staff, thus shifting sworn positions to fill vacancies in the jails.

Finding D.2. The San Francisco Sheriff's Department has an assignment process that enables deputies to keep one position for many years.

Agree.

Recommendation D.2. The Sheriff's Department should have a rotation policy similar to policies in effect at other law enforcement agencies: every five years, one third of the staff gets rotated. The Station Transfer Unit and other additional duties to enrich rotation opportunities should be implemented.

The recommendation requires further analysis. I am exploring model policies and best practices among similar law enforcement agencies with the objective of implementing a fair and practical assignment rotation policy. This will represent a change in policy that will be subject to meet-and-confer with the Deputy Sheriffs' Association and the Managers' and Supervisors' Association. Once the staffing infrastructure is in place, consideration will be given to discussing the re-instituting of the Station Transfer Unit.

Finding D.3. Some Deputy Sheriffs appreciate the opportunity to work hours more compatible with family life and/or closer to home.

Agree.

Recommendation D.3. The Sheriff should negotiate with the San Francisco Deputy Sheriff's Association for recognition of the benefits to be gained by rotation and should negotiate incentives that balance the desire of deputies for preferable assignments with the needs of the service.

This recommendation requires further analysis of incentives permissible by existing MOU's, City policy and available funding.

Finding D.4. *There is a need for all Deputies at County Jails to be trained on suicide prevention and crisis intervention as a priority, and for additional training to meet annual POST requirements. Training will require a training float.*

Agree.

Recommendation D.4.a. *The Sheriff should include in the 2017-18 budget request sufficient funds for the purpose of training all Deputies at County Jails on suicide prevention and crisis intervention, including enough for a training float.*

The recommendation has been implemented. Funding was requested and approved in the FY 2016-2017 budget.

Finding D.5. *The Sheriff's Department management concurs that all staff need training in crisis intervention, incident debriefing, and stress management. The Sheriff Department's policy to only send two people for training at one time due to staff vacancies means that Deputies trained in Crisis Intervention will continue to be a limited group for some time to come.*

Agree, however, there is no policy that provides for sending only two people to training at a time. Crisis intervention training is currently provided to classes that contain 20 to 25 people each.

Recommendation D.5.a. *New recruits should complete crisis intervention training either at the Academy or within one year of graduation from POST academy.*

The recommendation has been implemented. New recruits currently receive 24 hours of crisis intervention training in the CORE course, which covers basic jail operations, in addition to the introduction to crisis intervention they receive in their POST academy training.

Recommendation D.5.b. *All sworn officers, medical, and psychiatric services staff should complete crisis intervention, debriefing, and stress management training within three years of employment.*

The recommendation has been implemented. Sworn Sheriff's Department staff are scheduled to receive crisis intervention training, in addition to their required Advanced Officer Training. It is anticipated that all sworn staff will receive the training within three years. All staff participate in debriefs of critical incidents, and after-action reports, and have access to Peer Support, the Department chaplains, and law-enforcement-specific counseling provided by the city's Employee Assistance Program. The portion of this recommendation regarding medical and behavioral health staff is best addressed by the Department of Public Health.

Recommendation D.5.c. *To accomplish this, the Sheriff should recruit extra help from the roster of retired Deputies and arrange for more "train the trainer" sessions.*

The recommendation has been implemented. Retired deputy sheriffs are used, and will continue to be used, to perform important administrative tasks. However, it is cost- and time-prohibitive to employ them in law enforcement duties, which is where the need exists, because to do so requires that they bring their POST certifications up to date, pass firearms requalification, and undergo a complete background investigation. The Department routinely uses a "train the trainer" strategy to enable us to deploy training throughout the Department quickly and efficiently.

Finding E.1 *The Sheriff and the Director of Public Health staff could do more to plan for the critical first few hours after discharge of a person with mental illness.*

Agree.

Recommendation E.1. *The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:*

Provide a "warm handoff" to a Case Manager in the community who will arrange for a full continuum of care. (Note that this requires identification of receiving hands ready to accept the patient).

Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.

Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection.

The recommendation has been implemented. Sheriff's Department's Program Coordinators are responsible for coordinating release of eligible custodies to community case managers who deliver them directly to the program designated and ready to receive them. Eligible individuals are clients of the collaborative courts, including Behavioral Health Court, Veterans' Court and Drug Court, as well as the Assertive Case Management program. In addition, Peer Specialists funded by the MIOGR (Mentally Ill Offender Grant) accompany misdemeanor clients of Behavioral Health Court to medical appointments and remind clients of upcoming court dates.

Finding E.2. Jail Behavioral Health Services does not currently conduct "release assessments" on patients discharged from the San Francisco Jails.

Recommendation E.2. The Sheriff and the Director of Public Health should request the Controller to conduct a benchmark survey of "release assessment" and other performance measures for mental health services in county jails and suggest best practices for adoption at the San Francisco Jails.

As mental health services are provided by the Department of Public Health, the Sheriff will defer to the Director on this recommendation, and assist in every way possible.

Finding E.3. Bay Area universities represent a source of impartial data reviewers of San Francisco Jail's mental health services.

Recommendation E.3. The Sheriff and the Director of Public Health should contact appropriate departments in Bay Area universities to determine potential interest in having graduate students analyze performance metrics and prepare reports on mental health services provided in San Francisco Jails.

As mental health services are provided by the Department of Public Health, the Sheriff will defer to the Director on this recommendation and assist in every way possible.

Finding E.4. Bay Area mental health organizations such as NAMI could provide useful recommendations on mental health services in San Francisco Jails

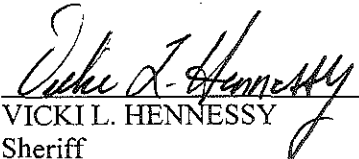
Agree.

Recommendation E.4. The Sheriff and the Director of Public Health should seek out local mental health organizations, such as NAMI and MHB, for recommendations on mental health services provided in the San Francisco Jails and related reentry services.

The recommendation has not been but will be implemented. I will seek information and advice from the suggested organizations and others within the next three months.

I wish to thank the Civil Grand Jury for their thoughtful, thorough and informative report. Having the benefit of their insight and fresh eyes on the issues is extremely valuable to me, and I am grateful for their dedication and service. Should they require further information, I shall be happy to provide it.

Sincerely,


VICKI L. HENNESSY
Sheriff



Received via email
09/12/016
File Nos. 160619 and 160620

September 12, 2016

The Honorable John K. Stewart
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

Pursuant to California Penal Code sections 933 and 933.05, the following is in reply to the 2015-16 Civil Grand Jury report, *San Francisco County Jails – Our Largest Mental Health Facility Needs Attention*. The Civil Grand Jury's evaluation of the Custody Operations and Mental Health/Psychiatric Services is an important contribution to the ongoing planning of the Jail Replacement Project and behavioral health needs of people in jail.

The response describes existing processes across the Sheriff's Department and the Department of Public Health (DPH), which includes Jail Health Services and Jail Behavioral Health Services, for the coordinated provision of safe conditions and appropriate services for jail inmates who may be mentally ill. DPH recently commissioned a forensic mental health consultant to review the operations, policies and standard work of Jail Behavioral Health Services, and is evaluating and implementing the recommendations.

The City has also convened a working group co-chaired by the Sheriff and the Director of Health, and including community members, criminal justice experts, and mental health experts, to plan for the permanent closure of County Jail Nos. 3 and 4 and any corresponding investments to uphold public safety and better serve at-risk individuals. Meeting regularly since March 2016, and using the Sequential Intercept Model as a framework, the Work Group to Re-Envision the Jail Replacement Project has sought to address the following:

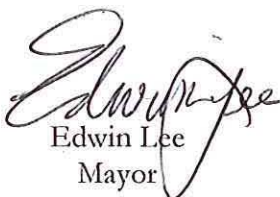
- Identifying strategies for reducing the jail population, including alternatives to incarceration and other programs or policies;
- Identifying effective and humane investments in behavioral health programs for those who may otherwise find themselves incarcerated; and
- Reviewing the current state of the City's facilities and identifying what new facility or facilities are needed.

Recommendations from this effort are expected to be finalized in November 2016.

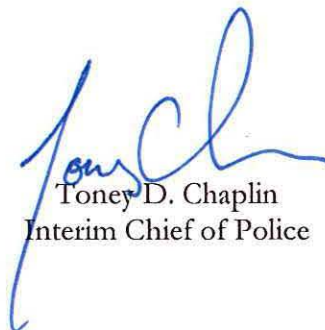
A detailed response from the Mayor's Office, Police Department, Department of Human Resources, Department of Public Health, and City Administrator to the Civil Grand Jury's findings and recommendations follows.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,



Edwin Lee
Mayor



Toney D. Chaplin
Interim Chief of Police



Micki Callahan
Human Resources Director



Barbara A. Garcia, MPA
Director of Health



Naomi M. Kelly
City Administrator

Findings:

Finding F.A.1. There is currently no jail procedure that accounts for those arrestees referred for hospital care.

Disagree with finding, wholly.

Triage procedures identify those who are too acute or unstable (medically or psychiatrically) to be cared for in the jail. These patients are then referred to the emergency department or psychiatric emergency services at Zuckerberg San Francisco General Hospital (ZSFG) for care. A report is generated each day that identifies these patients in the electronic medical record. These referrals are reviewed daily by the Jail Health Services Director and the triage nurse manager of County Jail #1.

Finding F.A.2. Arrestees and their arresting officer may not always understand the importance of full disclosure of medical history.

Agree with finding.

Finding F.A.5. The results of a preliminary psychiatric evaluation conducted by Jail Behavioral Health at intake could be helpful to the arrestee's long term mental health care if shared with the arrestee's Case Manager, if any.

Agree with finding.

Finding F.A.6. Although there are several ways for family members and friends to contact custody staff regarding concerns about their loved ones who are in jail, models for improvement are available.

Agree with finding.

Finding F.C.1 Jail #4 lacks suitable space for observation and treatment programs.

Agree with finding.

Finding F.C.2. Jails have Jail Behavioral Health Services during day shifts but not at night. Without more behavioral health services in the jails to prepare inmates for reentry, the community mental health model recommended by Dr. Kupers and other experts will not be feasible.

Disagree with finding, partially.

Jail Behavioral Health Services (JBHS) staff are available on site until 10pm on Fri/Sat and until 8pm Sun-Thurs. There is significant JBHS coverage throughout the jails and psychiatry coverage is available 24/7. There are indeed opportunities for more robust re-entry services to augment the existing services provided to those with serious mental illness, HIV and identified complex medical conditions to include other people leaving the jail.

Finding F.C.3. Drug diversion is a serious issue in the Jail.

Disagree with finding, partially.

Consistent with the larger community, the issue of prescription drug diversion has received increasing attention. The disproportionately high prevalence of substance use disorders in jails correlates with greater risk of diversion in this setting.

Finding F.C.4. The San Francisco Sheriff's website provides minimal information about mental health issues of those detained in the jail. As seen on Exhibit Figure 2, the link to "Behavioral Health and Reentry Programs" leads to a general discussion of these programs, and provides a phone number. A caller can only reach a human being at that number during regular business hours.

Agree with finding.

Finding F.C.5. The Sheriff's Department provides data to the Controller and the State Department of Corrections but does not make this data available to the public.

Agree with finding.

The Sheriff's Department provides monthly and quarterly reports to the Board of State and Community Corrections (BSCC). These reports are public and accessible on the BSCC website.

Finding F.D.1. The Sheriff's Department expenditure for overtime is increasing. Increased overtime results in fatigue and stress on the staff.

Agree with finding.

Over the past several years the Sheriff's Department has seen higher than anticipated retirements, coupled with a lower than anticipated ability to hire and train sufficient replacement staff. To reduce overtime usage and get the Sheriff Department back up to an appropriate level of staffing, the budget includes a one-time increase of \$2.5 million in FY 2016-17 to fund additional overtime while the Department plans to hold three classes next year. It is anticipated that in FY 2017-18, the Department's overtime levels will return to FY 2015-16 levels, adjusted for inflation, and the Department will be able to hold one class per year to backfill retirements as they occur.

Finding F.E.1. The Sheriff and the Director of Public Health staff could do more to plan for the critical first few hours after discharge of a person with mental illness.

Agree with finding.

Finding F.E.2. Jail Behavioral Health Services does not currently conduct "release assessments" on patients discharged from the San Francisco Jails.

Disagree with finding, partially.

Release assessments are provided to those with serious mental illness, HIV and identified complex medical conditions.

Finding F.E.3. Bay Area universities represent a source of impartial data reviewers of San Francisco Jail's mental health services.

Disagree with finding, partially.

While Bay Area universities can represent a source of impartial data reviewers, DPH relies on the consult of experts in designated fields for data review and analysis.

Finding F.E.4. Bay Area mental health organizations such as NAMI could provide useful recommendations on mental health services in San Francisco Jails.

Agree with finding.

Recommendations:

Recommendation R.A.1.a. Jail intake should develop a system to communicate and track cases where the triage nurse determines that the arrestee must be taken to a hospital for emergency medical or psychiatric care before admission to Jail.

Recommendation has been implemented.

Triage procedures identify those who are too acute or unstable (medically or psychiatrically) to be cared for in the jail. These patients are then referred to the emergency department or psychiatric emergency services at Zuckerberg San Francisco General Hospital (ZSFG) for care. A report is generated each day that identifies these patients in the electronic medical record. These referrals are reviewed daily by the Jail Health Services Director and the triage nurse manager of County Jail #1.

Recommendation R.A.1.b. The SF Police Chief and Sheriff should revisit their MOU regarding transport and custody transfer.

Recommendation requires further analysis.

The SFPD and SFSD conducted a 6-month pilot involving station transfers (Mission and Tenderloin). The Mayor's Budget Instructions are provided to departments in December of each year and the Mayor proposes a balanced two year budget the following June for consideration by the Board of Supervisors. The MOU regarding transport and custody transfer will be revisited in connection with the City's budget process for FY 2017-18 and FY 2018-19, as provided by the City Charter.

Recommendation R.A.2. In the interest of obtaining a more complete medical history, the Sheriff and the Director of Jail Health Services should update Intake policies and practices to seek informed consent to contact and receive records from the arrestee's Case Manager, primary provider, and family or friends who may have information about the arrestee's medical history and therapeutic medications.

Recommendation has been implemented.

It is the practice for the triage nurse at intake to inform patients of the importance of medical history, to attempt to obtain a complete medical history and to obtain collateral information from outside sources. At the time the patient is seen by a provider, additional records are requested. At any time during the period of incarceration, a patient may request a Release of Information form from medical staff to allow communication between the jail staff and any outside entity that is so designated.

Recommendation R.A.5. The Sheriff and Director of Public Health, in consultation with the City Attorney for issues related to HIPAA, should develop and implement a policy for sharing with an arrestee's Case Manager (if any), the results of a preliminary psychiatric evaluation conducted at Intake.

Recommendation has been implemented.

Jail Behavioral Health Services staff contact community providers to obtain collateral information, and verify medications. These contacts also include a discussion of how the patient is currently presenting in jail.

Communication with community providers while their patient is in jail is ongoing and community providers are encouraged to come in to the jail to provide ongoing care.

Recommendation R.A.6. The Sheriff should add to the inmate handbook a paragraph about the importance of contacting a family member or friend and should provide a 24/7 number that the inmate could give to this contact.

Recommendation has not been, but will be, implemented in the future.

The recommendation will be implemented within six months of this response. SFSD will provide this information in the inmate handbook and Jail Health Services will provide any assistance needed to achieve this.

Recommendation R.B.1.b. The Mayor should include in a supplemental budget request the Sheriff's request for funds to address the problems with old locks at Jail #4 and any other remaining serious maintenance issues.

Recommendation has been implemented.

Repairs to address acute critical maintenance at the Hall of Justice are coordinated with the Sheriff's Department and Real Estate Division of the City Administrator's Office. The FY 2016-17 and FY 2017-18 budget includes \$132,300 and \$138,915, respectively, for Jail #3 and Jail #4 lights and locks maintenance. In addition, the final report of the Work Group to Re-Envision the Jail, anticipated to be completed by November 2016, will provide recommendations for investments in mental health and/or new facilities to needed to close Jail #4.

Recommendation R.C.1. The Sheriff and the Director of Health should find a new replacement facility where Jail #4 inmates can be housed and receive appropriate treatment programs.

Requires further analysis.

The Director of Health and the Sheriff are co-chairing the Work Group to Re-Envision the Jail Replacement Project to plan for the permanent closure of County Jails #3 and #4 and any corresponding investments in new mental health facilities and current jail retrofits needed to uphold public safety and better serve at-risk individuals. Recommendations from this effort are expected to be finalized in November 2016.

Recommendation R.C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Health should determine the amount to be included in the 2017-2018 budget request.

Requires further analysis.

Further analysis of the impact of staffing Jail Behavioral Health Services 24/7 is required. Such an analysis would include, but not be limited to, anticipated benefit, projected cost, and benchmarking of other jail health service systems.

Recommendation R.C.2.b. The Mayor should include the Sheriff's request for funds for this purpose in his proposed budget.

Requires further analysis.

The Sheriff and the Director of Health are jointly reviewing staffing of Jail Behavioral Health Services 24/7. Additionally, the Mayor's Budget Instructions are provided to departments in December of each year and the Mayor proposes a balanced two year budget the following June for consideration by the Board of Supervisors. The anticipated benefit, projected cost, and benchmarking of other jail health service systems will be considered in connection with the City's budget process for FY 2017-18 and FY 2018-19, as provided by the City Charter.

Recommendation R.C.3. The Director of Public Health and the Sheriff need to develop better methods of informing custody staff which patients are being prescribed narcotic medications so that custody staff may pay extra attention to diversion risks to and from those getting "high-value" medications.

Recommendation will not be implemented.

Medication is protected health information. Under federal law, health care staff are prohibited from disclosing this information to individuals not directly treating a patient. Diverted drugs may or may not be prescribed medications and may or may not be prescribed to the patient in possession of the medication. There are clear policies with regard to the administration of medication (including opioids) and these policies are enforced both by nursing and custody staff.

Recommendation R.C.4.b. The Sheriff should also, in cooperation with the Department of Emergency Services and SF311, develop a mental health information script for use by 311 operators when the Jail Health's Administrative Office is closed. The script should include communication tips for family members and suggest how to provide jail staff with concerns about the potential of detainees to engage in self harm.

Recommendation will not be implemented.

311's Customer Service Representatives, who are responsible for answering incoming calls to 311, provide basic non-emergency information and/or handle the intake of non-emergency requests for general City services (e.g. potholes, street cleaning). To address the concern of lack of access stated on the report, SFSD is developing a process to enable family members who have concerns about detainees to contact trained jail staff directly. Jail Health Services will assist in this effort.

Recommendation R.C.5. The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.

Recommendation has not been, but will be, implemented in the future.

The Sheriff's Department provides data and other information to the Board of State and Community Corrections (BSCC). The Mayor's Office supports including data provided to BSCC in SF OpenData. The Sheriff's Department will work with DataSF to publish their data on SF OpenData as well as complete their inventory and publishing plan per open data requirements. The expected timeframe for this effort is six months.

Recommendation R.D.1.a. To reduce the need for overtime, the Sheriff should, in coordination with the City and County Human Resources Department, put high priority on filling existing vacancies by redoubling recruiting efforts and expediting the hiring process, with the assistance of a dedicated Sheriff's Department recruitment staff.

Recommendation has been implemented.

To reduce overtime usage and get the Sheriff Department back up to an appropriate level of staffing, the budget includes a one-time increase of \$2.5 million in FY 2016-17 to fund additional overtime while the Department plans to hold three classes next year. It is anticipated that in FY 2017-18, the Department's overtime levels will return to FY 2015-16 levels, adjusted for inflation, and the Department will be able to hold one class per year to backfill retirements as they occur.

Deputy Sheriffs (job classification 8302) are civil service employees hired through a process governed by the City Charter and the Civil Service Commission. The Department of Human Resources (DHR) is responsible for administering the civil service examination for 8302 Deputy Sheriffs. DHR conducted a selection process for 8302 in 2015 and adopted a list of 297 eligible candidates in July of 2015, which has since expired. DHR conducted another selection process for 8302 Deputy Sheriffs in early 2016, and adopted a list of 305 eligible candidates in May of 2016. That list will expire on May 30, 2017.

Over the last several years the deputy sheriff exam has been given on an "as needed" basis. Beginning in fiscal year 16/17 DHR plans to dedicate the necessary resources to test and place new candidates on the eligible list approximately every four months. The exam announcement will be open continuously. Continuous testing, a process through which candidates are regularly added to the eligible list, is utilized by both the San Francisco Police and Fire Departments. Continuous testing improves the impact of recruitment and outreach efforts by significantly reducing the time between first contact with someone interested in the job and testing. It is anticipated that continuous testing will help meet departmental needs by ensuring the eligible list is regularly updated with qualified candidates.

Additionally, DHR's recruiter will continue to coordinate efforts with the Sheriff's Department to support recruitment.

Recommendation R.D.4.b. The Mayor should include the Sheriff's request for funds for this purpose (training all Deputies at County Jails on suicide prevention and crisis intervention) in the Mayor's proposed budget.

Recommendation has been implemented.

The FY 2017-18 budget includes training all Deputies at County Jails on suicide prevention and crisis intervention, including enough for a training float.

Recommendation R.E.1. The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:

- Provide a "warm handoff" to a Case Manager in the community who will arrange for a full continuum of care. (Note that this requires identification of receiving hands ready to accept the patient).

- Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.
- Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection."
- "Recommendation R.E.1. The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:
- Provide a "warm handoff" to a Case Manager in the community who will arrange for a full continuum of care. (Note that this requires identification of receiving hands ready to accept the patient).
- Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.
- Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection.

Recommendation has been implemented.

Community mental health providers may come into the jail to see their patients at any time during the period of incarceration. Patients enrolled in behavioral health court released to case management, those on LPS conservatorship are placed in treatment and transportation provided by SFSD, those released to community residential treatment programs are accompanied by a case manager. Patients who are found incompetent to stand trial on misdemeanor charges are provided a "warm handoff" to all designated community programs. Additionally, those released to the community who are not linked to case management (and are awaiting Intensive Case Management Services) receive an expedited appointment with outpatient case management within a week of discharge.

Recommendation R.E.2. The Sheriff and the Director of Public Health should request the Controller to conduct a benchmark survey of "release assessment" and other, performance measures for mental health services in county jails and suggest best practices for adoption at the San Francisco Jails.

Recommendation has not been, but will be, implemented in the future.

This recommendation will be implemented within two months of this response. We do not currently understand the full range of each patient's needs at discharge (beyond those with SMI, HIV and identified complex medical conditions) and thus this type of assessment could help us target current resources and build capacity for those services we do not provide.

Recommendation R.E.3. The Sheriff and the Director of Public Health should contact appropriate departments in Bay Area universities to determine potential interest in having graduate students analyze performance metrics and prepare reports on mental health services provided in San Francisco Jails.

Recommendation will not be implemented.

DPH relies on the consult of experts in the field for this kind of analysis. This recommendation will be implemented within two months of this response. In fiscal year 2015, DPH commissioned a forensic mental health consultant to review the operations, policies and standard work of Jail Behavioral Health

Services. DPH is currently evaluating and implementing the consultant's recommendations. In addition, DPH will explore opportunities to engage academic partners in defining, capturing and analyzing performance metrics for behavioral health services.

Recommendation R.E.4. The Sheriff and the Director of Public Health should seek out local mental health organizations, such as NAMI and MHB, for recommendations on mental health services provided in the San Francisco Jails and related reentry services.

Recommendation has been implemented.

Local mental health advocate organizations are deeply involved in the SF Workgroup to Re-envision the Jail Replacement Project efforts, including MHA the Mental Health Association of SF and the MHB Mental Health Board of SF. Formal recommendations about mental health services in the jail are under draft. In addition, DPH works closely with client advisory councils and interacts regularly with the Mental Health Board.



DENNIS J. HERRERA
City Attorney

DIRECT DIAL: (415) 554-4700

September 16, 2016

Hon. John K. Stewart
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Received via email
9/16/2016
File Nos. 160619 and 160620

Re: **City Attorney Office's response to the June 2016 Civil Grand Jury Report released on July 14, 2016 and entitled, "*San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*"**

Dear Judge Stewart:

In accordance with Penal Code Sections 933 and 933.05, the Office of the City Attorney submits the following response to the June 2016 Civil Grand Jury Report entitled, *San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*. The Grand Jury requested that this office respond to the report.

For each Civil Grand Jury finding for which the Grand Jury has requested a response, the statutes require the respondent to either:

1. agree with the finding; or
2. disagree with it, wholly or partially, and explain why.

For each Civil Grand Jury recommendation for which the Grand Jury has requested a response, the statutes require the respondent to report:

1. that the recommendation has been implemented, with a summary explanation of how it was implemented;
2. the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
3. the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or
4. that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is.

Letter to Hon. John K. Stewart

Page 2

September 16, 2016

The Grand Jury has asked the City Attorney's Office to respond to Finding F.A.5 and Recommendation R.A.5 as provided below:

Finding F.A.5.

The results of a preliminary psychiatric evaluation conducted by Jail Behavioral Health at intake could be helpful to the arrestee's long-term mental health care if shared with the arrestee's Case Manager, if any.

City Attorney's Office Response To Finding F.A.5.

The substance of this finding is beyond the expertise and jurisdiction of the City Attorney, and the City Attorney therefore cannot agree or disagree with it.

Recommendation R.A.5.

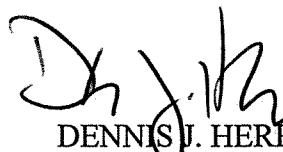
The Sheriff and Director of Public Health, in consultation with the City Attorney for issues related to HIPAA, should develop and implement a policy for sharing with an arrestee's Case Manager (if any), the results of a preliminary psychiatric evaluation conducted at Intake.

City Attorney's Office Response To Recommendation R.A.5.

The City Attorney will consult with the Sheriff and Director of Public Health, if requested, on the development and implementation of a policy for sharing with an arrestee's Case Manager (if any), the results of a preliminary psychiatric evaluation conducted at Intake. The City Attorney will advise the Sheriff and Director of Public Health on HIPAA requirements or any other relevant legal issues.

We hope this response is helpful.

Very truly yours,


DENNIS J. HERRERA
City Attorney