




OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO

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ROOM 456, CITY HALL
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Orig: GAO Clerk
c: COB
Cpage


Ross Mirkarimi
SHERIFF

August 29, 2014
Reference: AL 2014-100

Clerk of the Board of Supervisors
City Hall, Room 248
San Francisco, CA 94102

RE: 2013-2014 Civil Grand Jury Report
"Inquiry into the Operation and Programs of the San Francisco Jails"

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BOARD OF SUPERVISORS
SAN FRANCISCO
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Dear Government Audit and Oversight Clerk:

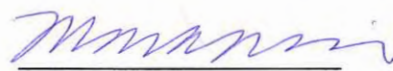
I have enclosed a copy of the sheriff's department response to the Civil Grand Jury Report.

I understand that the Board of Supervisors will hold a committee hearing sometime in September regarding this response. Please keep the sheriff's department updated on a date.

Sheriff Mirkarimi, along with designated staff, intends to attend the meeting and answer any questions raised.

Please contact me if you have any further questions. Specific policies and procedures or other department records are available at your request.

Sincerely,


MARK NICCO
Assistant Legal Counsel



OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO

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



Ross Mirkarimi
SHERIFF

August 29, 2014
Reference: 2014-176

The Honorable Cynthia Ming-mei Lee
Presiding Judge of the Superior Court
400 McAllister Street, Room 008
San Francisco, CA 94102

RE: 2013-2014 Civil Grand Jury Report
"Inquiry into the Operation and Programs of the San Francisco Jails"

Dear Judge Lee:

I am responding to the above referenced Civil Grand Jury Report pursuant to Penal Code Section 933(c).

As required by Penal Code Section 933.05, I have provided a response to each finding and recommendation as follows:

For each finding I have provided a response that I agree with the finding or that I disagree with the finding, wholly or partially, and an explanation why.

For each recommendation I have provided a response indicating whether the recommendation has been implemented, has not yet been implemented, requires further analysis or will not be implemented because it is not warranted or reasonable.

FINDING 1: More than 50 deputies are presently out on long term disability. Their positions are being held, preventing the hiring of new deputies. This results in serious overtime costs and additional responsibilities and workload for staff. The City has a policy of limiting the time an employee receives temporary disability payments, which leads to eventual permanent disability status and financial closure, thereby opening up positions for new hires.

Response: Agree (with correction) This finding confirms an ongoing problem the department has identified and has been taking steps to resolve. It is important to note that the frustration and resulting problems the department faces regarding the disability procedure is not a problem created by or unique to the sheriff's department. The challenges caused by the workers' compensation process and pending disability retirement process have been a continued drain on this department's resources.

It is a citywide problem affecting other departments as well. As such, it is going to take citywide participation to properly address the changes needed to correct this process. However, recognizing that the system is in need of repair and involving proper city representatives to address the problem is a positive step.

The finding that the department has more than 50 deputies out on long-term disability is in error. For the record, the department has approximately 20-25 deputies out on long-term disability relevant to this finding. The remaining deputies counted for in the 50 total include deputies out on FMLA, military, and medical leave, which put them in a different classification and not in the same group contributing to the problems associated with this finding. These positions do contribute to the need to backfill for staff duties, requiring overtime pay.

The time and expense it takes to process these claims negatively impacts this department in many ways. First, employees awaiting a disability retirement determination occupy a position that cannot be filled by a new employee. Secondly, the department must utilize overtime to backfill the position of the staff member who is on disability. This causes both financial and operational impacts.

The most recent Biennial Inspection in July, 2013, by the Board of State and Community Corrections (BSCC) confirmed that this department staffing levels are alarmingly low due to staff absences. The BSCC report realized that this causes significant stress in overall jail operations in that when staffing at minimum levels, there is no room for emergency or unscheduled situations or transports. It is clear that the safety of all personnel and inmates are compromised due to reduced staffing levels.

The Sheriff's department situation is further compounded by the fact that the department lost approximately 70 positions which were deleted from our budget in 2010-2011 and 2011-2012 and have not yet been replaced. 2014 marked the first graduating academy class in five years to provide newly trained deputies.

This department is working with the Director of Workers' Compensation and Retirement System representatives to address this problem. I have met with the director and other representatives to discuss the issue and to determine strategies for future efficiency. This dialogue is ongoing with the hope to streamline the workers' compensation process.

Recommendation 1a *Requires Further Analysis* The City's policy for limited time temporary disability payments should be followed for the sheriff's department, thereby eventually moving any work injury claim to permanent disability status and financial closure of those claims, opening positions for new hires.

Response: The Sheriff's department welcomes this recommendation and has taken steps with Workers' Compensation director and San Francisco Retirement System representatives to discuss the problem and to streamline the process, including the possibility of pursuing shorter terms of disability status before retirement.

Further, the department has requested, through the budget process, additional positions to address the deputy shortage due to the number of deputies on workers' compensation. Although 14 deputy positions were approved during this process, no additional funding was allotted for the additional positions. Therefore, the department is prevented from hiring those positions and remains powerless to hire additional deputies and ease the negative effects of overtime costs and increased workloads.

Partly in response to a reduced in custody population, the sheriff's department closed the housing portion of County Jail #3 in November 2013. This closure resulted in the redistribution of sworn staff and provided some mitigation to current staffing constraints. However, the benefits are only temporary and a long term plan is needed to correct the problem. Further, it is important to note that approximately one third of department sworn staff is assigned to non-custody duties. Staffing shortages persist in those assignments.

Recommendation 1c *Requires Further Analysis* The Sheriff's department should review its safety programs with the Workforce Development Division, analyze the cause of worker injuries, and update safety education programs for both staff and inmates.

Response: The department continually reviews and updates its safety programs in order to reduce worker injuries and improve safety for all personnel and inmates in department facilities. Specifically, the department's safety committee reviews hazards and makes recommendations regarding safety issues and related training. This department addresses safety and training through such programs as safety videos, the existence of an anonymous safety hotline to report safety issues in the workplace, and an injury and illness prevention program.

The sheriff's department has begun an evaluation of workers' compensation injuries sustained in the first six months of 2014 as compared to injuries for the first six months of 2013 to determine the cause and types of injuries so that a more thorough understanding of safety issues can be determined and addressed.

Additionally, there is continuing review of department plant and facility design and maintenance issues that will address safety and training in these areas. Recent examples of repairs that have been made to reduce workplace injuries and improve safety include new correctional rated cell doors including food and cuff ports, new correctional shower doors, retrofitting exit signs, implementation of an earthquake anchoring program for all cabinets over 5' tall, installation of a water tank by-pass system at CJ#5 to gain access to additional water in an emergency, and an updated design for the ADA ward.

The Workforce Development Division will be contacted to review this information.

Recommendation 1d *Requires Further Analysis* Communication between the Sheriff's department and the appropriate city personnel in the Worker's Compensation

Division who adjust workers' compensation claims should occur on a regular basis to review ongoing status of all outstanding claims.

Response: This department communicates with and will continue to communicate with the Workers' Compensation Division and the Department of Human Resources regarding these issues.

FINDING 2: Agree Title 15 requires that jails establish policies and procedures for conducting daily activities and that it plans and prepare for emergencies. This is particularly necessary during times of transfer of custody or when custody duties are shared between departments.

Recommendation 2a *Implemented* The Sheriff's department should review and update all policies and procedures for conducting daily activities, and planning and preparing for emergencies every two years.

Response: The sheriff's department reviews and updates all recommended policies and procedures every two years as required by Board of State and Community Corrections (BSCC) and Title 15. This department currently meets or exceeds the requirements of Title 15 in related policies. In the last BSCC biennial facility inspection in July, 2013, BSCC reviewed the San Francisco Sheriff's Department Policy and Procedure Manual, the San Francisco Sheriff's Department Custody Division Manual, facility specific manuals, the Jail Psychiatric Services (JPS) Manual and the Jail Health Services Manual. BSCC found that the manuals were easy to use and that there were no findings of noncompliance with the Title 15 Regulations. Further, BSCC found that "the sheriff's custody policy and procedure manual is constantly reviewed and updated to ensure best practices in the custody setting".

Recommendation 2b *Implemented – ongoing* Inmates admitted to general wards at San Francisco General Hospital must be guarded. Procedures for both nighttime and daytime staffing should be immediately reviewed and all policy and procedure documents updated.

Response: All inmates admitted to general wards of San Francisco General Hospital are guarded, with rare exceptions, such as those situations provided for pursuant to Penal Code Section 4011.7 and 4011.9. Policy and procedures are reviewed and updated every two years as required by BSCC and Title 15. All inmates admitted to locked jail wards of San Francisco General Hospital (Wards 7D and 7L) are under the supervision of the sheriff's department personnel. A designated sheriff's sergeant is assigned to these wards and is in continuous contact with SFGH administration to determine and implement staffing and policy needs.

However, Ward 7D does not always remain open. For the period of February – August, 2014, Ward 7D was only open for 16 days. During the times when 7D is closed, as determined by the Department of Public Health (DPH), inmates are moved to other open hospital wards for medical care. A minimum of one deputy is assigned to

guard each inmate. Additional deputies are required to guard an inmate when the inmate has been determined to pose an increased public safety risk. When the jail ward is closed, the cost of the deputies to guard inmates in the open wards is usually paid on overtime, due to the changed staffing needs that this assignment requires.

County Jail #5 is the newest jail facility for San Francisco inmates and houses a medical unit that is not adequately utilized. Additional medical services should be administered through this facility which would reduce the number of inmates requiring transport to, and supervision at SFGH. Providing enhanced services at the facility level would mitigate the staffing challenges required to transport an inmate to SFGH. As the BSCC confirmed in their July 2013 inspection, "with staffing levels very low it becomes challenging to carry out everyday duties when staff is called upon unexpectedly to transport inmates."

Recommendation 2c *Implemented - ongoing* Inmates are transferred between SFPD stations and when necessary, to San Francisco General Hospital. Procedures for any transfers should be clarified and established as a policy and procedure document.

Response: Recent policy and procedures regarding inmates being transferred between SFPD stations and SFGH have been updated and implemented in coordination with the Station Transfer Unit program commenced in July, 2014.

The Station Transfer Unit program is a pilot program between the San Francisco Police Department and the sheriff's department for the sheriff to provide inmate transportation from the police station to the sheriff's intake facility or to SFGH, when needed. The pilot program includes transfers from Mission Station and Tenderloin Station. The pilot program runs through 2014.

Further, the department is in the process of preparing the Emergency Room Forensic Patient Policy for how individuals in custody are safely transported to SFGH emergency room from a custody facility or police station. This policy is expected to be finalized in October, 2014.

Recommendation 2d *Implemented* During transfers, inmates may be intoxicated or needing minor medical care. Procedures for handling this situation should be clarified with the Department of Public Health to establish a policy and procedure document.

Response: This department communicates with DPH regarding the need for medical or psychiatric care upon transfer to SFGH. DPH has their own policy and procedure regarding treatment of these individuals.

Individuals may be transferred directly to SFGH from the police station or may be transferred from the sheriff's department booking facility once the need for treatment is determined. Prior to booking an individual into the county jail, every individual is medically triaged by a DPH nurse. The triage process includes a medical and mental

health review to determine suitability for jail housing or transport to SFGH for further treatment.

Many of the individuals requiring transport to SFGH required services to treat mental illness and psychiatric conditions. Sheriff's department personnel are in communication with psychiatric emergency services at SFGH and Jail Psychiatric Services in the jails.

FINDING 3: Title 15 requires that inmates at intake and upon transfer to another jail facility receive written orientation materials. Current guidelines for incoming inmates regarding safety, behavior standards, and daily routines need review for content and for appropriate level of reading ability.

Response: **Agree** All inmates who will be housed in a jail facility receive an orientation booklet during the classification process. This booklet contains information regarding safety, behavior standards, and daily routines and is available in English, Spanish and Cantonese.

Recommendation 3a *Requires Further Analysis* The Sheriff's department should review and revise its written Orientation Guide for incoming inmates regarding safety, behavior standards, and daily routines.

Response: The lieutenant of the Custody Division has been assigned to review and update the current general orientation booklet.

The San Francisco Sheriff's Department is home to a one of a kind facility, the Reentry Pod. The Reentry Pod is a facility for local inmates and inmates transported from state prison who are to be released into the community, following their sentences. In collaboration with the San Francisco Adult Probation Department, the Reentry Pod provides a myriad of reentry services and counseling for those individuals soon to be released into the community. In response to AB 109 – Realignment, the Reentry Pod furthers the goal of reducing prison populations, providing services for reentry and reducing recidivism. The inmates housed in this pod also receive an orientation guide specific to reentry services. This guide was recently prepared specifically for the Reentry Pod.

Recommendation 3b *Requires Further Analysis* Appropriate reading level should be ascertained and applied to the guidelines in Recommendation 3a.

Response: The lieutenant of the Custody Division has been assigned to coordinate efforts to determine the appropriate reading level of the orientation guide. Education professionals will be included in this evaluation and update of the orientation guide.

FINDING 4: Title 15 states that if other public provisions are not available to educate those held in custody that the sheriff should develop education programs with whatever resources were available. The accomplishments of the Five Keys Charter School have

proven noteworthy. The recidivism rate is 44 per cent, compared to 68 per cent for inmates who do not participate in the program.

Response: **Agree** The department's Community Programs Division is renowned for its progressive and innovative programming for inmates and for formerly incarcerated individuals. The department continually seeks additional educational and vocational partners to provide programming.

The Five Keys Charter School is the first program offering a high school diploma to jail inmates. It is a respected and progressive program that has been replicated in other jurisdictions. In fact, Los Angeles County, with the largest inmate population in the state, is now home to the appropriately named San Francisco Sheriff's Department Five Keys Charter School.

The ability to earn a high school diploma, obtain vocational training, and obtain assistance in finding job opportunities and placement are available through the Sheriff's programs both in and out of custody.

Recommendation 4a *Requires Further Analysis* An Advisory committee of educators and industry professionals should be organized to advise each Five Keys program on further development of goals and practices to expand student attendance, academic studies, and job preparation.

Response: The Five Keys Charter School has a board of directors, including the sheriff and community members, who develop the program including the development of goals and practices to expand student attendance, academic studies, and job preparation.

Other programs have their own advisory committees. As an example, The Women's Resource Center, which provides services to women post release, is advised by the Gender Responsive Blueprint.

In addition to the varied educational programming offered by the Five Keys Charter School, the department is home to the following educational and newly implemented vocational programs:

Solar Design and Installation Training – participants learn solar design and installation techniques. The curriculum teaches information allowing participants to study for and eventually take the North American Board of Certified Energy Practitioners Exam and offers job placement assistance.

Digital Arts Training – participants learn digital media tools, including HD video cameras. All participants receive a one year membership to the Bay Area Video Coalition, allowing access to variety of technology and art classes.

Cisco Academy – participants receive computer networking essentials and instruction in computer troubleshooting, repair and installation. The curriculum teaches

information allowing participants to eventually take the Cisco Networking Essentials Certification exam.

San Francisco City College – City College, in a pilot program in collaboration with Five Keys Charter School, began offering two college courses in the Spring 2014. Current courses are prerequisites for their Drug and Alcohol Counseling and Prison Health Worker Certification programs.

Roots of Success – a new job readiness curriculum offered by Five Keys is being implemented which increases students' academic, professional, and leadership skills. This program is specifically designed for students who have barriers to employment and provides information about employment and social enterprise opportunities and provides training to increase job related search and interview skills.

Construction Training – a program is being created to provide training and a direct link to construction employment opportunities.

Culinary Arts – currently, the Serve Safe certification program is offered to male and female inmates. A student is provided training to take the exam to become a state certified food handler. A program is being created to further provide vocational training and supported employment opportunities for women, post release. This program will be located in the Women's Resource Center, a resource facility focused on assisting women post release.

Urban Gardening – a program combining classroom study and on-hands gardening experience at the sheriff's San Bruno property.

NoVA – No Violence Alliance. This program is an individual intensive case management program for males providing education, employment counseling, substance abuse counseling, therapy, and housing support. NoVA is offered at 70 Oak Grove, the post release facility for men.

Further analysis and discussion is needed in order to determine whether an advisory board would be an effective tool to further the accomplishments already being made by Five Keys, this department and the varied community partners.

Recommendation 4b *Requires Further Analysis* Further outreach into the community should be accomplished to incorporate more and varied job opportunities for graduates of Five Keys after their release.

The programs described in Recommendation 4a and the Five Keys Charter School continually seek the support of community based businesses and agencies to provide job opportunities to the graduates of Five Keys and the students of all the other programs offered by the San Francisco Sheriff's Department. These efforts have resulted in the continued success of the Five Keys Charter School programs and the many educational and vocational programs now offered and being created for inmates

and former inmates. This outreach is ongoing. As Sheriff, I welcome the input and attention the Civil Grand Jury has provided to this department in this report. The Civil Grand Jury's independent review has focused on several very important and timely issues facing the sheriff's department. All of the findings and recommendations relate to the everyday operations and responsibilities of the sheriff's department. However, not all of the noted concerns have an easy or quick remedy.

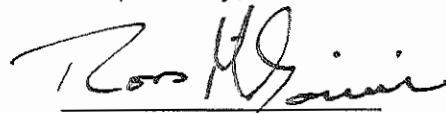
The Civil Grand Jury's findings and recommendations have shined a needed spotlight on several issues facing this department. This department's struggle with a reduced staff and resulting minimum staffing levels due to the long disability process is a situation that is in need of attention and repair.

The report will assist this department in updating and implementing policies and procedures to improve working conditions and inmate conditions. The safety and welfare of all personnel and inmates in the department's jails and facilities are always our main objective. Maintaining proper policies and procedures to carry out this objective is a department priority.

I am proud that the Civil Grand Jury has recognized and confirmed the accomplishments and incredible results of the Sheriff's Department Five Keys Charter School. The Sheriff's department is proud of the progressive programs offered to inmates in order to assist them in reintegrating into the community as productive citizens, thereby improving public safety.

Please contact me if you have any questions regarding this response, or if you wish to discuss this further. Specific policies and procedures or other department records are available at your request.

Respectfully,



ROSS MIRKARIMI
Sheriff

cc: Clerk of the Board of Supervisors