A Report of the 2002-2003 Civil Grand Jury For the City and County of San Francisco

SFPD IS NOT IN COMPLIANCE WITH STATE FIRE & SAFETY REGULATIONS FOR LOCAL DETENTION FACILITIES

Released May 28, 2003

Reports of the Civil Grand Jury do not identify the individuals interviewed, pursuant to California Penal Code sec. 929. The California Legislature intended this provision to encourage full candor and cooperation by City and County personnel.

Parties identified in this report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each <u>finding</u> of the Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each <u>recommendation</u> made by the Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for the officer or agency head to be prepared to discuss it (not exceeding six months from the release of this Report); or (4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (Cal. Penal Code, secs. 933, 933.05.)

SFPD IS NOT IN COMPLIANCE WITH STATE FIRE & SAFETY REGULATIONS FOR LOCAL DETENTION FACILITIES

Summary of Recommendations

- 1. SFPD should discontinue use of the detention cells in the Northern, Richmond, and Ingleside district stations.
- 2. The SFPD should institute procedures to ensure compliance with State Board of Corrections regulations.

GLOSSARY

BOC – Board of Corrections

SFPD – San Francisco Police Department

SFFD – San Francisco Fire Department

OVERVIEW

The San Francisco Civil Grand Jury is required to "inquire into the condition and management of the public prisons" within the City and County of San Francisco. (Penal Code sec. 919, subd. (b).) Therefore, the 2002-2003 Civil Grand Jury, like past Grand Juries, inspected the San Bruno Jail and the jail areas at 850 Bryant Street administered by the Sheriff. In addition, during January and February 2003, members of the Civil Grand Jury inspected detention or holding cells in district stations of the San Francisco Police Department (SFPD). The state Board of Corrections (BOC) had conducted its biennial inspection of the detention areas in the SFPD district stations in March 2001. The Board of Corrections' report, issued December 14, 2001, found several deficiencies, some of which related to the health and safety of persons arrested and held in detention cells at the district stations. Moreover, when the San Francisco Fire Department (SFFD) Fire Marshal inspected the district stations that have holding cells in 2002, fire clearance was withheld for three district stations as it had been for several years prior to that inspection. For those reasons, members of the Grand Jury visited and inspected all SFPD detention facilities under the control of the SFPD except those at the San Francisco International Airport and the Courthouse at 400 McAllister Street.¹

The Grand Jury found that many deficiencies identified by the Board of Corrections and the San Francisco Fire Marshall have been corrected. Three district stations in which there are detention facilities still fail to meet state mandated standards for fire safety (Northern, Richmond, and Ingleside). For the past five years, detention cells in those district stations have been used without approval of the Fire Marshall. The continued use of these detention cells violates state regulations. The use poses an unacceptable risk to the health and safety of detainees and staff and has the potential to subject the City and County of San Francisco to liability for resultant injury to detainees. The Grand Jury therefore recommends that use of those detention cells be discontinued

¹ The Board of Corrections found no significant deficiencies at those locations.

until such time as the stations are renovated and brought into compliance with state standards governing fire resistive detention areas and corridors.

The Grand Jury also investigated other deficiencies identified by the Board of Corrections in its December 14, 2001, report to the Chief of Police. SFPD revised its Booking and Detention Manual (Department Manual 12) in July 2002, to address some of those deficiencies. Not all stations have the revised manual, however, and changes in some procedures dictated by the Board of Corrections report were not being followed in others

The Grand Jury recommends that the Police Commission and the Chief of Police immediately assume responsibility for correction of all deficiencies identified in the 2001 BOC report and found by the Grand Jury to still exist. The Grand Jury also recommends that the SFPD headquarters officer who is responsible for compliance with BOC reports make regular inspections of all district stations which use detention facilities or in which juveniles and women are detained to ensure that each is in compliance with state regulations. Training of personnel assigned as station keepers and booking and detention officers should be improved to ensure that these personnel are aware of the location of and are familiar with their station orders regarding fire suppression and evacuation procedures.

BACKGROUND

The BOC exists within the Youth and Adult Correctional Agency by virtue of Penal Code section 6024. It is charged with responsibility for establishing minimum standards for local detention facilities. (Pen. Code, sec. 6030.) Those standards must include, among other subjects, health and sanitary conditions, fire, and life safety. Since 1997, the BOC has been required to inspect each local detention facility in the state every other year. (Pen. Code, sec. 6031.) A report of the inspection, setting forth the manner in which the facility fails to meet the minimum standards, is to be furnished to the person in charge of the local detention facility. (Pen. Code, sec. 6031.1.)

INVESTIGATIVE SCOPE AND PROCESS

In the course of this investigation, the Civil Grand Jury reviewed statutes and regulations governing local detention facilities, the December 14, 2001 Board of Corrections Report to the Chief of Police regarding SFPD district station detention facilities, and relevant statutes and regulations. It reviewed the July 2002 Booking and Detention Manual. It obtained records from responsible SFPD and SFFD officials and interviewed those officials.

Between February 10, 2003, and February 20, 2003, Grand Jury members inspected detention facilities at the Bayview, Ingleside, Mission, Northern, Park, Richmond, Tenderloin, and Taraval district stations, interviewing commanders, station keepers, booking and detention officers, and facilities officers. During the inspections, which were not announced in advance, Grand Jurors sought to determine whether

deficiencies in fire resistive exit corridors and containment had been corrected and whether suicide risks had been eliminated. The Grand Jurors looked into the location and proper use of gun lockers and fire suppression equipment, reviewed records of emergency procedures, juvenile detention logs, posting of evacuation routes, storage of detainees' property, and medical screening of detainees. The condition of both occupied and unoccupied detention cells was observed.

As result of these inspections, the Grand Jury identified lack of compliance with fire safety standards in the Ingleside, Northern, and Richmond district stations as the item that should be of most immediate concern to SFPD, the Mayor, the Board of Supervisors, and the people of the City and County of San Francisco. Several other deficiencies in various district stations that were noted in the report of the Board of Supervisors should also be corrected in order to bring San Francisco into compliance with state law.

FACTS, FINDINGS, AND RECOMMENDATIONS

1. BRING DETENTION CELLS INTO COMPLIANCE WITH FIRE SAFETY STANDARDS.

FACTS

- Detention cells in SFPD district stations must comply with the state Minimum Standards for Local Detention Facilities set out in Titles 15 and 24 of the California Code of Regulations.
- The following district stations have detention cells: Bayview, Ingleside, Mission, Northern, Park, Richmond, Taraval, Tenderloin. Central and Southern stations do not have detention cells.
- Pursuant to Health and Safety Code, section 13146.1, the State Fire Marshal and local authorities conduct annual fire inspections of all jails. Between January 14, 2002, and April 25, 2002, the San Francisco Fire Marshal inspected the Bayview, Ingleside, Mission, Northern, Park, Richmond, and Taraval stations. Clearance was withheld for the Ingleside, Northern, and Richmond stations.
- On January 16, 2002, the SFFD Fire Marshal notified the Chief of Police that fire clearance had been withheld for the Richmond station located at 461 6th Avenue because it lacked the two-hour occupancy separation and an automatic sprinkler system. Both of these violations had been noted and reported to SFPD in prior annual inspections, but had not been corrected for over four years. SFPD was directed to submit a request for approval of a "fire watch" as an "alternate means of protection." A plan of corrective action with effective date of compliance was ordered for each violation.
- On May 1, 2002, the SFFD Fire Marshal notified the Chief of Police that fire clearance had been withheld for the Ingleside station located at 1 Sergeant John

Young Lane. The reasons were the same as those cited for Richmond station.² Again, the violations had existed for more than four years, and again the Chief was directed to submit a plan of corrective action with effective dates of compliance.

- On May 2, 2002, the SFFD Fire Marshal notified the Chief of Police that fire clearance had been withheld for the Northern Station located at 1125 Fillmore Street because the detention areas lacked the required two-hour occupancy separation and lacked automatic sprinkler within the two-hour separation walls. Again, the violations had existed for more than four years and again the Chief was directed to submit a plan of corrective action with effective date of compliance.
- Corrective action plans were not submitted by SFPD in response to similar orders by the Fire Marshal made during the prior three years and have not been submitted in response to the orders to do so issued in 2002.
- SFPD has included requests for funds to bring the holding cell areas in the Northern, Ingleside, and Richmond stations into compliance with state and local fire codes in its capital improvements budget each year since 1997. The funds requested were respectively:

Richmond: \$94,000
 Ingleside: \$90,000
 Northern: \$199,000.³

• None of these fund requests was included in the Mayor's budget until the 2002-2003 fiscal year at which time \$184,000 was included in the budget. That figure represented the funds requested for improvements at the Ingleside and Richmond stations. However, the Bureau of Architecture now projects the cost of upgrading the holding cells at the three stations for which fire clearance has been withheld and other deficiencies in state mandated standards as:

Ingleside: \$165,000Richmond: \$175,000Northern: \$200,000.

The funds included in the 2002-2003 budget are sufficient to upgrade only the Ingleside station. Those funds have not actually been released and the Department of Public Works has not begun work at the station.

- The detention cells in these stations continue to be used notwithstanding the deficiencies noted by the Board of Corrections and the lack of clearance by SFFD.
- SFPD now contracts with the Sheriff for the pick up of arrested persons from all district stations other than Tenderloin and transport to the jail at 850 Bryant Street.

² A third violation involved storage in areas adjacent to the emergency generator.

³ The higher cost projection for this station is based in part on the necessity to bring the station up to code in other aspects when the fire code violations are corrected.

FINDINGS

- 1. The continued use of detention cells that do not have fire resistive exit corridors and do not meet state standards for fire resistance not only poses a danger of injury and death to arrested persons, station personnel, and other rescuers, but also creates potential financial liability for the City and County of San Francisco should such injury to or death of a person detained therein result from a fire in the station.
- 2. Continued use of the detention cells in the Northern, Ingleside, and Richmond district stations violates state regulations and is unnecessary as arrested persons can be transported directly to the county jail at 850 Bryant Street for booking and further investigation.
- 3. Taking prisoners directly to 850 Bryant Street would make the transporting officer unavailable for other duties for periods ranging from 30 minutes to an hour. However, if the use of the detention cells in the three non-complying district stations were discontinued, no booking and detention officer would have to be on duty in those stations, SFPD would save more than \$500,000 in remodeling costs, and SFPD would save the costs associated with pick-up of arrested persons at those stations by the Sheriff for delivery to 850 Bryant Street.

RECOMMENDATION

1. SFPD should discontinue use of the detention cells in the Northern, Richmond, and Ingleside district stations.

REQUIRED RESPONSES

Mayor – 60 days Chief of Police – 60 days Police Commission – 60 days Board of Supervisors – 90 days

2. ADDRESS OTHER SAFETY DEFICIENCIES

FACTS

The secure areas of the district stations inspected by members of the Grand Jury were clean and well staffed. The station keepers and the booking and detention officers on duty were working to do their job well. Many deficiencies noted in the 2001 BOC report had been corrected. Gun lockers with keys were in use in all stations. Medical screening cards were being completed promptly after receipt of a prisoner. All station keepers had CPR training with regular refresher courses. Juvenile detention logs indicated that juveniles were not being held in secure custody for periods in excess of those allowed by regulation. No entries in the juvenile detention logs appeared to have been altered. Facilities for detention of juveniles and women were adequate. Female officers were on duty or were available when needed. Direct observation of juveniles in custody was the practice in all stations.

Other facts related to items noted in the BOC report are described below:

- One officer at SFPD headquarters is assigned to oversee compliance with BOC inspection reports. The captain in charge of each district station, as the facilities manager, and a subordinate facilities administrator have responsibility to rectify deficiencies identified in BOC reports.
- Station keepers assigned to each shift have administrative responsibility for the station during that shift and receive training in booking and detention procedures. The station keeper must ensure compliance with state procedural regulations governing the booking and detention of prisoners.
- State standards require inmate or sound actuated audio monitoring systems capable of alerting personnel stationed in a central control point. At the time of the BOC report, only the Tenderloin station was in compliance with this requirement. The Northern and Richmond stations had no audio monitoring system. The Bayview, Ingleside, Mission, Park, and Taraval stations had only a unidirectional audio monitoring system. At the time of the inspections by Grand Jurors, no audio monitoring systems were in use although some stations had them in place. Closed circuit television monitoring systems were in operation, however, and in all stations other than Park and Richmond an officer had direct visual monitoring responsibility whenever a person was detained in a cell.
- State standards require that areas where prisoners are booked and housed must have a shower/delousing room. No district station has such a room. Instead, detainees in need of delousing are taken directly to the county jail and are not held in district stations. The Booking and Detention Manual contains no provision to implement this requirement as applicable to prisoners who have soiled themselves. On February 8, 2002, SFPD issued Department Bulletin A02-023 to clarify and further implement correction of the deficiencies identified in the BOC. That bulletin states: "Shower access is mandatory in temporary holding facilities. Members⁵ shall make a shower in another part of the facility available if necessary." No station keeper at the district stations inspected by Grand Jurors other than Northern Station was aware of this directive or indicated that showers were available for detainees who are ill or have soiled themselves. However, all said that persons who were ill or who had soiled themselves would not be brought to the station, but would instead be transported to the jail at 850 Bryant Street.
- The BOC report noted that features in holding cells in several district stations provide an opportunity for a suicidal detainee to fasten a ligature to them. Those include interior door hinges, non-secure faucet fixtures, handrails or grab bars without closure plates, cuffing bars or rails on the bench, handrails next to commodes in sobering

⁴ SFPD has contracted with the Sheriff's Department for the transport of arrestees from district stations to the County Jail. Whenever possible that transfer takes place within two hours of the booking.

⁵ In all Department Bulletins, the word "members" refers to police officers.

cells, and oversized openings in the vent/grill covers. This did not violate state regulations in stations constructed before the regulations became effective. Because it was constructed after state standards governing risks of suicide were promulgated, the presence of these features did result in Tenderloin station being found out of compliance. At the time of the inspections by members of the Grand Jury, many of these deficiencies had been corrected. All vent and grill covers had been changed to ones with openings too small for such use. Some, but not all, cuffing bars had closure plates. Hinges and faucet fixtures no longer appear to pose a suicide risk. The continuous monitoring of detainees offsets the possibility that the non-complying features pose a danger.

- BOC reported that while the district stations were no longer using logs with preprinted times of safety checks, the regimented 30 minute times were being entered, rather than the actual times the checks were conducted. Department Bulletin A02-023 states: "When conducting cell checks, the station keeper shall write in the actual time that the cell was checked." [Emphasis in original.] Again, no station keeper was aware of this bulletin or the requirement that actual times be entered. When Grand Jury members inspected the safety check logs, most stations were again using logs with preprinted times. The actual times of safety checks were not being entered. All stations were out of compliance with this requirement at the time of the BOC inspection and continue to be so.
- Department Bulletin A02-023 also states: "Prisoner property shall be stored in a locked cabinet or storage locker." When Grand Jurors inspected the district stations, prisoner property was not in lockers, but was secured in property envelopes.
- A Policy and Procedures Manual is required by state regulation. SFPD revised its Booking and Detention Manual in response to the 2001 BOC report. However, neither the Ingleside nor Taraval stations had the July 2002 manual available at the time of the inspection by members of the Grand Jury. The station keeper in each was using an older manual.
- District Station Facility Administrators (designated by the station captain) are to develop a fire suppression plan in consultation with SFFD. It is to be a part of the Booking and Detention Manual. The Commanding Officer of each district station has that responsibility in San Francisco. The evacuation plan is to be posted in the detention area. Two district stations had an evacuation plan attached to the manual as required by regulation; two had a plan available; but in the remaining stations, the station keeper could not locate the station evacuation plan and did not know if one existed. Evacuation routes, mostly hand-drawn sketches on 8 ½" x 11" paper, were posted in all stations, but some station keepers did not know where they were located and some were not posted in the detention area.

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⁶ SFPD has replaced holding cell ventilation screen in some stations using funds from its maintenance budget.

The Commanding Officer of each district station is responsible to ensure that
emergency equipment at the station is tested regularly. The Grand Jury members
were unable to confirm that such tests are conducted at all district stations because the
facilities officers at the stations do not keep records of the type and date of those
inspections.

FINDINGS

- The procedures adopted by SFPD to ensure compliance with state regulations governing local detention facilities are not adequate.
- The SFPD Headquarters Administrator has not communicated to station commanders and/or station keepers the BOC findings and the procedural/structural changes that are necessary to bring the detention facilities into compliance with state regulations.
- SFPD district stations continue to be out of compliance with several state regulations related to health and safety of persons detained in those stations.
- Station commanders in district stations with holding cells are not aware of their responsibilities or have not fulfilled their responsibilities with regard to preparation and dissemination of fire suppression and emergency evacuation plans.

RECOMMENDATIONS

- 2a. The headquarters officer responsible for BOC compliance should contact the facilities managers and facilities administrators in each district station where detention cells are used promptly after receipt of a BOC report, and again whenever there is a change of command or facilities administrator at a district station. He or she should provide to the commander and/or facilities administrator of each of those district stations with a copy of the relevant BOC regulations and a copy of the most recent BOC report, identify the areas in which the station has been found deficient, and provide training on compliance with those regulations for all station commanders and facilities administrators.
- 2b. The compliance officer should monitor compliance with BOC regulations by district station commanders and station keepers. He or she should inspect the stations on a quarterly basis and be available to district station commanders to advise them on compliance with BOC regulations.
- 2c. Each district station commander should be required to report regularly to the compliance officer on structural and/or procedural changes made in the station under his or her command in response to a BOC report or otherwise to comply with BOC regulations.
- 2d. Each station commander should prepare or bring up to date the station order for fire suppression and emergency evacuation, affix that order to the station Booking and

Detention Manual and make copies of the order readily available to each station keeper.

2e. A large scale (24" by 18") depiction of the station evacuation routes should be prepared on a durable medium and posted in the secure area and throughout each district station.

REQUIRED RESPONSES

Chief of Police – 60 days Police Commission – 60 days

The Members of the 2002-2003 Civil Grand Jury For the City and County of San Francisco

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