

San Francisco County Jail #7

SUMMARY

Each Civil Grand Jury is required by state law to "inquire into the condition and management of the public prisons within the county." (Penal Code §919(b)) The 1996-1997 Civil Grand Jury focused its investigation on the construction of Jail #7 and the consequent problems.

No provisions were made in the design and construction of Jail #7 for food or laundry services, so it depends on Jail #3 to supply them. Jail #3 must continue to function or its replacement be put into operation in order for Jail #7 to be viable.

The San Francisco Sheriff's Department (SFSD) continues to expend a disproportionate amount of resources to maintain Jail #3 at minimally acceptable levels so that it can remain open and functioning. The facility's age and general condition makes this a never-ending task. The City needs to decide either to overhaul or replace this facility.

There have been serious water leaks noted at Jail #7 almost from the time it was first occupied in January 1989. The facility has sustained damage and continues to sustain damage as the matter was not corrected by the contractor, and no funds for repair have been approved by the Federal Emergency Management Agency (FEMA), California Office of Emergency Services (OES), or through the City's budgetary process.

SFSD and Department of Public Works (DPW) did not maintain adequate records nor did they communicate effectively to remedy leak problems during either the warranty period on the facility or at the time FEMA and OES actions could have been challenged. Policies and procedures are needed within both departments to prevent a repetition.

Neither Sheriff Captains who command jails nor the Deputy Chief have written responsibility to see that the jail's physical integrity is maintained. The job description for SFSD Sheriff's Bureau of Building Services personnel (SBBS) who have been given responsibility for new facilities, construction, repairs, and maintenance, makes no mention of these responsibilities nor do they require any special education and/or training.

SFSD has requested \$400,000 for capital improvements in 1997-1998 to eliminate the leaks based on a 1996 independent report. The City's Capital Improvements Advisory Committee (CIAC) and others involved in the budgetary process should approve the request. The work should be completed before next season's rains do even further damage to Jail #7.

PROCEDURES

The 1996-1997 Civil Grand Jury visited all of the City's jails in August 1996. The committee investigating Jail #7 visited Jails 3 and 7 in February 1997. Interviews were held with SFSD, DPW, and City Attorney personnel. Records and reports from SFSD, DPW, Department of Public Health, California Board of Corrections, and from private companies were reviewed.

In some instances, the lack of meeting and communications records among the responsible departments, and the inability of some persons interviewed to always remember what transpired several years ago, hampered the Grand Jury's progress. However, the cooperation and patience of the San Francisco Sheriff's Department, the

Department of Public Works, the Department of Public Health, the City Attorney, and the California Board of Corrections over the course of nine months made this report possible.

BACKGROUND

The Construction of Jail #7

In 1988, Jail #7 was built adjacent to Jail #3 in San Bruno. It was built within budget in less than twelve months -- a result of pre-fabricated, "tilt-up" construction -- in order to satisfy court requirements to eliminate overcrowding in the San Francisco jails. The total cost was approximately eight million dollars of which approximately two million dollars came from various federal and state funds and six million dollars from City funds.

No provisions were made for either food or laundry services at Jail #7. These were to be provided by the adjacent Jail #3. This decision was made in order to comply with the court's mandate in a timely manner, with available funds, in spite of the poor condition of Jail #3.

DPW Construction Management personnel worked with SFSD in the design, bid, construction and inspection process, and on correction of problems encountered after occupancy. These are services commonly provided by DPW for City construction projects.

Post-Construction Problems

Jail #7 was opened and occupied in January 1989 before construction was complete. As is common in new structures, there were several areas which required correction. The DPW Project Manager worked with the SFSD's Capital Improvements which is now known as the Sheriff's Bureau of Building Services (SBBS) in resolving problems, the most serious of which involved malfunctioning electronic doors and fire life systems.

Water leakage appeared following rainstorms in January 1989. The contractor arranged for the application of sealant, in an attempt to eliminate the problem. There was no further rain that season and testing of the seals by spraying water on them revealed no discernable leaks. In January 1990 after that season's first significant rain, leaks similar to those of the first year occurred. The contractor met with DPW Construction Management and SBBS, and shortly thereafter advised them in writing that the Loma Prieta earthquake, in October 1989, had caused the leaks. The contractor maintained that they were, therefore, not responsible for correcting them.

DPW, SBBS, and the contractor developed a "punch list," which eventually ran thirty-three pages, of post-construction items which required correction for the facility to be approved. The leaks were not addressed with the contractor after receipt of the contention that the leaks were caused by the earthquake. The City signed off on Jail #7 on June 16, 1990, starting the one-year warranty period on the facility.

Jail #7 Loma Prieta Earthquake Repair Process and Findings

Following the Loma Prieta earthquake, DPW Bureau of Architecture coordinated efforts with City departments, California's Office of Emergency Services (OES), and the Federal Emergency Management Agency (FEMA), to determine whether damage to various City buildings was caused by the earthquake. If damage was proven to be

caused by the earthquake, a decision was then made as to how much money FEMA and/or OES would provide for repairs.

It was agreed that minor damage to Jail #7 was caused by the earthquake. The original \$7738 repair estimate was later increased slightly to account for higher costs in the San Francisco area. The matter of leaks and cracks was put aside for further investigation.

FEMA and DPW Bureau of Architecture determined, after an inspection conducted in June 1991, that the leaks and cracks were not caused by the Loma Prieta earthquake. Furthermore, they determined that these conditions were caused by the original construction and/or efforts taken in 1989 to eliminate leaks. The OES representative was not present at the inspection, but was informed of the findings. The Civil Grand Jury saw no documents indicating OES' disagreement.

On August 5, 1991, DPW Bureau of Architecture advised SBBS in writing of the determination that the leaks were not caused by the earthquake, and that no FEMA or OES funds would be forthcoming. The DPW Project Manager was not advised of these findings.

SBBS did not notify the DPW Project Manager, the contractor, or the City Attorney that FEMA, OES, and DPW Bureau of Architecture had concurred that the Loma Prieta earthquake had not caused the leaks. The DPW Project Manager did not follow up to find out if the leaks had been eliminated. The Facility Commander for Jail #7 during this time took no action because it was not part of his job description, but was the responsibility of others. His successor did not take action for the same reason.

The Impact of Jail #3

Jail #3 continues to provide food and laundry services for Jail #7. Jail #3, which has been the focus of previous Civil Grand Jury Reports, has outlived its useful life and has become more difficult to repair due to its ever-increasing deterioration, and the unavailability of parts. For example, part of the boiler room has been blocked off for more than five years, and the original boiler is not operational. A rented boiler, located outside the jail, has been in use during this time.

SFSD time and resources are expended on maintaining this jail at minimally acceptable levels so that it can remain open and functioning. The facility's age and generally poor condition make this a never-ending task. These circumstances result in resources being unavailable to address problems at Jail #7 and at other jails.

Financial Considerations

In recent years City voters have defeated bond measures intended to raise funds to replace Jail #3 with a new jail near the current facility. There is currently no proposal for a bond measure or other endeavor to replace this jail.

SFSD has had only a small proportion of its requests for budget funds for repairs or capital improvements approved over the past several years. SFSD has requested funds to repair the leaks at Jail #7 since 1993. These requests have been denied by the CIAC.

An independent study presented by a roofing specialist in April 1996 to the SFSD and the DPW Bureau of Architecture, recommended actions to eliminate the leaks at Jail #7 at a cost of approximately \$400,000. The report offered no guarantees that these actions would work.

SFSD has requested \$400,000, pursuant to the study's recommendations, as part of its Capital Improvements request for the coming fiscal year. The department does not have any other source of funds available.

Finding

The cost effectiveness, and even the viability, of Jail #7 would be seriously jeopardized if Jail #3 became non-operational and was not replaced near its present site, because food and laundry services would still be needed for Jail #7. The closing of Jail #3 would, therefore, mean the effective closing of two jails, and require the replacement of both, although Jail #7 has years of remaining usefulness if the leaks are eliminated.

Recommendations

1. SFSD should continue to take actions to enable Jail #3's kitchen and laundry operations to meet the needs of Jails 3 and 7, while being in compliance with health and safety codes. (The Civil Grand Jury did not investigate the possibility of constructing a separate facility adjacent to Jail 7 to provide food and laundry services. However, the cost of building and running such a facility as well as security issues in respect to the inmates who provide most of the labor for food and laundry services appears to make this solution impractical.)
2. In the near term, SFSD should continue to educate the CIAC and others involved with the budgetary process, and to advocate for funds to keep Jail #3 operational.
3. A study should be conducted to determine what, if any, action can be taken to keep Jail #3 operating. The study should compare the cost of operating Jail #3 with the cost of constructing a new jail in the immediate area, and ascertain potential sources of funds to overhaul Jail #3 or construct a new jail. These should include federal and state funds, as well as money from the City's General Fund and/or a bond measure.

Finding

The record keeping within both SBBS and DPW Construction Management concerning the construction of Jail #7 and the consequent problems was inadequate.

Recommendations

4. SFSD and DPW should mandate note-taking during all conversations, meetings, and other activities, no matter how trivial they may appear to be at the time. Such notes should always include the name of participants, date, and times as well as subjects discussed.
5. Involved department personnel should maintain a daily log book noting all significant activities and recapping the day's events.
6. Records should be maintained by project, and should be readily accessible. If a record covers more than one project, sufficient copies should be made and placed in each appropriate project file.
7. Project files, with records, should be maintained for at least five years after all problems attendant to a project have been resolved.

Findings

The leaks at Jail #7 might have been corrected at no cost to the City by having the contractor do the repairs during the warranty period. The leaks could have possibly been corrected by having the City Attorney take appropriate action. They could have possibly been corrected in 1991-1992 for \$40,000. The cost has now risen to \$400,000 due to the failures to take earlier action.

Bureau of Architecture failed to notify the Project Manager that neither FEMA nor OES was going to approve funds for leak repairs.

SBBS failed to notify the Sheriff or the Project Manager, and did not request direction after the August 5, 1991 memo was issued by the Bureau of Architecture.

The Project Manager failed to follow through after January 1990 to determine that the leaks were being addressed.

The City Attorney was not informed or contacted for advice or assistance in respect to actions which could have been taken with the contractor, FEMA, or OES.

The responsibilities detailed in the job descriptions for Sheriff's Captains who served as Facility Commander for Jail #7 and the Deputy Chief with responsibility for all of the jails make no mention for the maintenance and/or repair of jails. These employees do not believe it was or is their responsibility to see that the leaks were eliminated as this was and is the responsibility of SBBS.

There is no mention in the job description of either the Deputy Sheriff or the Lieutenant in SBBS of having responsibility for the repair or maintenance of jail facilities.

Recommendations

8. A DPW Project Manager should independently ascertain that a facility is functioning as contemplated, regardless of whether comments are received from the user.

9. Responsible SFSD personnel should make sure they are satisfied with repair and/or construction work performed and how a facility is functioning. They should immediately communicate any dissatisfaction to the DPW Project Manager.

10. The DPW Project Manager, with the advice and approval of the City Attorney, should provide written notice to the contractor, within the warranty period, of any issues requiring correction.

11. DPW personnel who discover problems with a facility where DPW was involved, should notify the user and the DPW Project Manager immediately in writing. There should be written acknowledgment of receipt.

12. DPW and SFSD should ascertain that all problems with facility construction and/or repair have been addressed completely and satisfactorily. Appropriate higher management at DPW and SFSD, as well as the City Attorney's Office, should be notified immediately in writing of unresolved contractual problems.

13. Sheriff's Captains who are Facility Commanders and the Deputy Chief should have the responsibility for giving notification of areas of disrepair, and for following through with designated department personnel until resolution of any problems has been achieved. These responsibilities should be so reflected in their job descriptions.

14. The job description of SBBS staff responsible for overseeing construction, capital improvements, and/or repairs, should so reflect, and should specify appropriate educational and technical qualifications.

Finding

Unless corrected, the leaks at Jail #7 will continue to worsen and do more damage to the facility.

Recommendations

15. The \$400,000 request for funds to correct the leaks should be approved and made available for the coming budget year.

16. The funds should be expedited and work commenced and completed before next season's rains do even more damage to Jail #7.

REQUESTED RESPONSES

Mayor

Board of Supervisors

San Francisco Sheriff's Department

Department of Public Works

Capital Improvements Advisory Committee

City Attorney

Department of Public Health

California Board of Corrections