

File No. 170664

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: October 4, 2017

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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- CGJ Presentation - October 4, 2017
- Sheriff's CGJ Report Response - September 11, 2017
- 2016-2017 CGJ Report - Educational Parity in Custody Report  
Ensuring Equality of Women's Education in the San  
Francisco Jail System
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: Sept. 28, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

## **Carroll, John (BOS)**

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**From:** Carroll, John (BOS)  
**Sent:** Thursday, September 28, 2017 4:02 PM  
**To:** Kim, Jane (BOS); Peskin, Aaron (BOS); 'Breed, London (london.breed@sfgov.org)'; 'Calvillo, Angela (angela.calvillo@sfgov.org)'  
**Cc:** Rae Raucci; 'adam@adamraskinpi.com'; 'mstender77@aol.com'; 'dtrepairs@gmail.com'; 'constancebernstein@gmail.com'; Duong, Noelle (BOS); Howerton, Michael (BOS); 'Angulo, Sunny (sunny.angulo@sfgov.org)'; Rubenstein, Beth (BOS)  
**Subject:** FW: EPIC Report Response for GAO Oct. 4. 2017 Meeting  
**Attachments:** Report to GAO Subcommittee - EPIC Report.V2RRdocx (3).pdf

Good afternoon, Chair Kim and members of the GAO committee.

This message serves to confirm that the response forwarded in Rae Raucci's message below is now on file for the *Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System* hearing. This is for agenda item number 1 to be heard next Wednesday in Committee.

For your convenience in the Chamber, I have linked the document within the Legislative Research Center. This presentation is also available below:

[Civil Grand Jury Presentation - October 4, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170664](#)

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**Assistant Clerk**  
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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

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**From:** Rae Raucci [mailto:[r-raucci11@gmail.com](mailto:r-raucci11@gmail.com)]  
**Sent:** Thursday, September 28, 2017 3:36 PM

**To:** Carroll, John (BOS) <john.carroll@sfgov.org>

**Cc:** Adam Raskin, P. I. <adam@adamraskinpi.com>; Marvin Stender <mstender77@aol.com>; David Tejada <dtrepairs@gmail.com>; constance bernstein <constancebernstein@gmail.com>; Rae Raucci <r-raucci11@gmail.com>

**Subject:** EPIC Report Response for GAO Oct. 4. 2017 Meeting

John,

This is Rae Raucci, Lead Investigator of the EPIC Report for the SF Civil Grand Jury 2016-2017. Here is the presentation response for the October 4th GAO Meeting at City Hall, as requested.

Thanks for handling this,

Rae Raucci

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Rae Raucci

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**Carroll, John (BOS)**

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**From:** Rae Raucci <[r-raucci11@gmail.com](mailto:r-raucci11@gmail.com)>  
**Sent:** Thursday, September 28, 2017 3:36 PM  
**To:** Carroll, John (BOS)  
**Cc:** Adam Raskin, P. I.; Marvin Stender; David Tejada; constance bernstein; Rae Raucci  
**Subject:** EPIC Report Response for GAO Oct. 4. 2017 Meeting  
**Attachments:** Report to GAO Subcommittee - EPIC Report.V2RRdocx (3).pdf

**Categories:** 170664, 2017.10.04 - GAO

John,

This is Rae Raucci, Lead Investigator of the EPIC Report for the SF Civil Grand Jury 2016-2017. Here is the presentation response for the October 4th GAO Meeting at City Hall, as requested.

Thanks for handling this,

Rae Raucci

--

Rae Raucci  
[415-954-2141](tel:415-954-2141)  
[r-raucci11@gmail.com](mailto:r-raucci11@gmail.com)

**Educational Parity in Custody (EPIC) Report**

**SF Civil Grand Jury 2016-2017**

**Presentation at SF Board of Supervisors GAO Subcommittee Hearing**

**October 4<sup>th</sup>, 2017**

To the GAO Subcommittee:

1. Introduction

This report is a follow-up to the EPIC Report by the 2016-2017 SF Civil Grand Jury. The report specifically looked at educational conditions in the SF city jail system for women inmates at this present time.

First and foremost, we found that the educational services being provided by the Five Keys Charter School and other programming provided by the Sheriff's Department for the most part meet the needs of the female inmates. The staff we interviewed are dedicated professionals, progressive in their thinking towards female inmates in the jail system.

Still, we found areas that could be improved in the area of

**education:**

- o **Training:** The deputies could benefit from additional training in interpersonal communication skills.
- o **Overtime:** At the time of our report, the deputies were working excessive over-time hours, which possibly

exacerbated negative attitudes towards the female inmates.

- **Data Gathering:** Due to lack of staff support, as well as statistically shorter terms for female inmates, it is difficult to collect data on such key measures whose results could help improve the effectiveness of the educational offerings for female inmates. This includes such measures as: successful re-entry, recidivism, educational progress, and/or various behavior characteristics.
- **Housing/Facility:** We learned that an ideal facility for the female inmates would be to establish women's educational pod much as is the case with the men's jail in San Bruno. In this model the housing and educational programming are integrated, where all women in the housing share in education together.
- **Transgender Housing in the SF Jail System:** We found that the SF Sheriff's Department still steadfastly refuses to change the discriminatory segregated housing conditions in the jail system for transgender inmates, even with a complete blueprint to end discrimination against transgender women in custody (Recommendations #10-14 in the EPIC Report).

## 2. The Situation at Hand

The main issue for the EPIC report, as well as the above issues already explained, is the SF Sheriff's **refusal** to implement SF Civil Grand Jury's recommendations to **end** discrimination against transwomen in the SF jail system, as proved by the Sheriff's Department's response to Finding / Resolution #10-14 in the EPIC Report (as follows):

Sheriff's Response #11: In Fiscal Year 2016-17, all deputies and program staff received a four-hour POST- 1 certified course in gender awareness. This year, we are implementing training on appropriate strip search protocols and have changed the Field Arrest Booking Card to record preferred gender identity, name, pronouns and gender of the deputy who will perform any required searches.

Our Response: This gender-awareness training is not the same as transgender sensitivity training. Deputies need to be trained that pre-op/post-op transgender women are female as any other female in the SF jail system. This is the only way to clear up the doubt/confusion that SF deputies have about trans individuals in the SF jail system.

Sheriff's Response #12: Disciplinary procedures are set forth in the San Francisco Charter, the Civil Service Rules, the Rules and Regulations of the Sheriff's Department, and the collective bargaining agreements between the City and the unions that represent the Sheriff's Department's sworn and non-sworn employees. Corrective action taken pursuant to violation of department policy, whether involving TGI policy or any other policy is consistent with these. Corrective action may include informal counseling, formal counseling or request for a formal reprimand, suspension or termination.

Our Response: There are still no disciplinary actions taking against Sheriff's deputies who refuse to search transgender individuals. No other class of individuals can a Sheriff deputy refuse to search. Clearly existing disciplinary policies need to be rewritten to include refusals to search transgender individuals as infractions for deputies involved.

Sheriff's Response #13: This recommendation is not consistent with standards set forth in the federal Prison Rape Elimination Act {PREA}, which recognizes that gender is not binary and therefore calls for transgender custodies

to be offered the opportunity to state their preferences for name, pronouns, housing and the gender of the deputy sheriff who will perform searches. The assumption that all transgender females wish to be housed with ciswomen, and all transgender males wish to be housed with cismen has been shown to be incorrect.

Our Response: This is not what the PREA guidelines state. The PREA guidelines clearly state that transwomen who profess their female identity must be treated as women in custody for their safety. There is no such thing as an assumption that transgender women and cisgender women don't want to be housed together. Their very statement is prejudicial; there is no difference between transwomen and ciswomen. Both are female, and any artificial separation is blatantly discriminatory.

Sheriff's Response #14: This recommendation is not consistent with the standards set forth in the federal Prison Rape Elimination Act (PREA), which recognizes that gender is not binary, and therefore, calls for transgender women to be offered the opportunity to state their preference for housing. Furthermore, certain structural changes are necessary for the current ciswomen's housing to be compliant with PREA requirements for, among other things, shower funding for these changes was included in a \$70 million jail renovation grant proposal that was

rejected by the state Board of State and Community Corrections. We continue to work with the City to identify funding in order to modify areas of women's housing to allow transgender women who are if appropriate security classification to be housed with ciswomen if they so prefer.

Our Response: This response clearly shows the draconian length that the SF Sheriff's Department will go to keep transwomen in discriminatory jail facilities. The idea that transgender women need "privacy showers" to be built before they can be housed with other females is a prejudicial attitude better left to the "Bathroom Bill" states. According to the SF Sheriff, transwomen can't be transferred to female jail housing until "privacy showers" are built. This tautological "protection" for transwomen is the same argument made by transphobic organizations/governmental bodies that transwomen can't have the same bathroom privileges as "real" women because "real" women need protection from them.

In reality, keeping transgender women separate from other women in the SF jail system mars their educational development, increases their sense of dissociative

dysphoria, and cements a discriminatory environment for them. In actual support of PREA guidelines, the best and only way to keep transwomen from being raped by men in jail is to move them immediately to women's housing facilities.

### 3. So What Can We Do From Here?

As it relates to our report, the SF Sheriff's intransigence from implementing the Women's Educational Dorm and their continuing refusal to house / treat transgender women as women in the SF jail system can only be overcome by direct action from the SF Board of Supervisors. Only if the full board makes the Sheriff's Department change its ways will the discrimination built into the jail system against transgender women end.

### 4. Disciplinary Fining

The best procedure to have the Sheriff's Department to comply with the Civil Grand Jury findings / recommendations #10-14 to transfer trans females to female housing in the SF jail system is to create a binding resolution to fine the SF Sheriff's Department 1% of their SF General Fund budget every year for willfully refusing to recognize transgender females in custody as females. This

Transgender Inclusion Act would serve as the best way to have the Sheriff's Department to do the right thing by trans inmates in the SF jail system. An example 1% budget fine would be \$1.78M per year (based on a yearly \$178M General Fund contribution to the SF Sheriff's budget).

5. Rule

There is a precedent from the 1987 Federal Highway Safety Act that pertains to this matter. The US Supreme Court held that the Federal government could withhold highway funds from states that would not comply with Federal mandates for highway speeds, as such funds are dependent on compliance with Federal guidelines. Locally, the SF Board of Supervisors has used fines against SF agencies in the past to implement local policy when the relevant agency refused to take direction from governmental oversight.

Likewise, the Board of Supervisors can levy this kind of fine against the SF Sheriff's Department's refusal to humanely treat transgender females as females directly in the face of public oppositions, and in the findings of a SF Civil Grand jury.

**Addendum**

**Timeline**

1. Draft Resolution

a. Draft **Transgender Inclusion Act** Resolution

October - December 2017

b. Present to full Board of Supervisors February 2018

for plenary vote

c. The Resolution will read as follows:

**Transgender Inclusion Act**

**SF Sheriff's Compliance Order March 2018 - March 2020**

In a 24-month timeframe, the SF Sheriff's Department will effectively follow Recommendations #10-14 from the EPIC Report in their entirety, including increased training for Sheriff's Deputies about transgender women (both pre-op and post-op), creating disciplinary actions against any deputy in the Sheriff's Department who refuses to search transgender women, as well as revising the classification system in the SF jail system to include transgender females as females in jail housing, and actually writing transfer orders for all transgender females in the jail system from "protective custody" into female housing. The SF Sheriff's Department will acknowledge this Compliance

Order by providing an action plan for implementation to the Board of Supervisors by May 2018, and must complete all steps in the Compliance Order by March 2020 to avoid a 1% budget reduction from the 2019-2020 SF General Fund contribution to the SF Sheriff's Department's operating budget.

## 2. Implementation

The first phase of this implementation will be drafting the legislation. I would suggest having Rae Raucci, transgender law student, former legislative intern at the BOS, and a former SF Civil Grand Jury work with Supervisor Jane Kim's office from October 2017 - December 2017 to draft this legislation, with assistance from Supervisor Peskin's and Supervisor Breed's office.

Once the **Transgender Inclusion Act** consent order is drafted, it is my hope that Supervisors Kim, Peskin, and Breed would present it to the full Board of Supervisors in January / February 2018, with a plenary vote in March 2018, to make the Consent Order to free transgender inmates to appropriate housing in the SF jail system law for the SF Sheriff's Department.

## **Carroll, John (BOS)**

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**From:** Carroll, John (BOS)  
**Sent:** Wednesday, September 13, 2017 5:10 PM  
**To:** BOS-Supervisors  
**Cc:** BOS-Legislative Aides; 'Calvillo, Angela (angela.calvillo@sfgov.org)'; 'civilgrandjury@sftc.org'; 'TJackson@sftc.org'; 'klowry@sfcgj.org'; 'kittywitty@comcast.net'; Elliott, Jason; Howard, Kate (MYR); Whitehouse, Melissa (MYR); Valdez, Marie (MYR); Rosenfield, Ben (CON); Steeves, Asja (CON); Stevenson, Peg (CON); Hennessy, Vicki (SHF); Givner, Jon; Somera, Alisa (BOS); Campbell, Severin (BUD); Clark, Ashley (BUD)  
**Subject:** 2016-2017 Civil Grand Jury Report - Hearing - Civil Grand Jury Report - Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System - Required Department Response  
**Categories:** 170664

Supervisors:

The Office of the Clerk of the Board has received required responses to the 2016-2017 Civil Grand Jury report entitled "**Hearing - Civil Grand Jury Report - Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System,**" from the Office of the Sheriff. Please find the following direct link to the response, and a link to an informational memo from the Clerk of the Board of Supervisors.

[Sheriff's Response - September 11, 2017](#)

[Clerk of the Board Memo - September 13, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170664](#)

Thank you,

**John Carroll**  
**Assistant Clerk**  
Board of Supervisors  
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[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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**BOARD of SUPERVISORS**



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

DATE: September 12, 2017

TO: Members of the Board of Supervisors

FROM: *ACC* Angela Calvillo, Clerk of the Board

SUBJECT: 2016-2017 Civil Grand Jury Report "Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System"

We are in receipt of the following required response to the San Francisco Civil Grand Jury report released July 10, 2017, entitled: "Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System." Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than September 8, 2017.

For each finding the Department response shall:

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

As to each recommendation the Department shall report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

- Office of the Sheriff:  
Received September 11, 2017, for Findings F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, and F14; and Recommendations R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, and R14.

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. Although this report does not require the Board of Supervisors' response, the Government Audit and Oversight Committee will consider the subject report, along with the Sheriff's responses, at an upcoming hearing.

c:

Honorable Teri L. Jackson, Presiding Judge  
Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury  
Kitsaun King, 2016-2017 San Francisco Civil Grand Jury  
Jason Elliot, Mayor's Office  
Kate Howard, Mayor's Office  
Melissa Whitehouse, Mayor's Office  
Marie Valdez, Mayor's Office  
Ben Rosenfield, Controller, Office of the Controller  
Asja Steeves, Office of the Controller  
Peg Stevenson, Office of the Controller  
Vicki Hennessy, Sheriff  
Jon Givner, Deputy City Attorney  
Alisa Somera, Legislative Deputy Director  
Severin Campbell, Budget and Legislative Analyst  
Ashley Clark, Budget and Legislative Analyst

2016-17 Civil Grand Jury  
 Educational Parity In Custody (EPIC) Report: **RESPONSES TO CGJ FINDINGS**

CGJ Year	Report Title	#	Findings	Respondent assigned by CGJ	2017 Responses (Agree/Disagree)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F1	A deputy's initial training is 6 months long. An insufficient time of that training is spent focused on the specific skills needed for a deputy whose duty is inside the jail.	Sheriff's Department	disagree with it, wholly (explanation in next column)	San Francisco Sheriff's Deputies are required to pass three training milestones before assuming full duty in the jails. They must pass a six-month POST-certified peace officer academy; they must pass a four-week POST-certified jail operations course, called Core, which includes gender awareness and crisis intervention; and, they must pass a seven-week one-on-one on-site training during which they are paired with a Jail Training Officer and required to demonstrate expertise in more than 30 jail-specific skills. In addition, deputy sheriffs are required to take annual Advanced Officer training that includes 24 hours of subjects mandated by POST, and additional topics chosen by the Sheriff. In Fiscal Year 2016-17, AO training included four hours of gender awareness training and 24 hours of crisis intervention training. This year they will receive implicit bias training. The gender awareness training developed by the Sheriff's Department was the first in the state to be certified by POST.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F2	Deputies and civilian staff often lack sufficient training in interpersonal communication skills, case management and assessing the needs and risks of the inmates. They need to more vigorously follow up an inmates' assessment, and contact county agencies to assure an inmate's needs are adequately addressed while in custody.	Sheriff's Department	disagree with it, wholly (explanation in next column)	Deputy sheriffs are responsible for the maintaining the safety and security of the jails and the prisoners. They are not case managers. Case management services are provided by Five Keys Schools and Sheriff's Program staff, as well as by community-based organizations that administer such programs as SISTER (Sisters in Sober Treatment Empowered in Recovery), RSVP (Resolve to Stop the Violence) and NoVA (No Violence Alliance). Sheriff's Department program coordinators provide linkages between in-custody programs and post-release (county agency) programs. For example, students who enroll in Five Keys while in custody may continue their studies at Five Keys' community sites. Prisoners in SISTER and RSVP may transition to NoVA upon release. And, prisoners are enrolled in an appropriate medical care program prior to release in order to ensure continuity of medical care. Case managers and program coordinators do their best to work within the limitations of available services to assure each inmate's needs are addressed, including the lack of knowing a release date, both in and out of custody.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F3	The deputies are working excessive over-time hours which leaves them too exhausted to meet the demands of their work. As a result, tension between the deputies and inmates can be exacerbated, as well as increased deputy dissatisfaction at work. Those deputies who are working with female inmates in the jail presently are suffering from fatigue because of the excessive overtime demands. Consequently, by their own admission, they are not performing up to par. More deputies are needed to fill the extra hours required for the job.	Sheriff's Department	disagree with it, partially (explanation in next column)	In the four years prior to my taking office in January 2016, the Sheriff's Department had hired only 20 people. While it is true that the Department has been dependent on overtime to provide adequate staff to the jails and to perform our other mandated duties, there are no reports of staff being "too exhausted" to perform their duties or evidence of deputies "not performing up to par." What we have realized is that the junior personnel were consistently held over for overtime to ensure minimum staffing consistent with the collective bargaining agreement between the Deputy Sheriff's Association and the City. To ensure adequate staffing over the summer months, when use of vacation time is typically high and to alleviate the burden of involuntary overtime on more junior deputies, I implemented Fair Share Overtime, which required every deputy work some overtime each pay period. From January 2016 through July 2017, the Sheriff's Department hired 140 new sworn employees, but we also separated 84, mostly for retirement, for a net gain of 56. However we began at a deficit of close to 100 and are still struggling to get ahead.

2016-17 Civil Grand Jury  
Educational Parity In Custody (EPIC) Report: **RESPONSES TO CGJ FINDINGS**

CGJ Year	Report Title	#	Findings	Respondent assigned by CGJ	2017 Responses (Agree/Disagree)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F4	At present, because of lack of staff, re-entry surveys are given on a limited, random basis, so that management does not have the feedback it needs to fully evaluate the effectiveness of the educational classes offered, or the prognosis of the success of an inmate's re-entry.	Sheriff's Department	disagree with it, wholly (explanation in next column)	Re-entry surveys are performed by the community-based organizations with whom the Sheriff's Department contracts to provide case management and program services. Department staffing levels have no bearing on the consistency or frequency of re-entry surveys. Re-entry surveys are more useful in some programs than others, but provide valuable feedback that informs program planning. Re-entry planning is also impacted by the fact that 85% of the jail population is pretrial, subject to release at any time and with no advance notice to program staff. Additionally, 49% of people who would otherwise be in jail, are out on some form of pretrial release.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F5	In February, 2017, the Sheriff's office submitted a grant request for \$70,000,000 to the California Board of Community Corrections for the renovation of County Jail #2, where females are incarcerated. At present, designing a new Women's Education Pod is not included as a part of the new jail plans for this grant proposal.	Sheriff's Department	disagree with it, wholly (explanation in next column)	The Board of State and Community Corrections rejected the Sheriff's Department's grant proposal, rendering this issue moot. Plans did include more discreet housing which would have provided women with better space in which to receive programs. However, women prisoners participate in a wide range of educational and treatment programs in their housing units as well as in the classrooms located in the Education Corridor of County Jail #2.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F6	Housing for female inmates trying to study while in jail is not designed for maximum learning. The facilities are seismically compromised and a threat to the safety of inmates in the case of an earthquake. The building is old and poorly designed for modern theories about incarceration; furthermore, it does not meet modern qualifications for inmate's physical security, personal safety and appropriate visitation space.	Sheriff's Department	disagree with it, wholly (explanation in next column)	Women prisoners are housed in County Jail #2, at 425 7th Street, not the Hall of Justice, which is well beyond its useful life. Opened in 1994, County Jail #2 is not seismically compromised and features housing units in modern podular configurations, which maximize physical security and provide effective line of sight. There is ample open space for programs and group counseling inside each pod, as well as access to a variety of educational and treatment programs.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F7	Those inmates who have already graduated high school have little opportunity to continue their education in custody, as so few courses offered are college oriented. The major problem for college-oriented inmates is the shortness of their incarceration, most often not allowing for the completion of a full semester of study.	Sheriff's Department	disagree with it, partially (explanation in next column)	Five Keys Schools and Programs, in partnership with City College of San Francisco, offers prisoners college level courses. Prisoners may also participate in Coastline College's distance learning option. The Five Keys/City College courses are offered in sessions lasting between two and five weeks, maximizing the opportunity for prisoners to complete courses. Coastline offerings are based on the traditional semester system, which makes completion of a course more difficult for prisoners who do not remain in custody for the entire 16-week semester. College course offerings continue to improve. for all prisoners.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F8	The courses taught in custody do not prepare inmates for the technical skills they need upon re-entry. There are few opportunities to use a computer in jail and learn the technical skills necessary to get a job when leaving custody.	Sheriff's Department	disagree with it, partially (explanation in next column)	We agree that it is important to maximize learning opportunities that provide students with technical skills necessary for success in today's job market. Nevertheless, Five Keys' primary focus, as mandated by its charter, is to offer high school curriculum leading to a high school diploma. Given that the majority of students are credit deficient and below grade level, the school's efforts are to get them to grade level, then offer the required classes they need to graduate, which is the priority. Five Keys does provide coding classes at its in-custody and community sites on a rotating basis. Additionally, students enrolled in the school's Keys to Change and Keys to College programs may access tablets in their housing areas.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F9	Five Keys does not compile complete statistical information about its educational courses in terms of recidivism, change of behavior or success in re-entry. Therefore, we know little about the impact of these classes in terms of keeping women out of jail, changing their behavior to conform to the laws of our society, or how successful they are in re-entering civil society.	Sheriff's Department	agree with finding	While we agree with this finding, it is impossible for law enforcement agencies and programs that serve the incarcerated population to track individuals once they leave custody, much less measure with any precision generalized concepts such as "change of behavior" and "success in re-entry." For the most part, once individuals leave jail, they have little interest in or incentive to remain in contact with the criminal justice system. The fact of not returning to custody is a indicator of success.

2016-17 Civil Grand Jury  
 Educational Parity In Custody (EPIC) Report: **RESPONSES TO CGJ FINDINGS**

CGJ Year	Report Title	#	Findings	Respondent assigned by CGJ	2017 Responses (Agree/Disagree)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F10	There is little statistical documentation available to determine if educational services offered for women inmates in the SISTERS program are effective. The Sheriff's Department, which facilitates the SISTERS Program, does not ensure that the SISTER program keeps complete records about the number of inmates who participate in each SISTER group. The SISTER program also does not efficiently measure the success of the program in terms of motivating continued education after release, or track positive behavioral changes while in custody, or increased well being while in custody, nor are the recidivism rates explored thoroughly, leaving the Sheriff's Department unclear about the statistics about the female inmates in the SISTER program. Consequently, they know little about how effective this program is.	Sheriff's Department	disagree with it, partially (explanation in next column)	Information about recidivism is always valuable, but it is very difficult to acquire. There is no uniformity among jurisdictions and programs about what defines recidivism, and it is impossible to know the whereabouts of every individual who has participated in SISTER or any other jail program after they leave custody. We have no way of knowing, for example, how many people leave custody in San Francisco and re-offend in another jurisdiction. Recidivism studies are very labor intensive and expensive, and can only provide information accurate in one point of time. A study completed today may be inaccurate three months from now as an individual who has not returned to custody today may re-offend next week or next month. Nevertheless, the Sheriff's Department defines recidivism as "arraigned on a new charge, or held on parole or probation in San Francisco County within 12 months post release." Using this definition, the SISTER Project had a recidivism rate of 41% for the last six months of 2015.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F11	The Sheriff's Department lacks proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in and out of the SF jail system, regardless of surgical status.	Sheriff's Department	disagree with it, wholly (explanation in next column)	Sworn staff receives gender awareness training during initial training, as detailed in the response to Finding 1. Program staff is included in the gender awareness training provided in Advanced Officer training.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F12	The Sheriff's Department lacks a set of proper disciplinary actions for Sheriff's deputies/ jail staff who refuse to accept transgender females as female jail population members, including refusals to perform common jail search duties on transgender inmates in the SF jail system.	Sheriff's Department	disagree with it, wholly (explanation in next column)	The Sheriff's Department's disciplinary procedures are set forth in the San Francisco Charter, the Civil Service Rules and Regulations, the Rules and Regulations of the Sheriff's Department and the collective bargaining agreements between the Sheriff's Department and the unions that represent Sheriff's Department sworn and non-sworn employees. Corrective action taken pursuant to violation of department policy, whether involving TGI policy or any other policy, is consistent with these. Corrective action may take the form of informal counseling, formal counseling, or request for a formal reprimand, suspension or termination.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F13	The Sheriff's Department lacks proper classification directives to classify transgender females as a part of the female population of the SF jail facilities.	Sheriff's Department	disagree with it, partially (explanation in next column)	The Sheriff's Department's classification policy, which is based on an objective classification system certified by the National Institute of Justice, is designed to house each individual who comes into custody in the safest and least restrictive housing appropriate to their classification level. Gender identity is one factor taken into consideration. The classification policy with regard to TGI prisoners is undergoing revision, consistent with the Prison Rape Elimination Act (PREA), which provides for the housing of transwomen with cis women when it is preferred by transwomen and their classification history does not prevent it.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F14	The Sheriff's Department lacks proper female housing for transgender females in the SF jail system, negatively affecting their socialization and educational potential.	Sheriff's Department	disagree with it, partially (explanation in next column)	Architectural limitations currently make it impossible to house transwomen with cis women in a manner consistent with PREA. Nevertheless, TGI prisoners not requiring specialized housing for medical, behavioral health or mental health issues are housed together in a separate unit within the male re-entry pod at County Jail #2 until structural improvements required by PREA can be made to women's housing units to ensure shower privacy.

2016-17 Civil Grand Jury  
Educational Parity In Custody (EPIC) Report: RESPONSES TO CGJ RECOMMENDATIONS

CGJ Year	Report Title	#	Recommendations	Respondent assigned by CGJ	2017 Responses (implementation)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R1	The Sheriff's Department should dedicate more time in the initial Deputy Training Course to the actual work deputies do inside the jail, rather than spending the majority of their training time on work as a police person on the street. They need training to more appropriately match their job descriptions inside. We suggest the Sheriff's Office implement this recommendation within a year (July 2018).	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	Entry-level deputy sheriffs have received extensive corrections-specific training for more than thirty years. Deputies are required to pass three training milestones before assuming full duty in the jails. They must pass a six-month POST-certified peace officer academy, which includes some corrections-specific topics; they must pass a four-week POST-certified jail operations course, called Core; and, they must pass a seven-week one-on-one on-site training during which they are paired with a Jail Training Officer and required to demonstrate expertise in more than 30 jail-specific skills. In addition, deputy sheriffs are required to pass annual Advanced Officer training that includes 24 hours of subjects mandated by POST, and additional topics chosen by the Sheriff. Most of this training is specific to corrections and also required by the State Board of Community Corrections (SBCC). Topics currently under consideration for future Advanced Officer training include Brain Development in Transitional Age Youth, Understanding Substance Abuse, Co-Occurring Disorders, and a Direct Supervision Refresher.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R2	Deputies and the civilian staff should be required to take the two-day University of Cincinnati Core Correctional Practices training. The course involves learning the language and techniques for addressing inmates to motivate them, instead of creating resistance. It also includes education in direct supervision, which involves how to effectively manage a housing unit using cooperative strategies instead of divisive ones. We suggest the Sheriff's office implement this recommendation within the year(July 2018).	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	The Sheriff's Department was an early adopter of direct supervision. Since the late 1980's, direct supervision techniques have been employed in County Jails #2 and #5, which were designed specifically for direct supervision, as well as in County Jail #4, an obsolete linear-style jail. Deputy Sheriffs receive training in direct supervision in all stages of their training, detailed above.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R3	Instead of increasing the over-time budget for existing deputies, we recommend hiring more deputies. We suggest the Sheriff's Department evaluate the feasibility of hiring more deputies within the current budget year (2017- 2018), instead of continuing to pay over-time to overworked staff.	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	Since January 2016, through July 2017, the Sheriff's Department has hired 140 new sworn employees, but we also separated 84, mostly for retirement, for a net gain of 56. However we began at a deficit at close to 100.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R4	We recommend the Sheriff Department hire 8 more case managers for Five Keys to effectively carry out its mission to guide an inmate through her incarceration, assist in her successful re-entry, and keep track of their progress in the Five Keys system. We suggest beginning this hiring process within the next 12 months (July 2018).	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	Five Keys Schools and Programs is an independent non-profit organization, governed by its own Board of Directors and supported by state charter school funding and grants. The Sheriff has no authority over Five Keys' staffing decisions.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R5	This Committee strongly supports funding for renovated jail facilities, and recommends that the SF Sheriff's Department the California Board of Community Corrections to incorporate the Five Keys' proposal to develop a Women's Education Pod as a part of their building and redesign plans. We also recommend that the SF Sheriff's office report how this plan for a Women's Education Pod will be budgeted into their \$70 Million grant to the SF Board of Supervisors by July 2018.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	The Sheriff's Department's proposal for a \$70 million grant to fund jail renovation was rejected by the Board of State and Community Corrections. However we continue to work on plans to create better housing for all our prisoners, including gender specific housing for women.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R6	Create an adequate housing design for maximum learning for female inmates, using the Five Keys Women's Educational Pod design, by August 2018.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	Women prisoners are housed in two podular housing units within County Jail #2 where they have access to classrooms within their pods and in the Education Corridor. Since the rejection by the Board of State and Community Corrections, we have been working with the City's Capital Planning office to bring the living areas of County Jail #2 up to current BSCC standards. These improvements include an area for general population women's housing.

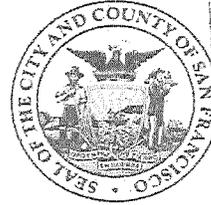
2016-17 Civil Grand Jury  
 Educational Parity in Custody (EPIC) Report: RESPONSES TO CGJ RECOMMENDATIONS

CGJ Year	Report Title	#	Recommendations	Respondent assigned by CGJ	2017 Responses (implementation)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R7	The Sheriff's Department will focus on facilitating abbreviated, intensive courses to fit an inmate's time limitations by working with the Five Keys school administration.	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	The Five Keys Schools and Programs curriculum has, for more than ten years, been based on short, intensive courses which maximize a prisoner's ability to complete courses during their time in custody. In addition to Five Keys' many community sites, which enable students to continue progress toward their high school diplomas after release from jail, the school has refurbished a surplus Muni bus as a complete classroom and learning environment that travels to areas of the City where gang activity is known to hinder participation at the community sites. Students may enroll, take classes, obtain referrals to social services and avail themselves of the school library on the bus.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R8	The Sheriff's Department should facilitate more technical classes for both high school and college studies, as a part of their overall educational programs.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	The Sheriff's Department agrees with this recommendation, and works closely with Five Keys Schools and Programs to make coding classes and computer access available to as many prisoners as possible, however, course offerings are the responsibility of Five Keys Schools and Programs. The Sheriff's Department is beginning work on a collaboration with Five Keys and the Mayor's Office of Workforce Development to bring union training into the jail facilities.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R9	We recommend that the Sheriff's Department work with Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	The Sheriff's Department supports Five Keys in measuring performance according to the metrics mandated by Five Keys' accreditation as a California public school, which is focused primarily on academic performance. Information about recidivism is always valuable, but it is difficult to acquire. There is no uniformity among jurisdictions and programs about what defines recidivism, and it is impossible to know the whereabouts of every individual who has taken classes or earned a diploma from Five Keys after they leave custody. It is also impossible to measure general concepts such as "change in behavior" and "success in re-entry" with any precision. The fact of not returning to custody is, on its own, a powerful indicator of success. Nevertheless, the Sheriff's Department and Five Keys continue to seek a system of measures beyond academic performance.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R10	We recommend that the Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	The Sheriff's Department supports Five Keys in measuring performance according to the metrics mandated by Five Keys' accreditation as a California public school, which is focused primarily on academic performance. Information about recidivism is always valuable, but it is difficult to acquire. There is no uniformity among jurisdictions and programs about what defines recidivism, and it is impossible to know the whereabouts of every individual who has taken classes or earned a diploma from Five Keys after they leave custody. It is also impossible to measure general concepts such as "change in behavior" and "success in re-entry" with any precision. The fact of not returning to custody is, on its own, a powerful indicator of success. Nevertheless, the Sheriff's Department and Five Keys continue to seek a system of measures beyond academic performance.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R11	By May 2018, the Sheriff's Department should create proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in the SF jail system, regardless of surgical status.	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	In Fiscal Year 2016-17, all deputies and program staff received a four-hour, POST-certified course in gender awareness. This year, we are implementing a training on appropriate strip search protocols and have changed the Field Arrest Booking Card to record preferred gender identity, name, pronouns and gender of the deputy who will perform any required searches.

2016-17 Civil Grand Jury  
 Educational Parity in Custody (EPIC) Report: RESPONSES TO CGJ RECOMMENDATIONS

CGJ Year	Report Title	#	Recommendations	Respondent assigned by CGJ	2017 Responses (implementation)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R12	By June 2018, the Sheriff's Department should create proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusal to perform common jail search duties on transgender inmates in the SF jail system.	Sheriff's Department	The recommendation has been implemented (summary of how it was implemented in next column)	Disciplinary procedures are set forth in the San Francisco Charter, the Civil Service Rules, the Rules and Regulations of the Sheriff's Department, and the collective bargaining agreements between the City and the unions that represent the Sheriff's Department's sworn and non-sworn employees. Corrective action taken pursuant to violation of department policy, whether involving TGI policy or any other policy is consistent with these. Corrective action may include informal counseling, formal counseling, or request for a formal reprimand, suspension or termination.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R13	By July 2018, the Sheriff's Department should rewrite the SF jail classification directives to classify transgender females part of the female population in the SF jail facilities. This language should look like this:  Transgender females are a part of the female population, and shall be accommodated and treated as such.  Transgender males are a part of the male population, and shall be accommodated and treated as such.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	This recommendation is not consistent with standards set forth in the federal Prison Rape Elimination Act (PREA), which recognizes that gender is not binary and therefore calls for transgender custodies to be offered the opportunity to state their preferences for name, pronouns, housing and the gender of the deputy sheriff who will perform searches. The assumption that all transgender females wish to be housed with cis women, and all transgender males wish to be housed with cis men has been shown to be incorrect.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R14	By August 2018, the SF Sheriff's Department should move all transgender women to appropriately female housing in the SF jail system.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable (explanation in next column)	This recommendation is not consistent with the standards set forth in the federal Prison Rape Elimination Act (PREA), which recognizes that gender is not binary, and therefore, calls for transgender women to be offered the opportunity to state their preference for housing. Furthermore, certain structural changes are necessary for the current cis women's housing to be compliant with PREA requirements for, among other things, shower privacy. Funding for these changes was included in a \$70 million jail renovation grant proposal that was rejected by the state Board of State and Community Corrections. We continue to work with the City to identify funding in order to modify areas of women's housing to allow transgender women who are if appropriate security classification to be housed with cis women if they so prefer.

CIVIL GRAND JURY | 2016-2017  
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July 5th, 2017

Board of Supervisors  
Angela Calvillo, Clerk of the Board  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Clerk of the Board Calvillo,

The 2016-2017 Civil Grand Jury will release a report entitled "EPIC Report - Educational Parity In Custody: Ensuring Equality of Women's Education In the SF Jail System" to the public on Monday, July 10th, 2017. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. Teri L. Jackson, this report is to be kept confidential until the date of release (July 10<sup>th</sup>, 2017).

California Penal Code §933 (c) requires a response to be submitted to the Presiding Judge no later than 90 days after the date of this letter. California Penal Code §933.05 states that for each finding in the report, the responding person or entity shall indicate one of the following: (1) agree with the finding; or (2) disagree with it, wholly or partially, and explain why.

Further, as to each recommendation, your response must either indicate:

- 1) That the recommendation has been implemented, with a summary of how it was implemented;
- 2) That the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for discussion, not more 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.

Please provide your response to the Presiding Judge Teri L. Jackson at the following address:

400 McAllister Street, Room 007  
San Francisco, CA 94102-4512  
Email: CivilGrandJury@sftc.org

Respectfully,

  
Kathie Lowry, Foreperson  
2016-2017 Civil Grand Jury

BOARD OF SUPERVISORS  
SAN FRANCISCO

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## **Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education In the SF Jail System**



JUNE 2017

## THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited.

California Penal Code, section 929.

### STATE LAW REQUIREMENT

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding, the response must:

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

As to each recommendation the responding party must report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

## JURORS | 2016 – 2017

KATHIE LOWRY, FOREPERSON

KITSAUN KING, FOREPERSON PRO TEM

CHARLES HEAD, SECRETARY

CHRIS BACON

RICHARD BAKER-LEHNE

CONSTANCE BERNSTEIN

DONNA CASEY

PHYLLIS DEETS

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LAWRENCE GROO

YANE NORDHAV

ADAM RASKIN

RAE RAUCCI

DANIEL ROSENTHAL

MARVIN STENDER

DAVID TEJEDA

CHARLES THOMPSON

ELLEN ZHOU



## EXECUTIVE SUMMARY

This report examines the educational services provided for female inmates in the San Francisco County Jails. The San Francisco Sheriff's Department administers these programs, offering inmates a valuable educational experience while in custody, an educational experience that we would describe as uniquely successful. However, discrepancies between male and female inmates education we feel must be addressed. Male inmates have a college dorm in the San Bruno jail system, as well as over 14 separate classrooms. Female inmates do not have this level of education opportunities.

When any inmate is incarcerated in San Francisco, male or female, if they do not have a high school diploma, attending high school is mandatory. If they have their high school diploma, there are opportunities to take college courses. If inmates who have high school degrees do not want to attend school, they have opportunities to participate in various kinds of self-help classes, i.e., overcoming addictions, abuse prevention, living in balance, etc.

But the situation was not always so promising. In 2003, the Sheriff's Department found itself hunting for new educational providers when the ones who had been providing the services withdrew. So the Sheriff's Department resisted the argument that running a school was not the job of the Sheriff, and found funds to create a high school program that was eventually granted charter school status by the San Francisco Unified School Board. Thus was born Five Keys Charter School, which is the first accredited high school in the nation to serve adults inside a county jail. Today, it serves incarcerated men and women in 15 jails in 6 counties and has garnered many honors and recognitions for its innovations and accomplishments.

In this report, we found that the educational services being provided by the Five Keys Charter School and the Sheriff's Department generally meets the needs of female inmates. Both the management and staff we interviewed are dedicated, focused professionals, progressive in their thinking towards female inmates in the SF jail system. Nevertheless, there are some areas that we believe can be improved, and our findings are listed below.

In addition to generally discussing female educational services in jail, a section of this report is dedicated to examining the difficult classification and housing situation for transgender women in the SF jail system.

These are our key findings:

1. A deputy's initial training is 6 months long. An insufficient time of that training is spent focused on the specific skills needed for a deputy whose duty is inside the jail.
2. Deputies and civilian staff often lack sufficient training in interpersonal communication skills, case management and assessing the needs and risks of the inmates. They need to more vigorously follow up an inmates' assessment, and contact county agencies to assure an inmate's needs are adequately addressed while in custody.
3. The deputies are working excessive over-time hours which leaves them too exhausted to meet the demands of their work. As a result, tension between the deputies and inmates can be exacerbated, as well as increased deputy dissatisfaction at work. Those deputies who are working with female inmates in the jail presently are suffering from fatigue because of the excessive over-time demands.

Consequently, by their own admission, they are not performing up to par. More deputies are needed to fill the extra hours required for the job.

4. At present, because of lack of staff, re-entry surveys are given on a limited, random basis, so that management does not have the feedback it needs to fully evaluate the effectiveness of the educational classes offered, or the prognosis of the success of an inmate's re-entry.
5. In February 2017, the Sheriff's office submitted a grant request for \$70,000,000 to the California Board of Community Corrections for the renovation of County Jail #2, where females are incarcerated. At present, designing a new Women's Education Pod is not included as a part of the new jail plans for this grant proposal.
6. Housing for female inmates trying to study while in jail is not designed for maximum learning. The facilities are seismically compromised and a threat to the safety of inmates in the case of an earthquake. The building is old and poorly designed for modern theories about incarceration; furthermore, it does not meet modern qualifications for inmate's physical security, personal safety and appropriate visitation space.
7. Those inmates who have already graduated high school have little opportunity to continue their education in custody, as so few courses offered are college oriented. The major problem for college-oriented inmates is the shortness of their incarceration, most often not allowing for the completion of a full semester of study.
8. The courses taught in custody do not prepare inmates for the technical skills they need upon re-entry. There are few opportunities to use a computer in jail and learn the technical skills necessary to get a job when leaving custody.
9. Five Keys does not compile complete statistical information about its educational courses in terms of recidivism, change of behavior or success in re-entry. Therefore, we know little about the impact of these classes in terms of keeping women out of jail, changing their behavior to conform to the laws of our society, or how successful they are in re-entering civil society.
10. There is little statistical documentation available to determine if educational services offered for women inmates in the SISTER (Sisters in Sober Treatment Empowered by Recovery) program are effective. The Sheriff's Department, which facilitates the SISTER Program, does not ensure that the SISTER program keeps complete records about the number of inmates who participate in each SISTER group. The SISTER program also does not efficiently measure the success of the program in terms of motivating continued education after release, or track positive behavioral changes while in custody, or increased well being while in custody, nor are the recidivism rates explored thoroughly, leaving the Sheriff's Department unclear about the statistics about the female inmates in the SISTER program. Consequently, they know little about how effective this program is.
11. The Sheriff's Department lacks proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in and out of the SF jail system, regardless of surgical status.

12. The Sheriff's Department lacks a set of proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusals to perform common jail search duties on transgender inmates in the SF jail system.
13. The Sheriff's Department lacks proper classification directives to classify transgender females as a part of the female population of the SF jail facilities.
14. The Sheriff's Department lacks proper female housing for transgender females in the SF jail system, negatively affecting their socialization and educational potential.



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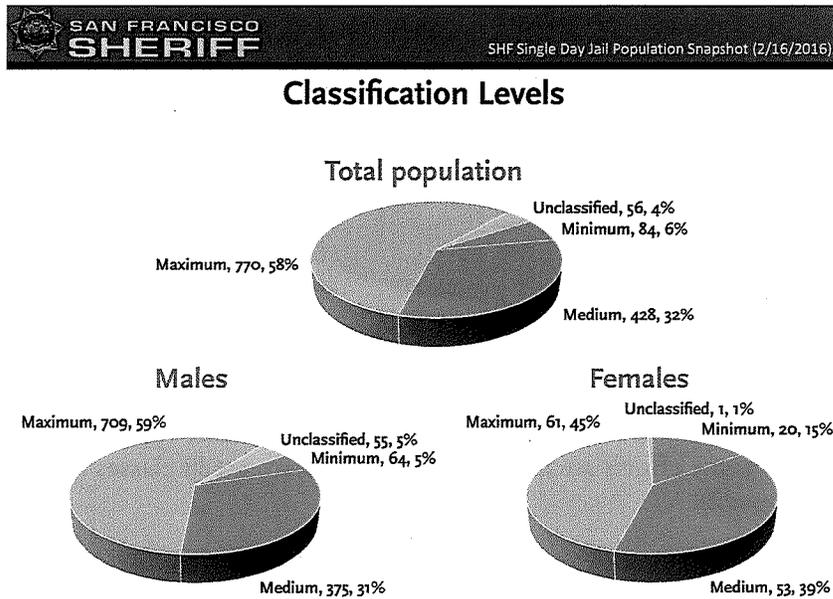
**METHODOLOGY**

Our report was conducted using standard research methods, including direct interviews and reportage, statistical analysis, and developmental fact-finding. Especially for this report, we toured Jail #2, the main housing jail for women in San Francisco, as well as the San Bruno male facility, and the Juvenile Detention Center, for female and male youths in the jail system. We interviewed staff from all three jails and also interviewed several current female inmates, as well as staff from the Five Keys Charter School. We also reviewed reports from the San Francisco Sheriff's Department and from the Five Keys Charter School administration as well as relevant newspaper accounts.

**BACKGROUND**

**The Population**

As general background, the following graphic from the San Francisco Sheriff's Department illustrates jail population by gender and custody status in the SF Jail System as of February 2016. Graphic #1 shows percentages for maximum, medium, and minimum-security levels between men and women in custody. Of note, the female inmate population is significantly less than the male population.



Classification levels in the SF Jail system

**DISCUSSION AND ANALYSIS**

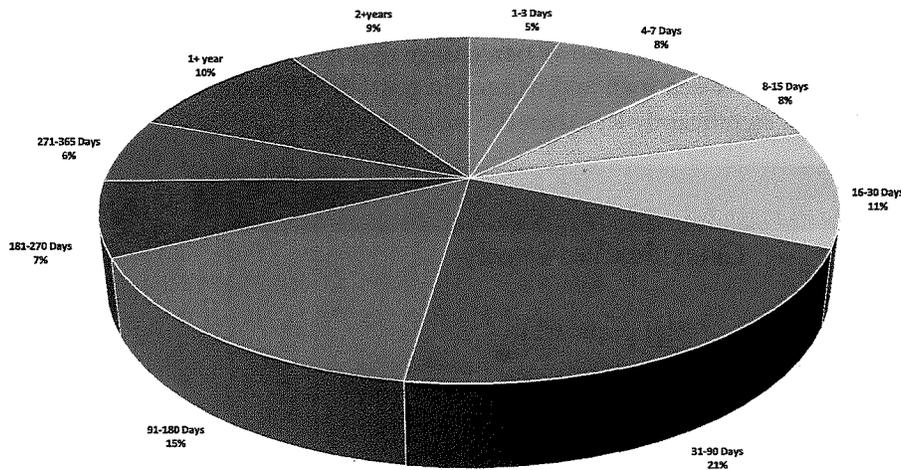
**1. Women's Education Programs in San Francisco Jail**

**The Physical Jail Capacity**

The capacity of the women's Jail #2, located at 427 7th Street, is 392 adult inmates. As of February 21, 2017, there were 115 women incarcerated there. The length of stay in SF jail system ranged from 1-3 days (5%) to 2+ years (9%), with the largest percentage of stay being 31-90 days (21%), according to SF Sheriff's Department statistics from February 2016.



**Length of Stay – Total Population**



**SF Jail Population Length of Stay**

Because of the vast discrepancies in each inmate's length of incarceration, educational opportunities are difficult to plan and sustain, although some efforts are made to hold short-form credit classes (from 1-2 sessions to under 30-day classes for credit).

In addition, the San Francisco Sheriff's Department, supported by various city agencies, has developed a variety of educational opportunities for female inmates while in custody, as well as upon re-entry to society.

These educational programs include:

1. Five Keys Charter School
2. SISTER Program
3. HealthRight 360 Programs

4. Peer Health Program
5. Coastline College Distance Learning

#### A. The Five Keys Charter School And The Sheriff's Department

Five Keys School is a charter school founded in 2003 by the San Francisco Sheriff's Department, based on five key areas: Education, Employment, Recovery, Family And Community, designed to be a school that inspires inmates to become students and sheriff's deputies to foster learning. It is an accredited California school for both High School diplomas and General Educational Development (GED) degrees. The school is funded by state funds for charter schools, private grants, leveraged contracts, non-charter school general funds and adult probation contracts, under a unique charter system from the San Francisco Unified School District.

Classes meet every day from 8:00 a.m. to 2:30 p.m. Every inmate who does not have a high school equivalent is required to attend school (with the exception of those who are in Administrative Segregation). Therefore, it is by far the most comprehensive educational service available to female inmates.

In 2015, the SF Sheriff's Department was honored with a Harvard Kennedy School Innovations in American Justice Award for establishing the Five Keys program:

<https://www.innovations.harvard.edu/san-francisco-sheriffs-department-five-keys-charter-school>

Out of the 115 female inmates in jail as of February 2017, approximately 46% were enrolled in the Five Keys school, i.e., 52 inmates. The enrollment includes almost half the inmates, as the other half already have their high school diplomas. Over the past 5 years, 2,618 female inmates have taken classes at Five Keys; 27 have graduated with a High School Diploma or the equivalent while in custody and 422 have graduated outside of custody. That represents a graduation rate of 1% for those in custody or 16% of those outside of custody. In 2016, 9 inmates graduated the school while in custody.

Inmates who are in Administrative Segregation lock-up are not permitted to take classes, but teachers come to their cells and "work through the bars" to assist them. Those inmates have Independent Study courses to earn educational credits, as well.

Five Keys also provides funding for a college program for inmates who already have their high school diploma, or GED. The school participates with City College of San Francisco in operating the program. This program is funded through The Opportunities Institute, a nonprofit social justice organization that focuses on mitigating the effects of mass incarceration on individuals in the jail system through its Opportunity and Justice initiative. More information about The Opportunities Institute can be found here:

<http://theopportunityinstitute.org/opportunity-justice/>

In 2016, 69 female inmates participated in college classes, with 33 earning college credits. However, these are short courses, earning 1 or 2 credits only at this time.

By 2018, City College of San Francisco has agreed to dedicate 6 units per semester to jails, allowing for at least one course per semester to be offered in jail. However, one of the problems of introducing City

College courses to inmates is that instructors have to condense a 4-month course into a 5 or 6-week course to minimize the number of inmates who drop out because of release.

Shorter-term stays of 30 days or less are a source of concern for classes for female inmates. According to the Five Keys website, this situation is being addressed: "To accommodate short sentences, classes are offered year-round in intensive, one-month semesters, allowing students to earn credits more quickly." However, in discussions with the jail staff these classes are difficult to maintain over a long period of time in the jail facility.

**B. The SISTER Program**

The SISTER Program (Sisters in Sober Treatment Empowered by Recovery), operated by the Sheriff's Department, provides relevant support services for female inmates with substance abuse issues in the SF jail system.

Currently the program involves approximately 30 female inmates each day, forming "groups" which discuss a variety of personal development topics. The average number of students in each class is from 12 -15. Most of the classes are 60 - 90 minutes long, offered once a week for 10 - 15 weeks.

In terms of high school credit, those inmates who are graduating from Five Keys may receive credits for their participation in SISTER courses if they are close to fulfilling their high school requirements. Otherwise, they are not accredited courses.

Courses offered in a normal week through the SISTER program are:

- |                       |                    |
|-----------------------|--------------------|
| Journaling            | Relapse prevention |
| Motivation            | Relationships      |
| Helping Women Recover | Living with others |
| Living in Balance     | Seeking Safety     |

**C. HealthRight 360 Courses**

These courses are a group of integrated health programs providing compassionate care and treatment for female inmates. For instance, one course, Dialectical Behavior Therapy, teaches positive coping strategies for reducing stress, and is given in one-hour sessions for 12 weeks. The objective of this course is Behavioral Modification. Another course, Self-Esteem, is a 10-week course, offered one hour each week.

**D. Peer Health Program**

This 2-month program, held once or twice a year, was initiated in 2016 by 2 medical residents at the University of California Medical Center. The training is provided for female inmates who are interested in becoming health educators. Approximately 20 female inmates have earned a certificate of completion since its inception. The training does not earn high school credits.

At the time of this report (June 2017), the program is not operational, as it needs volunteer medical residents from University of California Medical Center to manage it.

### **E. Coastline College Distance Learning**

Coastline College Distance Learning combines technology - television, computers, FAX/modems, telephone - with printed materials to bring course content, instructor, and students together. The program offers a standard 4-year college degree, as well as an associate degree transferrable to other college / university systems.

Coastline's top programs are Cybersecurity, Paralegal Studies, Psychology, Business and Pre-Allied Health. In the past 5 years, 9 inmates have taken courses and all graduated. The program involves a 2-year course to earn an AA degree. The Sheriff's Department administers the program.

Inmates who want college classes while incarcerated can take correspondence classes through this program, but again, the problem is timing, i.e., finding ways to adjust the program to account for the inmates' projected release date.

At present, we see no easy solution to this problem, unless the Sheriff's Department can work directly with Coastline Community College to establish short-term distance learning classes for college credit for inmates in the jail system.

## 2. Deputy Training And How It Affects Women's Education In The SF Jail System

### **Deputies Need More Specific Initial Training for Their Work Inside the Jail**

Approximately one day of a deputy's 6 month initial training is spent focused on the specific skills needed for a deputy whose duty is inside the jail. The vast majority of the time in a deputy's initial training is focused on the job responsibilities of a police person whose duty is on the street. As a result, they often do not get training in the interpersonal communication skills they need in order to help create a harmonious environment inside the jail.

### **Deputies Need Additional Training in Core Communication Skills**

According to our interviews with deputies, inmates, and other staff members, deputies do not always interact with the inmates in a civil, professional way. Some deputies are not entirely supportive of the inmates in their educational pursuits, belittling their efforts instead of encouraging them. In getting inmates ready for school in the morning, deputies at times will yell at inmates instead of addressing them civilly and respectfully, which can result in a lack of motivation among those inmates.

Deputies play a critical role in helping inmates succeed in school. If deputies are not supportive of the school, they can undo weeks/months of work, by how they treat inmates. Sometimes, according to staff in the education program, deputies do not understand that the punishment for an inmate is the act of being removed from society. From the Five Keys point of view, being removed from society should be the *only* punishment. And yet, treating inmates with a lack of respect constitutes an added punishment.

Alternatively, some deputies complained about the rude behavior of the inmates, who kick, refuse to listen, disobey orders, question a deputy's authority, back talk, call deputies dirty, racist names and generally contribute to a deputy's stress. The negative interactions with recalcitrant inmates are the part of the job deputies dislikes the most. Some deputies suggested that they would like the opportunity to talk with the inmates and explain their point of view, to even apologize for the yelling if given a chance to explain why it is they feel the need to yell.

This is not to imply that all deputies belittle or discourage inmates from taking advantage of the educational opportunities offered them. Many we spoke with truly care about the inmates succeeding in their educational endeavors and are encouraging voices in their lives.

As far as the interactions between deputies and the civilian staff, we learned that deputies at times treat teachers, social workers and staff as subordinates instead of equals, and as inconveniences instead of important resources. It has been pointed out that the civilian staff is often better educated and experienced in rehabilitation than the deputies, so that deputies could learn from them, instead of dismissing them.

According to senior staff of the Five Keys program, the SF sheriff's staff would benefit from a Core Correctional deputy training, such as the University of Cincinnati's Core Correctional Practices deputy training program. This established training program could provide deputies with increased skills to handling inmates fairly in the jail system, including the female population we are profiling in this report.

Information about the University of Cincinnati Corrections Institute's Core Correctional Practices, from the UC website:

### CCP Training Overview

Core Correctional Practices is a two-day training that instructs criminal and juvenile justice workers on the core skills needed to support cognitive behavioral programming. The training is relevant to direct care, security staff, and treatment staff. Specific topics to be discussed include: (a) a brief description of the principles of effective intervention, (b) an overview of the core correctional practices (relationships skills, effective use of reinforcement, effective use of disapproval, effective use of authority, prosocial modeling, cognitive restructuring, social skills training and problem solving skills), (c) practice of each of the core correctional practices occurs and implementation strategies are discussed, (d) principles of an effective behavior management system are emphasized. Adding a 3rd day to the agenda to provide training on how to facilitate a skills based group for offenders may enhance this training<sup>1</sup>.

More information about the program can be found here:

[http://www.uc.edu/corrections/services/trainings/changing\\_offender\\_behavior/ccptrainingoverview.html](http://www.uc.edu/corrections/services/trainings/changing_offender_behavior/ccptrainingoverview.html)

### **Deputies Excessive Over-Time Hours Leave Them Too Exhausted to Meet the Demands of Their Work**

In talking with deputies about jail duties, the most urgent work complaint they had was with the amount of overtime they are expected to work. They complained of being exhausted, which might explain the ill humor they express toward inmates, as well as with colleagues, at times. The overtime is a mandatory condition for their employment; they know when they sign on as a deputy that they will be working what they consider excessive overtime.

In the meantime, according to a SF Chronicle article from 2016, the SF Sheriff's Department is concerned about the amount of over-time they pay the deputies and complain that their budget is strained and they need to increase it to meet the extra demands:

...while the proportion of the total payroll dedicated to overtime remained relatively steady across city agencies - holding flat near 6 percent in 2014 and 2015 - it grew from 11 to 14 percent at the Sheriff's Department.

The increase is occurring as the city's inmate population shrinks. The average number of people held in San Francisco jails dropped 20 percent between fiscal years 2011-12 and 2014-15, according to a January report by the city Controller's Office. While declines in the jail population have led to dips in overtime spending in the past, the number of overtime hours at the agency actually increased 60 percent over the time period.

The Sheriff's Department blames the growing overtime costs largely on staffing shortages. The number of full-time employees fell by about 7 percent between fiscal years 2010-11 and 2014-15, due in part to a higher than expected rate of attrition.

Injuries within County Jail also increased substantially between 2012 and 2014, leading to a high number of deputies on long-term sick leave. There are currently 40 people on disability, 20 of whom aren't expected to return to work, according to Sheriff Vicki Hennessy. Since people on disability can't be permanently replaced by new hires, each month someone is out forces the agency to use as much as 269 hours of overtime, according to a June audit by the budget and legislative analyst<sup>2</sup>.

It is clear that the SF jail system needs more deputies hired, but the situation with overtime and non-hiring replacements for deputies in the Sheriff's Department is a clear obstacle to this process.

### **3. Issues With The Five Keys Charter School In the SF Jail System**

#### **Five Keys Does Not Have Enough Case Managers to Adequately Track Inmates and Prepare Them for Re-Entry to Society**

The Five Keys program at present has 2 full-time case managers who, according to Five Keys staff, are responsible for guiding inmates through their re-entry into civil society. When inmates are released from jail, they re-enter society, a transition which can be frightening for an inmate, even traumatic. The job of a case manager is to identify immediately upon an inmate's arrival to jail the specific problems that particular inmate will have upon their release and to begin addressing those problems immediately.

Examples of these problems are addictions, childcare services, probation, educational needs, etc. The case manager develops a case plan for the inmate to follow while in jail. At the time of re-entry, the case manager works with the inmate to map out a successful re-entry, i.e., living accommodations, employment opportunities, health services, etc. The plans for each inmate are set out in an exit survey, which are of vital importance to the jail staff in understanding how the jail system is working, and if not, where the failures lie.

There are two kinds of exit surveys prepared when an inmate leaves jail. One is to evaluate the delivery of the educational program in terms of what worked in the classroom and what did not, i.e., what classes the inmates would like more/fewer of, how relevant the material covered was, how significant it was to their life experiences, etc.

The second kind of exit survey is designed to address re-entry needs, i.e., to think about plans for the future and how to execute those plans, i.e., employment, housing, health needs, family integration, continuing education, etc.

These surveys are critical to the successful implementation of Five Keys and the objectives of the Sheriff's Department. Their work cannot be properly evaluated without a consistent flow and analysis of data, largely collected through these surveys. But, as of the time of this report, the surveys are conducted on a random, limited basis, with little statistical analysis brought to bear.

The problem is that there are not enough case managers to conduct these exit surveys. According to what the Five Keys staff has been told, this is because there is not enough money in the budget to hire them.

#### **The Need for More Behavior Related Courses**

In terms of changing behavior, Five Keys believes that the school needs to teach more courses in Cognitive Behavior Therapy or Interventions, courses like: Thinking for a Change; Cognitive Behavioral Interventions in Substance Abuse; and Cognitive Behavioral Intervention for Employment. According to Five Keys, these courses are considered the most effective for helping to effect changes in behavior. At present, Cognitive Behavior Therapy courses are largely offered through voluntary, non-credited courses given through the SISTER program.

#### **Educational Opportunities After Incarceration Are Improving**

Five Keys offers continuing educational services for women after they leave jail through their Women's Resource Center, which provides services and on-going case management for women who have re-entered

civil society. Located in various county centers, approximately 30% of female ex-inmates are taking classes at these centers presently.

In addition to the Women's Resource Center, Five Keys has received a \$100,000 grant to develop a mobile women's resource bus. This bus is designed to service women in re-entry throughout San Francisco County, meeting them immediately upon release from jail. The bus will be parked at various strategic locations throughout the county and be equipped with classroom facilities for immediate educational use.

### **Recent Reports on the Efficacy of the Five Keys Program**

According to the 2015 article, "Go to Jail, Go to School", from Governing Magazine, the effects of the Five Keys program show good progress towards linking inmates' education in the SF jail system to lowering their recidivism rates:

Building on data showing that inmates who earn a high school diploma are much less likely to land back in jail, back in 2003 the San Francisco Sheriff's Department (SFSD) sought and received a charter to open a high school for adult inmates in a county jail. Today Five Keys Charter School remains the country's only charter school operated by a sheriff's department.

Having the charter allowed the department to design content and a school structure to meet the complex needs of incarcerated students. The curriculum includes a focus on "restorative justice" -- working to repair the harm caused by criminal behavior -- as well as conflict-resolution techniques designed to help inmates avoid violence.

In 2008, SFSD applied for and was granted two additional charters: one that allowed it to expand to a downtown facility that houses women and a second to open an independent study division for former inmates to work independently and meet with a teacher once or twice a week. Five Keys also expanded from a high school to a comprehensive K-12 school because, while some students were relatively close to earning a high school diploma, most needed longer-term intervention.

And in an unprecedented cooperative effort, in 2012 the program expanded into the Los Angeles County jails, where the program operates under a contract with Five Keys. Today the program is in all of the Los Angeles and San Francisco county jails and also has more than 30 community campuses. In all, it serves more than 8,000 current and former inmates each year.

The results are impressive. California's overall recidivism rate is 68 percent; for Five Keys students, it's 28 percent. During the 2013-14 school year, 58 percent of Five Keys students improved their reading ability by an average of two grade levels; 59 percent improved their math skills by the same degree. The average annual rate of inmate-on-inmate crime is 12 percent in the county jails, but it's only 2 percent for those in the educational programs.<sup>3</sup>

We laud this report about the progress of the Five Keys program in the SF jail system; however, we would like to see more overall statistical data on this subject.

#### **4. Female Housing In The SF Jail System, And How It Relates To Female Inmate Education**

##### **Housing for Female Inmates is Inadequate for Educational Purposes**

At present, female inmates are housed without considering their educational needs. For instance, those inmates going to school get up early in the morning, and return at 2:30 PM, while others inmates are engaged in various SISTER "group" discussions on various aspects of personal development.

A more harmonious atmosphere in the housing pods could be created if the inmates who are going to school were all housed together. In that way, their objectives would be the same, everyone would have the same schedule and inmates could help each other with their schoolwork. The re-design of the housing pods would be conducive to creating a more unified group, a more compatible atmosphere, and a more positive educational environment.

Our investigation showed that there is a clear differentiation between men's and women's education in the SF Jail System. Currently, women's education is limited to two dedicated classrooms in County Jail #2, compared with a full education wing at the male-only San Bruno jail facility (County Jail #5), with many more classes available.

The San Bruno facility also features an educational pod (housing accommodations) for inmates in the Five Keys high school program, as well as a wide range of college courses. This educational pod offers inmates a chance to socialize together in a population that takes classes together and works collectively towards their educational goals.

Currently, women in the SF Jail System do not have as full a set of classes available for them, as in the San Bruno men's facility. This ensures their pathway towards gaining a high school diploma or community college degree being more fragmented and transitory than the educational path for similarly-incarcerated males.

##### **Establishment of a Women's Educational Pod in the SF Jail System**

The senior management of the Five Keys Charter School, which runs the main educational programs in the San Francisco jails, has proposed to the San Francisco Sheriff's Department the establishment of a Women's Education Pod in County Jail # 2, located adjacent to the Hall of Justice at Bryant and Seventh Streets. The purpose of this proposal is to address the need for improvement of education programs for women in the SF jail system.

The bulk of male inmates are housed in the off-site jail in San Bruno, while females are housed in County Jail #2. In recent years the male inmate population has numbered approximately 1200, compared to a female population of about 120. This disparity in numbers, together with the requirement to segregate men and women inmates, has led to a gender disparity in educational opportunities.

Because female and male inmates are housed in separate facilities, two separate sets of teachers and staff and equal types of educational facilities would be required to maintain educational parity between men and women in the SF jail system.

The difference in inmate housing also means that most college classes are restricted to the male-only San Bruno jail facility. The situation is magnified by the fact that the average stay in jail for women is less than

for men, closing them off from most for-credit educational classes in the current educational plans for inmates.

We also learned from Sheriff's Department staff the need for non-education supportive services for women exceeds that of men, mainly due to multiple issues concerning female inmates (i.e., substance abuse combined with domestic violence trauma). To implement more services to handle these issues for female inmates requires staffing and, thus, additional financial outlay, which is difficult to access.

Other issues women face in the SF jail system towards education include:

- Housing for female inmates trying to study while in jail is not designed for maximum learning.
- The facilities are seismically compromised, and a threat to the safety of inmates in the case of an earthquake.
- The building is old and poorly designed for modern theories about incarceration.
- The facilities do not meet modern qualifications for inmate's physical security, personal safety and appropriate visitation space.
- Courses taught in custody do not prepare inmates for the technical skills they need upon re-entry. There are few opportunities to use a computer in jail and learn the technical skills necessary to get a job when leaving custody.

The Five Keys proposal for a Women's Educational Pod is intended to alleviate some of these constraints. It would convert B-Pod in County Jail #2 to a gender-specific educational therapeutic community where all women inmates will be housed. All classes would take place in the Pod, which would combine all educational programming, including high school and college, rehabilitative services, cognitive behavior classes, counseling services, and re-entry programs.

According to information from the Five Keys administrators, the new Women's Education Pod would also be gender-responsive and address the unique needs of women. The Women's Education Pod would also help to change the culture in the jail; by placing an educational and support system for women in the SF jail, it would become the norm for the jail overall. Also according to Five Keys, the current structure of women's housing does not maximize their opportunities to have good educational programming.

Additional classes to the regular high school curriculum in the new Pod would be introduced, including Computers and Coding, Restorative Justice, Thinking for a Change, Cognitive Behavioral Interventions for Substance Abuse and Dance, Movement and Yoga.

In addition two other programs are in the planning stage:

**Seeking Safety:** A cognitive behavioral approach to helping women heal from post traumatic stress disorder and substance abuse

**Grief and Healing:** Helping women address and heal from the many forms of loss they have experienced in their lives, including the loss associated with incarceration.

The plans for this new Pod would provide some of the necessary subjects now missing in the educational services for women in custody, specifically giving them more hands-on computer training and coding technical classes, which are crucial for getting a job upon re-entry to society.

At present, the Women's Educational Pod proposal appears to be stalled while its cost and other logistical matters are being studied.

The point of this section is to show the link between the inadequate quality of housing for female inmates to the quality of their education. The current housing situation for female inmates only exists in Jail #2, with only two dedicated classrooms for female education. These classrooms appeared to be inadequate as compared to the male San Bruno facility, which includes a full educational corridor with 14 fully-equipped classrooms, including full time teachers, and a college dorm.

Additionally, the Sheriff's Department faces challenges in planning the educational programs for female inmates due to the smaller female population, and the shorter length of stay for women. Having a much smaller percentage of women inmates than men may in part have caused delay in the creation of a women's educational pod.

### **Housing – The Sheriff's Department Grant Request**

In February 2017, the Sheriff's Department submitted a Jail Facility Update grant request for \$70 million dollars in State Funds for the renovation of the woman's jail #2 on Seventh Street. The overall project cost, including changes to Jail #4, is projected to be \$82 million, with the additional \$12 million coming from SF City Hall funds, according to the same Sheriff's Department proposal on the subject<sup>4</sup>.

Many reasons are given for the need for this renovation, including the fact that County Jail #2 is a seismically unsafe facility that lacks adequate program and treatment space. It was originally designed and constructed as a work furlough facility with dormitory style beds and a commercial grade interior. Consequently, County Jail #2 is only appropriate for housing low- to medium-security inmates, and the City's jail population has housed an increasing proportion of maximum-security inmates since 2008.

Lack of safety features is another problem: The pods in County Jail #2 do not protect against suicide attempts in their current form because they are missing suicide barriers between floors and appropriately configured shower stalls. The facility's security systems are also outdated and will likely require additional egress routes and smoke evacuation systems to ensure the safety and security of those in its custody.

Lack of secure programming space is a third problem. County Jail #2 currently includes multipurpose rooms in each pod, dayroom spaces in each pod, and a corridor for educational programming. These spaces are not appropriate for delivering programs to high-security inmates, nor are they adequate for delivering as many programs as are available to inmates housed in other City jail facilities.

Lack of appropriate in-person visitation space is a fourth problem. County Jail #2 does not currently include adequate space for in-person visitation. Most of the facility's housing pods use a multipurpose room on the lower level for visits with family and friends. The rooms are noisy and it is hard for inmates and visitors to hear one another. In addition, there is an increased risk of exchange of contraband during visits since visits are not audio recorded and there is no screen separating inmates and visitors.

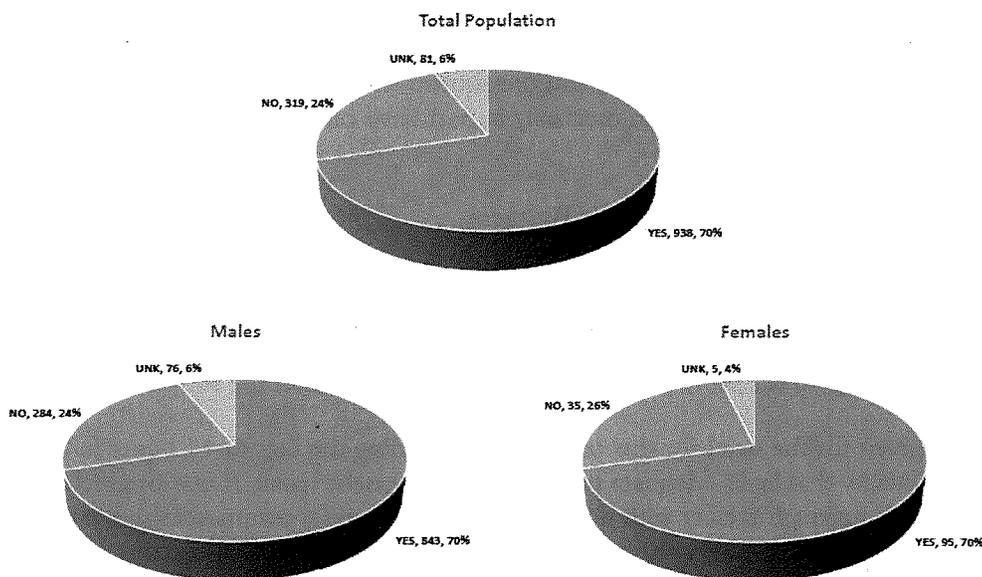
Most importantly from the point of view of women's educational opportunities is that this new grant request would allow the opportunity for the Five Keys Proposal for a new Women's Education Pod to be included in the plans for the \$82 million grant. At this point, however, the Five Keys' Proposal for a Women's Educational Pod is not mentioned at all in the plans for this new grant.

### Multiple Diagnostic Issues Among Female Inmates

According to Sheriff's Department statistics, substance abuse is a major problem among women inmates, with 70% self-reporting problems with it during incarceration and beyond.



#### Self-Reported Substance Abuse



#### Self-Reported Substance Abuse Levels In the SF Jail System

This is the same percentage as for male inmates (70%), as shown above. However, In addition to substance abuse, female inmates also face multiple other diagnostic issues while incarcerated. According to our jail sources, female inmates face a higher degree of mental health and domestic violence issues than male inmates, that when combined with substance abuse, put their ability to focus on educational and personal wellness goals at risk.

To mitigate this situation, many of the SISTER courses are designed to meet psychosocial and self-improvement problems of women in jail, i.e., building their self-esteem, establishing healthy relationships, dealing with recovery, handling safety issues, etc. However, these courses are not accredited at this time, and therefore, this impacts a participating inmate's potential of working towards an educational degree while incarcerated.

**5. Statistical Analysis Issues With Women's Education In The SF Jail System**

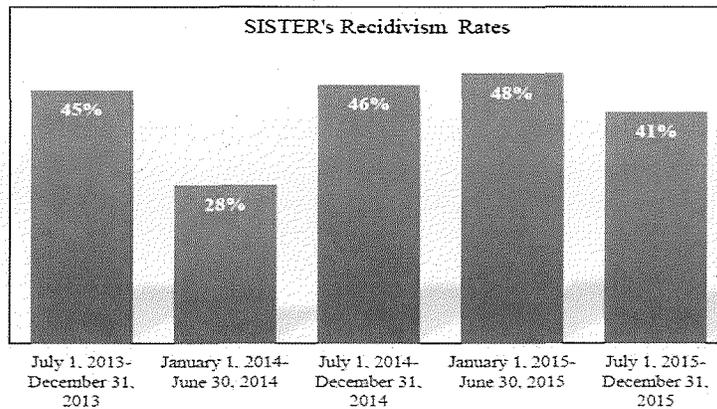
The Five Keys school does not adequately collect statistical data on the effectiveness of their educational programs in terms of aspects of recidivism, change of behavior, or success in re-entry to society.

It would be insightful for Five Keys to provide clear, consistent, meaningful statistics in the following areas:

- a. Comparing the recidivism rate of those inmates who have attended Five Keys with the recidivism rate of those inmates who never attended the school. Studying recidivism would be a pragmatic way of evaluating the effectiveness of the school in terms of helping keep inmates out of incarceration.
- b. Any changes of disciplinary behavior due to the discipline of going to school, to analyze how successful the Five Keys program is in terms of delivering on its goals.
- c. The success of students who attend Five Keys classes in terms of re-entry, as opposed to those who are not students.

**The Sheriff's Department does not accurately collect statistical data on the effectiveness of their educational programs**

The Sheriff's Department, which facilitates the SISTER Program, does not maintain documented records about the number of inmates who participate in each SISTER group, nor does it measure thoroughly the overall success of the program in terms of motivating continued education after re-entry, positive behavioral changes while in custody, and improvement of inmate's well-being affected by her SISTER courses. Since the SISTER program is implemented by HealthRight 360, some type of communication between the Sheriff's Department and HealthRight 360 needs to be established to gain this statistical information from the program's officials.



**Recidivism Rates in the SISTER Program**

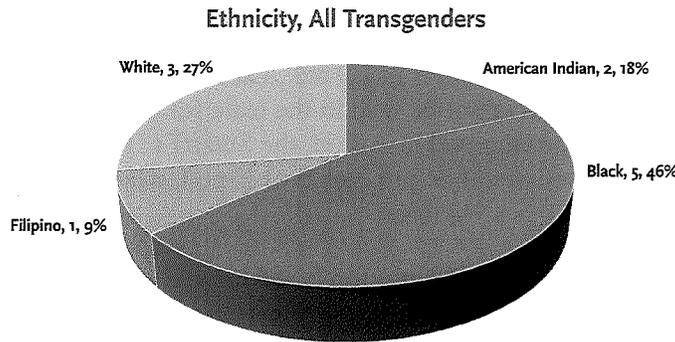
Consequently, we know little about how effective this program is over time. What we do know is that the average recidivism rates among those in the program over the period of 2013-2015 averages over 40%.

### 6. How Transgender Females' Housing Affects Their Education In The SF Jail System

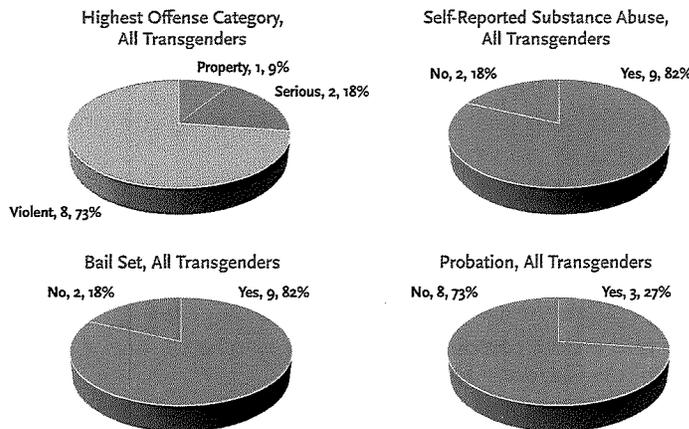
This section covers the critical issue of transgender women kept in administrative segregation in male jail facilities in the SF Jail system, with their only other option being an inappropriate "Gender Non-Conforming" pod located in the male jail facilities of County Jail #2. Instead of being included in the general female population, transgender women are kept in these two types of segregational housing, denying them the proper socialization and education programs available to other women in the SF Jail system.



#### Transgenderers — Total Population (11)



#### Transgenderers — Total Population (11)



Classification information for transgender population in the SF jail system (note the inappropriate use of the word "Transgender" as a noun in this official SF Sheriff's department graphic, and the improper way that both male and female transgender inmates are lumped together in one category)

Currently transgender women are classified into the male jail facilities at the SF Jail system, with the almost certain result that they will be put into segregational housing. The recent creation of a “Gender-Nonconforming” housing pod in the SF jail system for transgender women clearly does not solve the housing situation for them. It fails to address the fact that transgender women are female, and by keeping them blocked from female jail housing, they are also de facto blocked from almost all of the female educational and social programs we have discussed earlier in this report.

**The Current Situation for Transgender Females in the SF Jail System**

In 2017, transgender females only have two housing options after reaching intake in Jail #2. Regardless of stating that they are females, the resulting housing from the poor classification system is in the male jail facilities, usually automatically classified into Administrative Segregation. The only other option is to go into a Gender Non-Conforming Pod, currently located in A-Pod, in the male jail facilities in Jail #2.

According to the SF Sheriff's Department's own information about County Jail #2 (shown below), “females” are currently housed in B and E-Pods in Jail #2. Lack of access to these facilities means that when a transgender woman's only option not be held in the male jail facility in Administrative Segregation is to be put into a Gender Non-Conforming pod in A-Pod, the Sheriff's Department still considers them not to be a “real” woman, otherwise they would be put into B or E pod, which is not happening now in the SF jail system.

This supposed progress Gender Non-Conforming pod is still located squarely in segregatory male jail facilities, inappropriate for any females in the jail system, including transgender females. Currently from our observation, there is no pathway at all for transgender women to be placed properly in B- and E-pods with other females in the jail system during intake and classification.

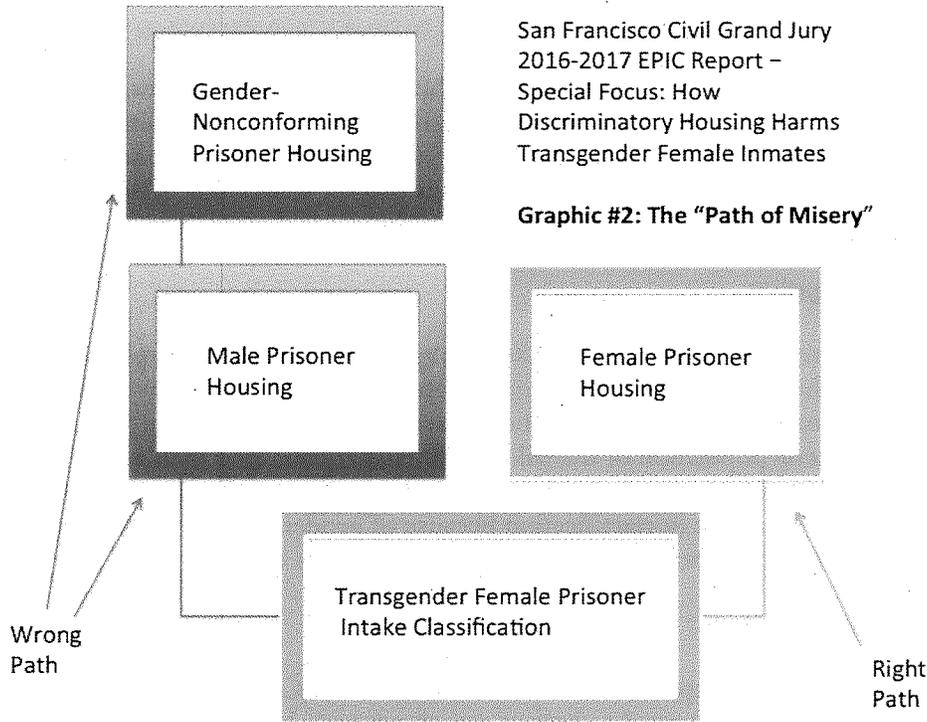

SAN FRANCISCO  
SHERIFF
April 8, 2016

## Description County Jail #2

- ❑ Direct supervision facility originally built as a Work Furlough facility
- ❑ Podular design with improved line of sight, program areas, medical clinic, dental clinic
- ❑ Non-operational kitchen and laundry
- ❑ Limited recreation space
- ❑ Consists of 6 housing pods
  - ❑ Pods A & D are dormitory style with 56 beds each
  - ❑ Pods B and E both contain 48 dormitory beds each and 40 beds, 2 each in 20 cells – Currently female housing
  - ❑ Pod C is a medical and psychiatric observation pod with 72 beds – mixed male and female housing
  - ❑ Pod F – contains 56 dormitory beds and 48 beds in 24 cells – Currently male intake pod

Description of SF Jail #2 Facilities

Automatic disqualification from female housing takes place as soon as any transgender female is admitted into the jail system. There is no transfer opportunity to the female quarters, regardless of how many requests the inmate may make. This results in the exacerbation of a transgender woman's sense of dysphoria, when she is kept in male jail facilities against her true gender identity.



SF Civil Grand Jury 2016-2017 Produced Graphic

**Classification Issues**

According to a 2017 Bay Area Reporter (B.A.R.) article, the reason that transgender female inmates are kept out of the female population in the SF jail system is due to a policy of misclassifying them as not being female.

At least one trans inmate isn't satisfied with her situation, though. Latiya Pryor, 48, is serving several months in jail after pleading guilty to second-degree commercial burglary.

In a recent interview inside County Jail #4, Pryor said she's being held there in the administrative segregation unit despite several requests to move to County Jail #2 with other trans inmates. She also said that she's been unable to get access to women's underwear, among other concerns.

"It's a known fact that we're the last they care about," Pryor said.

Hirst, the sheriff's spokesman said, "Unfortunately, because of classification issues Ms. Pryor cannot be moved, but we are endeavoring to resolve all other matters that she mentioned." The classification issue isn't related to Pryor's gender, Hirst said, but she couldn't comment further<sup>4</sup>.

In this report, a transgender female inmate specifically asked for transfer to the proper female population several times in 2017. Each time she was specifically turned down due to an undefined "Classification Issue".

As outlined in the classification information from the Sheriff's Department below, this issue is the continuing discriminatory policy of only offering transgender females only two alternatives in the jail system Administrative Segregation housing in male jail facilities, or being placed in a Gender Non-Conforming pod. Neither type of housing for transgender female inmates is proper; both types of housing are discriminatory on their face.

### **Administrative Segregation**

For a transgender woman being inappropriately kept in a male jail facility, being placed in protective custody is necessary to protect their safety against the general population of men. However, this type of housing seriously restricts an inmates' freedom of movement, because the Administrative Segregation cells are locked off from the general population of the jail, and inmates therein find their access to education and other programming seriously limited. If the Sheriff's Department's guidelines state that they want to ensure that no discrimination will happen in classification because of gender identity (see below), then they need to close out the practice of placing these women into male jail facilities entirely.

### **Gender Non-Conforming Pod**

More recently, the SF Sheriff's Department created a Gender Non-Conforming Pod in the male jail facility of A-Pod in SF Jail #2. This was touted as being a way to properly handle the issue of transgender women in the SF jail system. This is a housing pod for Transgender female individuals located one floor above male housing in the male jail facility in A-Pod in SF Jail #2.

### **Discriminatory Housing**

The construct of a "Gender Non-Conforming" Pod for transgender women in a male jail facility is problematic at best. The words "Gender Non-Conforming" suggest that anyone in such a pod is there because they don't conform to their "actual" gender. This is to call a transgender woman in that "Gender Non-Conforming" Pod a woman who does not conform to their "actual" gender of male - i.e., "a man who thinks he's a woman".

This is an offense to any incarcerated transgender woman who is trying to get along in the female sphere without being discriminated against in the SF jail system, and directly contradicts the SF Sheriff's Department Classification Guidelines not to discriminate against any inmate because of their gender identity.

Keeping transgender women from female jail facilities flies in the face of the Sheriff's Department's own statements in their Prisoner Classification Goals, as stated: "To ensure that no one is discriminated against in the classification process because of race, color, national origin, religious belief, gender identity, political belief, physical impairment and/or medical condition."

Clearly, to block a transgender woman's access to inmate housing in female jail facilities and place them only in male facilities, or into a Gender Non-Conforming Pod in male jail facilities, is to deny them their gender identity as females, and to actively discriminate against them for as long as this unfortunate situation exists.

This type of "Gender Non-Conforming" housing, upon direct observation by this Grand Jury, results in a transgender female population that is listless and detached from their true gender identity, and also unable to access female education programs, and unmotivated to improve their lot in jail while being in so-called "protective custody".

### **Prisoner Classification in the SF Jail System**

The fact that there is no clear classification information for transgender individuals in the SF jail system is key to the issue at hand.

For comparison and review, the current classification information from the SF Sheriff's Department as of April 2016 is listed below:

#### **Prisoner Classification**

The San Francisco Sheriff's Department Classification System has been developed in order to maintain the safety of prisoners and staff to prevent problems associated with victimization and to ensure uniformity in the operations at all jail facilities.

#### **Prisoner Classification Goals**

- To ensure that no one is discriminated against in the classification process because of race, color, national origin, religious belief, gender identity, political belief, physical impairment and/or medical condition
- To provide a system-wide, consolidated method of managing the population, that contributes to the security, safety and dignity of prisoners and staff

#### **Prisoner Classification - Guiding Factors**

- Objective: Not influenced by personal feelings, interpretations, or prejudice; based on facts; unbiased: an *objective* evaluation
- Criminal Sophistication: A state of mind in conjunction with one's criminal experience and threat potential

#### **Classification Process - Review of Criminal History:**

- CII (California Information and Identification)
- NCIC (National Crime and Information Center)
- Institutional disciplinary history to determine risk potential

Interview:

- A confidential, face to face interview with each custody

**Prisoner Classification - Evaluation Categories**

- Current Charges (Felony or Misdemeanor)
- Serious offense history (prior felonies)
- Escape history
- Institutional disciplinary history
- Substance abuse resulting in assaultive behavior
- Stability factors – Age, employment, housing

**Prisoner Classification - Re-Classification**

Prisoner reclassification is used to update and review a custody's initial classification. Reclassification is completed at regular intervals of 30, 60, and 90 days.

Primary function is to monitor adjustment and bring attention to any emerging problems that may result in a change of housing assignment or classification level.

**Prisoner Classification - Administrative Segregation**

Housing areas for individuals who:

- Pose a threat to other custodies
- Need protection from other custodies
- Are disruptive in the general population
- Requires supervisor's approval
- Reviewed within 7 days of placement by Classification
- Reviewed every 14 days thereafter

**Prisoner Classification - Challenges of Classification**

Appropriate available housing to keep people safe:

Gang Keep-aways

Gang Drop Outs

Co-defendants  
Special Housing  
Medical  
Psychiatric  
Gender non-conforming  
Civil<sup>5</sup>

Nowhere in the foregoing classification guidelines are transgender individuals listed properly; despite classification goals and guiding factors contradicting their own guidelines.

Such language should read as follows:

Transgender females are a part of the female population, and shall be accommodated and treated as such.

Transgender males are a part of the male population, and shall be accommodated and treated as such.

Instead, the classification guidelines only include the demeaning term "Gender Non-Conforming" concerning transgender individuals, which is a clear misunderstanding of what being transgender is about (as discussed above).

The 2017 Bay Area Reporter article previously cited also included information from the Sheriff's Department indicating that they will continue to stall placing transgender women into the proper female population, under the above classification guidelines:

(Sheriff) Hennesy pledged to adhere to standards set forth in the national PREA (Prison Rape Elimination Act) (guidelines), which addresses housing for trans inmates.

In her letter she noted that guidelines state that when it comes to housing and programming for trans and intersex inmates, agencies "shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems," and, "a transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration."

"In looking ahead to making new housing assignments, we will need to make them on a case-by-case basis to ensure the safety of each person as we seek to honor their housing preference," a senior official at the Sheriff's office stated.

She wrote that staff are also being trained on new expectations around searches that are consistent with PREA standards.

"Implementing this policy constitutes a change in working conditions and requires that we meet and confer with both the Deputy Sheriffs' Association and the Managers and Supervisors Association," (the letter continued). "We have initiated meet and confer, and are working through that process."

Hennessy has issued a training bulletin and memo to all sheriffs' personnel "making my intention clear and encouraging voluntary compliance until the new search policy is finalized."

There were 12 transgender, gender variant, or intersex people in custody as of February 14, 2017 Hirst said. Six of them were in A-Pod, two were in County Jail #4, and four were "new arrivals" who were still in the intake pod.<sup>6</sup>

**PREA**, the **Federal Prison Rape Elimination Act** of 2003, was enacted to reduce the amount of sexual abuse in prison facilities in the United States. The Act specifically indicates that jail facilities such as the SF jail system have to take deliberate steps to protect the transgender population from harm, including transgender females.

Since the only way to ensure that transgender females' health and safety in the jail system would be protected would be to immediately stop classifying them incorrectly into male jail facilities at the onset, the primary way to adhere to the PREA standards is to place female transgender inmates only in the women's jail facility.

More information about PREA can be found at this website:

<https://www.prearesourcecenter.org><sup>7</sup>.

### **The Need For Immediate Change**

The discriminatory policy for transgender women of being kept in male or gender non-conforming housing instead of being classified as female from the start of incarceration is being unduly influenced by the Deputy Sheriffs' Association, which is a non-governmental body.

According to another Bay Area Reporter article, a leading official at the Sheriff's Association stated their misguided stance towards transgender women clearly:

In response to this injustice, then-Sheriff Ross Mirkarimi announced in 2015 that he was moving forward with a new policy that would regularly house transgender people based on their gender identity. Sheriff Vicki Hennessy, then a candidate for office, publicly supported such a change. In response, Eugene Cerbone, the gay president of the San Francisco Deputy Sheriffs' Association, made some of the most openly transphobic comments any public figure has made in the city in recent memory. He opposed the changes both Mirkarimi and Hennessy supported and, in the process, defined "transgender" as someone who has had "the surgery"<sup>7</sup>.

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In June 2015, DSA (SF Deputy Sheriffs' Association) President Eugene Cerbone a gay man, told the B.A.R. that he thinks Mirkarimi's plan "can work," but "it just depends on what the policy is and what he's going to do. There could be some issues with it."

One problem Cerbone has is that he doesn't consider people who have not had surgery to be transgender.

"Transgender is when you have the surgery," he said. "What I know of someone who's actually transgendered [sic] is they've had the complete change."

Cerbone did not respond to a message seeking comment for this story.

Hennessy has told the B.A.R. she disagrees with Cerbone's statement about genitalia defining someone's transgender status<sup>8</sup>.

This type of misinformation from the SF Sheriff Deputies' Association flies directly in the opposition of medical science, which understands that transgender women belong in the female sphere, regardless of surgical status, any other situation leads directly to gender dysphoria.

Gender dysphoria for transgender females is a crippling disease that is exacerbated by being detained in deliberately non-female spaces, such as the Gender Non-Conforming pod in the SF jail system. A transgender woman is a woman; gender dysphoria for transgender women results from being blocked from their female identity, either from psychological or sociological causes (as in what happens for transgender female inmates in the SF jail system).

As noted in the 2016 American Psychiatric Association's Diagnostic and Statistical Manual (DSM), Gender Dysphoria can be defined as follows:

### **Gender Dysphoria**

#### Diagnostic criteria (DSM-5)

According to the American Psychiatric Association Diagnostic and Statistical Manual DSM-5, the first requirement for the diagnosis of gender dysphoria in adolescents and adults is a marked incongruence between the patient's experienced or expressed gender and his or her assigned gender. This incongruence must have lasted for at least 6 months and must include at least 2 of the following 6 criteria:

Marked incongruence between the patient's experienced or expressed gender and his or her primary or secondary sex characteristics

Strong desire to be rid of his or her primary or secondary sex characteristics (or, in young adolescents, to prevent the development of the anticipated secondary characteristics)

Strong desire for the primary or secondary sex characteristics of the other gender

Strong desire to be of the other (or some alternative) gender

Strong desire to be treated as the other (or some alternative) gender

Strong conviction of having the typical feelings and reactions of the other (or some alternative) gender

The second requirement is that the condition be associated with clinically significant distress or impairment of social, occupational, or other important areas of functioning.<sup>9</sup>

According to a 2015 report from the American Psychiatric Association, "The Psychology of Transgender":

"Gender dysphoria" is a term that reflects more accurately than gender identity disorder when an individual is distressed about a conflict between their sex assigned at birth and their gender identity/role. "Gender identity disorder" suggests that their gender identity is disordered, yet having any gender identity, including a transgender identity, is not a disorder. However, having any gender identity, including a transgender identity, is not a disorder. Rather, the distress that some transgender people may experience at some point in their lives may be of clinical concern and can be alleviated through clinical management. The change in the DSM from gender identity disorder to gender dysphoria was a way to depathologize having a gender identity that differs from one's sex assigned at birth and recognize the concern and clinical care that transgender individuals may need to achieve comfort with their gender identity, their body and gender role.<sup>10</sup>

Part of the issue regarding transgender inmates' custodial housing is the continuing refusal of Sheriff's deputies' to search transgender females as a part of their general duties. This concept has devolved directly from the Sheriff's Association transphobic stance on transgender inmates in the SF jail system.

A deputy in the jail system, with 20 years experience, stated that she believed that transgender women should be moved to female housing immediately as their right, but also averred her refusal to search transgender women at any time, ever, during her employment. She also stated that if she were pressed to search transgender females as a part of her assigned duties or face termination, she would choose early retirement. Clearly a training program that educated deputies about the facts that transgender women belong in female spaces, and that a transgender woman is female regardless of surgical status (pre- or post-gender conformation surgery) is sorely needed to implement proper female housing for transgender females in the SF jail system.

We believe that the situation will only improve for transgender females in the SF jail system if the SF Sheriff's office detaches itself from the discriminatory policies of the Sheriff's Association, and adopts a more enlightened position towards transgender females, including changing their classification from "Gender Non-Conforming", and placing them in the proper female housing in the SF jail system.

## **FINDINGS AND RECOMMENDATIONS**

### **Deputy Training**

- F1 FINDING: A deputy's initial training is 6 months long. An insufficient time of that training is spent focused on the specific skills needed for a deputy whose duty is inside the jail.
- R1 RECOMMENDATION: The Sheriff's Department should dedicate more time in the initial Deputy Training Course to the actual work deputies do inside the jail, rather than spending the majority of their training time on work as a police person on the street. They need training to more appropriately match their job descriptions inside. We suggest the Sheriff's Office implement this recommendation within a year (July 2018).
- F2 FINDING: Deputies and civilian staff often lack sufficient training in interpersonal communication skills, case management and assessing the needs and risks of the inmates. They need to more vigorously follow up on inmates' assessment, and contact county agencies to assure an inmate's needs are adequately addressed while in custody.
- R2 RECOMMENDATION: Deputies and the civilian staff should be required to take the two-day University of Cincinnati Core Correctional Practices training. The course involves learning the language and techniques for addressing inmates to motivate them, instead of creating resistance. It also includes education in direct supervision, which involves how to effectively manage a housing unit using cooperative strategies instead of divisive ones. We suggest the Sheriff's office implement this recommendation within the year (July 2018).
- F3 FINDING: The deputies are working excessive over-time hours which leaves them too exhausted to meet the demands of their work. As a result, tension between the deputies and inmates can be exacerbated, as well as increased deputy dissatisfaction at work. Those deputies who are working with female inmates in the jail presently are suffering from fatigue because of the excessive over-time demands. Consequently, by their own admission, they are not performing up to par. More deputies are needed to fill the extra hours required for the job.
- R3 RECOMMENDATION: Instead of increasing the over-time budget for existing deputies, we recommend hiring more deputies. We suggest the Sheriff's Department evaluate the feasibility of hiring more deputies within the current budget year (2017-2018), instead of continuing to pay over-time to over-worked staff.

### **Five Keys**

- F4 FINDING: At present, because of lack of staff, re-entry surveys are given on a limited, random basis, so that management does not have the feedback it needs to fully evaluate the effectiveness of the educational classes offered, or the prognosis of the success of an inmate's re-entry.
- R4 RECOMMENDATION: We recommend the Sheriff Department hire 8 more case managers for Five Keys to effectively carry out its mission to guide an inmate through her incarceration, assist in her successful re-entry, and keep track of their progress in the Five Keys system. We suggest beginning this hiring process within the next 12 months (July 2018).

**Female Housing**

- F5 FINDING: In February, 2017, the Sheriff's office submitted a grant request for \$70,000,000 to the California Board of Community Corrections for the renovation of County Jail #2, where females are incarcerated. At present, designing a new Women's Education Pod is not included as a part of the new jail plans for this grant proposal.
- R5 RECOMMENDATION: This Committee strongly supports funding for renovated jail facilities, and recommends that the SF Sheriff's Department the California Board of Community Corrections to incorporate the Five Keys' proposal to develop a Women's Education Pod as a part of their building and re-design plans. We also recommend that the SF Sheriff's office report how this plan for a Women's Education Pod will be budgeted into their \$70 Million grant to the SF Board of Supervisors by July 2018.
- F6 FINDING: Housing for female inmates trying to study while in jail is not designed for maximum learning. The facilities are seismically compromised and a threat to the safety of inmates in the case of an earthquake. The building is old and poorly designed for modern theories about incarceration; furthermore, it does not meet modern qualifications for inmate's physical security, personal safety and appropriate visitation space.
- R6 RECOMMENDATION: Create an adequate housing design for maximum learning for female inmates, using the Five Keys Women's Educational Pod design, by August 2018.
- F7 FINDING: Those inmates who have already graduated high school have little opportunity to continue their education in custody, as so few courses offered are college oriented. The major problem for college-oriented inmates is the shortness of their incarceration, most often not allowing for the completion of a full semester of study.
- R7 RECOMMENDATION: The Sheriff's Department will focus on facilitating abbreviated, intensive courses to fit an inmate's time limitations by working with the Five Keys school administration.
- F8 FINDING: The courses taught in custody do not prepare inmates for the technical skills they need upon re-entry. There are few opportunities to use a computer in jail and learn the technical skills necessary to get a job when leaving custody.
- R8 RECOMMENDATION: The Sheriff's Department should facilitate more technical classes for both high school and college studies, as a part of their overall educational programs.

**Statistical Analysis**

- F9 FINDING: Five Keys does not compile complete statistical information about its educational courses in terms of recidivism, change of behavior or success in re-entry. Therefore, we know little about the impact of these classes in terms of keeping women out of jail, changing their behavior to conform to the laws of our society, or how successful they are in re-entering civil society.
- R9 RECOMMENDATION: We recommend that the Sheriff's Department work with Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change

of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).

- F10 FINDING: There is little statistical documentation available to determine if educational services offered for women inmates in the SISTERS program are effective. The Sheriff's Department, which facilitates the SISTERS Program, does not ensure that the SISTER program keeps complete records about the number of inmates who participate in each SISTER group. The SISTER program also does not efficiently measure the success of the program in terms of motivating continued education after release, or track positive behavioral changes while in custody, or increased well being while in custody, nor are the recidivism rates explored thoroughly, leaving the Sheriff's Department unclear about the statistics about the female inmates in the SISTER program. Consequently, they know little about how effective this program is.
- R10 RECOMMENDATION: We recommend that the Sheriff's Department, working in conjunction with the SISTER program, set up guidelines to measure the success of the this program, in whatever quantitative way the department decides to measure that success, and document the results each semester and /or year. We suggest implementing this recommendation by July 2018.

### Transgender Issues

- F11 FINDING: The Sheriff's Department lacks proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in and out of the SF jail system, regardless of surgical status.
- R11 RECOMMENDATION: By May 2018, the Sheriff's Department should create proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in the SF jail system, regardless of surgical status.
- F12 FINDING: The Sheriff's Department lacks a set of proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusals to perform common jail search duties on transgender inmates in the SF jail system.
- R12 RECOMMENDATION: By June 2018, the Sheriff's Department should create proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusal to perform common jail search duties on transgender inmates in the SF jail system.
- F13 FINDING: The Sheriff's Department lacks proper classification directives to classify transgender females as a part of the female population of the SF jail facilities.
- R13 RECOMMENDATION: By July 2018, the Sheriff's Department should rewrite the SF jail classification directives to classify transgender females part of the female population in the SF jail facilities.

This language should look like this:

Transgender females are a part of the female population, and shall be accommodated and treated as such.

Transgender males are a part of the male population, and shall be accommodated and treated as such.

- F14 FINDING: The Sheriff's Department lacks proper female housing for transgender females in the SF jail system, negatively affecting their socialization and educational potential.
- R14 RECOMMENDATION: By August 2018, the SF Sheriff's Department should move all transgender women to appropriately female housing in the SF jail system

## GLOSSARY

### B.A.R

The Bay Area Reporter, a San Francisco newspaper.

### BSCC

The California Board of State and Community Corrections

### CII

The California Information and Identification system, a law enforcement tool.

### DSA

The SF Deputy Sheriff's Association, a union body.

### DSM-5

The American Psychiatric Association's Diagnostic and Statistical Manual, 5<sup>th</sup> Edition.

### EPIC

The Educational Parity in Custody (EPIC) Investigatory Committee of the 2016-2017 San Francisco Civil Grand Jury

### Five Keys

A core curriculum / charter high school program created by the SF Sheriff's Department for inmates in custody, stressing five key areas: Education, Employment, Recovery, Family and Community.

### GED

The General Equivalency Document - a high school degree program for individuals out of the regular SF school system.

### Gender Dysphoria

A distressed state arising from conflict between a person's gender identity and the sex the person has or was identified as having at birth.

### NCIC

The US National Crime and Information Center, a national criminal database.

**PREA**

The Prison Rape Elimination Act, a 2003 Federal statute directly addressing sexual assault in US prison/ jail facilities.

**SFSD**

The San Francisco Sheriff's Department

**SFUSD**

The San Francisco Unified School District

**SISTER Program**

The SISTER Program (Sisters in Sober Treatment Empowered by Recovery) provides relevant support services for female inmates with substance abuse issues in the SF jail system.

**Women's Resource Center**

A Five Keys post-release program that provides support services for females re-entering society from the SF jail system.

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		<b>Response Matrix</b>			
		<b>EPIC Report - SF Civil Grand Jury 2016-2017</b>			
<b>#</b>	<b>Findings</b>	<b>#</b>	<b>Recommendations</b>	<b>Respondent Assigned</b>	<b>2017 Response Text</b>
<b>F1</b>	A deputy's initial training is 6 months long. An insufficient time of that training is spent focused on the specific skills needed for a deputy whose duty is inside the jail.	<b>R1</b>	The Sheriff's Department should dedicate more time in the initial Deputy Training Course to the actual work deputies do inside the jail, rather than spending the majority of their training time on work as a police person on the street. They need training to more appropriately match their job descriptions inside. We suggest the Sheriff's Office implement this recommendation within a year (July 2018).	Sheriff's Department	
<b>F2</b>	Deputies and civilian staff often lack sufficient training in interpersonal communication skills, case management and assessing the needs and risks of the inmates. They need to more vigorously follow up on inmates' assessment, and contact county agencies to assure an inmate's needs are adequately addressed while in custody.	<b>R2</b>	Deputies and the civilian staff should be required to take the two-day University of Cincinnati Core Correctional Practices training. The course involves learning the language and techniques for addressing inmates to motivate them, instead of creating resistance. It also includes education in direct supervision, which involves how to effectively manage a housing unit using cooperative strategies instead of divisive ones. We suggest the Sheriff's office implement this recommendation within the year (July 2018).	Sheriff's Department	
<b>F3</b>	Instead of increasing the over-time budget for existing deputies, we recommend hiring more deputies. We suggest the Sheriff's Department evaluate the feasibility of hiring more deputies within the current budget year (2017-2018), instead of continuing to pay over-time to over-worked staff.	<b>R3</b>	Instead of increasing the over-time budget for existing deputies, we recommend hiring more deputies. We suggest the Sheriff's Department evaluate the feasibility of hiring more deputies within the current budget year (2017-2018), instead of continuing to pay over-time to over-worked staff.	Sheriff's Department	
<b>F4</b>	At present, because of lack of staff, re-entry surveys are given on a limited,	<b>R4</b>	We recommend the Sheriff Department hire 8 more case managers for Five Keys to effectively carry out its mission	Sheriff's Department	

	random basis, so that management does not have the feedback it needs to fully evaluate the effectiveness of the educational classes offered, or the prognosis of the success of an inmate's re-entry.		to guide an inmate through her incarceration, assist in her successful re-entry, and keep track of their progress in the Five Keys system. We suggest beginning this hiring process within the next 12 months (July 2018).		
F5	In February, 2017, the Sheriff's office submitted a grant request for \$70,000,000 to the California Board of Community Corrections for the renovation of County Jail #2, where females are incarcerated. At present, designing a new Women's Education Pod is not included as a part of the new jail plans for this grant proposal.	R5	This Committee strongly supports funding for renovated jail facilities, and recommends that the SF Sheriff's Department the California Board of Community Corrections to incorporate the Five Keys' proposal to develop a Women's Education Pod as a part of their building and re-design plans. We also recommend that the SF Sheriff's office report how this plan for a Women's Education Pod will be budgeted into their \$70 Million grant to the SF Board of Supervisors by July 2018.	Sheriff's Department	
F6	Housing for female inmates trying to study while in jail is not designed for maximum learning. The facilities are seismically compromised and a threat to the safety of inmates in the case of an earthquake. The building is old and poorly designed for modern theories about incarceration; furthermore, it does not meet modern qualifications for inmate's physical security, personal safety and appropriate visitation space.	R6	Create an adequate housing design for maximum learning for female inmates, using the Five Keys Women's Educational Pod design, by August 2018.	Sheriff's Department	
F7	Those inmates who have already graduated high school have little	R7	The Sheriff's Department will focus on facilitating abbreviated, intensive courses to fit an inmate's time	Sheriff's Department	

	<p>opportunity to continue their education in custody, as so few courses offered are college oriented. The major problem for college-oriented inmates is the shortness of their incarceration, most often not allowing for the completion of a full semester of study.</p>		<p>limitations by working with the Five Keys school administration.</p>		
<b>F8</b>	<p>The courses taught in custody do not prepare inmates for the technical skills they need upon re-entry. There are few opportunities to use a computer in jail and learn the technical skills necessary to get a job when leaving custody.</p>	<b>R8</b>	<p>The Sheriff's Department should facilitate more technical classes for both high school and college studies, as a part of their overall educational programs.</p>	Sheriff's Department	
<b>F9</b>	<p>Five Keys does not compile complete statistical information about its educational courses in terms of recidivism, change of behavior or success in re-entry. Therefore, we know little about the impact of these classes in terms of keeping women out of jail, changing their behavior to conform to the laws of our society, or how successful they are in re-entering civil society.</p>	<b>R9</b>	<p>We recommend that the Sheriff's Department work with Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).</p>	Sheriff's Department	
<b>F10</b>	<p>There is little statistical documentation available to determine if educational services offered for women inmates in the SISTERS program are effective. The Sheriff's Department, which facilitates the SISTERS Program, does not ensure</p>	<b>R10</b>	<p>We recommend that the Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).</p>	Sheriff's Department	

	that the SISTER program keeps complete records about the number of inmates who participate in each SISTER group. The SISTER program also does not efficiently measure the success of the program in terms of motivating continued education after release, or track positive behavioral changes while in custody, or increased well being while in custody, nor are the recidivism rates explored thoroughly, leaving the Sheriff's Department unclear about the statistics about the female inmates in the SISTER program. Consequently, they know little about how effective this program is.			
<b>F11</b>	The Sheriff's Department lacks proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in and out of the SF jail system, regardless of surgical status.	<b>R11</b>	By May 2018, the Sheriff's Department should create proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in the SF jail system, regardless of surgical status.	Sheriff's Department
<b>F12</b>	The Sheriff's Department lacks a set of proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusals to perform common jail search duties on transgender inmates in the SF jail system.	<b>R12</b>	By June 2018, the Sheriff's Department should create proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusal to perform common jail search duties on transgender inmates in the SF jail system.	Sheriff's Department

<p><b>F13</b></p>	<p>The Sheriff's Department lacks proper classification directives to classify transgender females as a part of the female population of the SF jail facilities.</p>	<p><b>R13</b></p> <p>By July 2018, the Sheriff's Department should rewrite the SF jail classification directives to classify transgender females part of the female population in the SF jail facilities. This language should look like this:</p> <p>Transgender females are a part of the female population, and shall be accommodated and treated as such.</p> <p>Transgender males are a part of the male population, and shall be accommodated and treated as such.</p>	<p>Sheriff's Department</p>	
<p><b>F14</b></p>	<p>The Sheriff's Department lacks proper female housing for transgender females in the SF jail system, negatively affecting their socialization and educational potential.</p>	<p><b>R14</b></p> <p>By August 2018, the SF Sheriff's Department should move all transgender women to appropriately female housing in the SF jail system.</p>	<p>Sheriff's Department</p>	

ENDNOTES

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- <sup>1</sup> University of Cincinnati Corrections Institute's Core Correctional Practices Institute  
[http://www.uc.edu/corrections/services/trainings/changing\\_offender\\_behavior/ccptrainin\\_goverview.html](http://www.uc.edu/corrections/services/trainings/changing_offender_behavior/ccptrainin_goverview.html)
- <sup>2</sup> Overtime rising at S.F. Sheriff's Department, SF Chronicle, February 16, 2016  
<http://www.sfchronicle.com/bayarea/article/Overtime-rising-at-S-F-Sheriff-s-Department-6832382.php>
- <sup>3</sup> "Go to School, Go to Jail", Governing Magazine, 2015  
<http://www.governing.com/blogs/bfc/col-san-francisco-sheriff-department-charter-school-inmates.html>
- <sup>4</sup> "Sheriff provides trans housing update", Bay Area Reporter, February 23th, 2017  
<http://ebar.com/news/article.php?sec=news&article=72339>
- <sup>5</sup> "The San Francisco Jails", SF Sheriff's report, April 8th, 2016  
<https://www.sfdph.org/dph/files/jrp/WG-MeetingCombined.pdf>
- <sup>6</sup> "Sheriff provides trans housing update", Bay Area Reporter, February 23th, 2017  
<http://ebar.com/news/article.php?sec=news&article=72339>
- <sup>7</sup> "Transphobia is not a union value", Bay Area Reporter, March 2, 2017  
[http://ebar.com/openforum/opforum.php?sec=guest\\_op&id=603](http://ebar.com/openforum/opforum.php?sec=guest_op&id=603)
- <sup>8</sup> "Trans policy becomes issue in sheriff's race", Bay Area Reporter, October 29, 2015  
<http://www.ebar.com/news/article.php?sec=news&article=71021>
- <sup>9</sup> "Gender Dysphoria and Transgenderism", Medscape report, 2015  
<http://emedicine.medscape.com/article/2200534-overview>
- <sup>10</sup> "The Psychology of Transgender", American Psychiatric Association report, 2015  
<http://www.apa.org/news/press/releases/2015/11/psychology-transgender.aspx>