



DENNIS J. HERRERA  
City Attorney

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September 16, 2016

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

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

Dear Judge Stewart:

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

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

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

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

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

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

**Finding F.A.5.**

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

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

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

**Recommendation R.A.5.**

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

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

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

We hope this response is helpful.

Very truly yours,

  
DENNIS J. HERRERA  
City Attorney