



# OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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SHERIFF

September 12, 2016  
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RG

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

Dear Judge Stewart;

I write in response to the report of the 2015-2016 Civil Grand Jury, *San Francisco County Jails: Our Largest Mental Health Facility Needs Attention*. The members of the Civil Grand Jury are to be commended for choosing to focus on one of the most complex issues facing county jails today, that of providing compassionate, medically appropriate treatment for individuals with mental illness who become involved in the criminal justice system.

My responses to the Civil Grand Jury's findings and recommendations are as follows:

Finding A.1. *There is currently no jail procedure that accounts for those arrestees referred for hospital care.*

Agree.

Recommendation R.A.1.a. *Jail intake should develop a system to communicate and track cases where the triage nurse determines that the arrestee must be taken to a hospital for emergency medical or psychiatric care before admission to Jail.*

The recommendation has not been, but will be implemented as part of an effort to improve the booking process, including enhanced documentation. The entire effort is anticipated to take approximately six months. While the Department of Public Health enters this information into their data system, federal law, specifically the Health Information Portability and Accountability Act (HIPAA), prohibits the sharing of the information contained in it with the Sheriff's Department.

Recommendation A.1.b. *The SF Police Chief and Sheriff should revisit their MOU regarding transport and custody transfer.*

The recommendation has not been, but will be implemented. The Sheriff's Department has already begun meeting with the Police Department to revise the field arrest card to include more information about detainees and circumstances of arrest. The effort is estimated to take six months.

*Finding A.2. Arrestees and their arresting officer may not always understand the importance of full disclosure of medical history.*

Agree.

*Recommendation A.2. In the interest of obtaining a more complete medical history, the Sheriff and the Director of Jail Health Services should update intake policies and practices to seek informed consent to contact and receive records from the arrestee's case manager, primary provider, and family or friends who may have information about the arrestee's medical history and therapeutic medications.*

The taking of medical history and the maintenance of medical information are responsibilities placed with the Department of Public Health. Thus, this recommendation is more appropriately addressed by the Director of Public Health, but the Sheriff's Department will assist in any way possible.

*Finding A.3. When an arresting agency brings an arrestee to the Jail for intake, there is a field arrest card.*

Agree.

*Recommendation A.3. The Sheriff should review current Field Arrest Card content and procedures to assure that best practices are employed, and information necessary for the health and safety of the arrestee and jail personnel is communicated in writing. The information should include circumstances of arrest and any observations or concerns the arresting officer may have about the medical or psychiatric condition of the arrestee.*

This recommendation will be implemented in collaboration with the Police Department as part of an effort to improve the booking process. Additional information will include circumstances of arrest and documentation of medical or psychological trauma or distress, which will assist jail staff to appropriately assess and classify individuals on intake. The effort is anticipated to take approximately six months.

*Finding A.4. Although the Sheriff has access to multiple criminal data bases, the arresting agencies do not necessarily share arrest records with the Sheriff's custody staff at the time of custody transfer.*

Agree.

*Recommendation A.4.a By early 2017, the Sheriff should implement a policy and procedure requiring arresting agencies to provide a digital copy of the arrest report, including charges and a description of the arrest, within six hours of the transfer of the arrestee.*

This recommendation will not be implemented. Digital copies of arrest reports are generally not available within six hours, and to impose this requirement on the more than 20 agencies who bring their arrestees to the San Francisco County Jail for booking, would be unfairly burdensome to the agencies that are small and lack the resources to comply. The improvements we are making to the field arrest card will capture much of this information.

*Recommendation A.4.b Once the "share the arrest record" process of R.A. 4a is in place, the Sheriff should require all arresting agencies to comply with the process.*

This recommendation will not be implemented. Digital copies of arrest reports are generally not available within six hours, and to impose this requirement on the more than 20 agencies who bring their arrestees to the San Francisco County Jail for booking, would be unfairly burdensome to the agencies that are small and lack the resources to comply. All agencies that book arrestees into County Jail #1 will be required to use the improved field arrest card referenced above.

*Finding 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.*

Agree.

*Recommendation 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.*

This recommendation will not be implemented. The Sheriff's Department already receives generalized information which allows us to properly classify and house individuals with behavioral health issues. The confidentiality of prisoner medical information serves to encourage prisoners to share sensitive information with Jail Health Services staff. It is ill-advised to expand the role of custody staff to include communication with a prisoner's case manager regarding specific diagnoses or personal information not required or approved by law.

*Finding A.6. Although there are several ways for family members and friends to contact custody staff regarding concerns about their loved ones who are in jail, models for improvement are available.*

Agree.

*Recommendation A.6. The Sheriff should add to the inmate handbook a paragraph about the importance of contacting a family member or friend and should provide a 24/7 number that the inmate could give to this contact.*

This recommendation has not yet been, but will be implemented. This information will be included in the next revision of the prisoner orientation guide, anticipated to be updated within the next six months. We are in the process of identifying a dedicated telephone line and implementing a procedure for responding to calls that are received, which we anticipate completing in one month. As soon as that is accomplished, we will post the number on our website.

*Finding B. 1. In Jail #4, old locks jam frequently, causing safety concerns. Other maintenance issues continue to arise.*

Agree.

*Recommendation B.1.a. The Sheriff should prepare a supplemental budget request for funds to immediately address problems with old locks and any other remaining serious maintenance issues.*

The recommendation as to the repair of the locks has been implemented. It was not necessary to seek a supplemental budget request as funds for this purpose were already available in the Sheriff's Department's budget. As the Jury noted, the locks are only one of many outstanding maintenance and capital improvements that fill a list of long-term unmet needs. The Sheriff's Department is working closely with the Department of Public Works on a general conditions assessment that will serve as a roadmap of projects prioritized according to operational needs. These will be costed out and funding sources identified, resulting in a plan for moving forward.

The future of County Jail #4 is dependent on several factors, including population trends and the outcome of the Re-Envisioning the Jail Replacement Project's report to the Board of Supervisors, anticipated to be completed by the end of 2016. Repairs and upgrades needed to ensure the safety and security of County Jails #4 are analyzed and prioritized in light of the outcome of that effort, the condition of other jail facilities that require attention, and the availability of funds from all possible sources. The Sheriff's Department works closely with the Real Estate Division, which is responsible for repairs at the Hall of Justice, to address acute critical maintenance issues.

The simple fact is that County Jail #4 is dangerously obsolete in both function and design, and has been for more than 25 years. It is widely accepted that the jail must be closed and the prisoners moved to another facility. Of concern, however, is that since January 2016, a period of just nine months, the average daily population of the jails has risen by approximately 88.

The closure of County Jail #4 will necessitate retrofitting of County Jail #2 to accommodate high security prisoners, and to provide kitchen and laundry services now provided by County Jail #4. In addition, the Department of Public Works has identified critically needed roof repairs to 425 7<sup>th</sup> Street, which houses County Jails #1 and #2, including replacement of mechanical systems that are beyond their useful life. We must also reconfigure space in County Jail #1, to provide greater privacy for detainees during medical/psychiatric triage, consistent with HIPAA requirements.

The challenge is to do what we can to keep County Jail #4 as safe and secure as possible by responding to critical maintenance issues, while avoiding throwing good money after bad by investing in long-term improvements that will not solve the structural issues of that facility.

*Finding B.2. Ending use of Jail #4 would also require finding a new kitchen and laundry facility for Jails #1 and #2.*

Agree.

*Recommendation B.2. The Sheriff should make interim plans for replacing kitchen and laundry facilities for Jails #1 and #2 by the end of 2016.*

The recommendation requires further analysis. Plans to repair and upgrade County Jails #1 and #2 will be evaluated and prioritized in light of the Re-Envisioning the Jail Replacement Project's report to the Board of Supervisors, anticipated to be completed in November 2016, as well as by the condition of other jail facilities that require attention, and the availability of funds from all possible sources. The Sheriff has advised the Mayor's Office and the Department of Public Works that planning for renovation of the kitchen and laundry area of County Jail #2 should be a priority for funding.

*Finding C.1. Jail #4 lacks suitable space for observation and treatment programs.*

Agree.

*Recommendation C.1. The Sheriff and the Director of Health should find a new replacement facility where Jail #4 inmates can be housed and receive appropriate treatment programs.*

This recommendation requires further analysis, which will be informed by the outcome of the Re-Envisioning the Jail Replacement Project. The Sheriff's Department, the Department of Public Health and the Department of Public Works capital planning team developed a plan for a modern, code-compliant rehabilitation and detention facility, with appropriate treatment areas, intended to replace County Jail #4, but it was not approved by the Board of Supervisors.

*Finding C.2. Jails have Jail Behavioral Health Services during the day but not at night. Without more behavioral health services in the jails to prepare inmates for reentry, the community mental health model recommended by Dr. Kupers and other experts will not be feasible.*

*Recommendation C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Public Health should determine the amount to be included in the 2017-2018 budget request.*

As Jail Behavioral Health Services is a division of the Department of Public Health, the finding and recommendation are best addressed by the Director of Public Health. However, I agree that having Jail Behavioral Health Services available 24/7 is extremely important to the well-being of prisoners and to staff safety. I support this expansion of services and will assist in its implementation in any way possible.

Finding C.3. *Drug diversion is a serious issue in the Jail.*

Agree.

Recommendation C.3 *The Director of Public Health and the Sheriff need to develop better methods of informing custody staff which patients are being prescribed narcotic medications so that custody staff may pay extra attention to diversion risks to and from those getting "high value" medications.*

This recommendation will not be implemented. Federal law prohibits the disclosure of medical information to custody staff. Policy and procedures are already in place to minimize medication diversion.

Finding C.4. *The San Francisco Sheriff's website provides minimal information about mental health issues of those detained in the jail. As seen on Exhibit Figure 2, the link to "Behavioral Health and Reentry Programs" leads to a general discussion of these programs, and provides a phone number. A caller can only reach a human being at that number during regular business hours.*

Agree.

Recommendation C.4.a. *The San Francisco Sheriff should update the Department's website to provide additional information about mental health issues concerning those detained in jail, using the Cook County, Illinois Sheriff's Department website (Figure 3) as a "best practices" guideline.*

The recommendation has not been, but will be implemented. In coordination with Behavioral Health Services, this information will be provided on the Sheriff's Department's website. We will also include this information in the prisoner orientation handbook and improve the information available by phone. The work will be completed within six months.

Recommendation C.4.b. *The Sheriff should also, in cooperation with the Department of Emergency Services and SF311, develop a mental health information script for use by 311 operators when the Jail Health's Administrative Office is closed. The script should include communication tips for family members and suggest how to provide jail staff with concerns about the potential of detainees to engage in self-harm.*

The recommendation will not be implemented. In addition to the providing the information referenced in the response to Recommendation C.4.a., the Sheriff's Department is in the process of providing a dedicated telephone number for family members and others to report their concerns directly to appropriate Jail Behavioral Health staff. The telephone number will be provided to 311, so staff can direct callers to the appropriate on-duty Jail Health Services supervisor who can better assist them.

Finding C.5 *The Sheriff's Department provides data to the controller and the State Department of Corrections but does not make this data available to the public*

Disagree partially. The Sheriff's Department provides monthly and quarterly reports to the Board of State and Community Corrections. These reports are public and accessible on the BSCC website. We will, however, place links to the BSCC website on the Sheriff's Department's website within one month.

Recommendation C.5 *The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.*

The recommendation has not been, but will be implemented. The Sheriff's Department will work with the appropriate city staff to make this data available through OpenSF. The time frame for this effort is anticipated to be six months.

*Finding D.1. The Sheriff's Department expenditure for overtime is increasing. Increased overtime results in fatigue and stress on the staff.*

Agree.

*Recommendation D.1.a. To reduce the need for overtime, the Sheriff should, in coordination with the City and County Human Resources Department, put high priority on filling existing vacancies by redoubling recruiting efforts and expediting the hiring process, with the assistance of a dedicated Sheriff's Department recruitment staff.*

The recommendation has been implemented. The Sheriff's Department is in the process of selecting a recruitment deputy who will coordinate all recruitment activities. In addition, we have worked with the Department of Human Resources to include emotional intelligence in entry-level testing and we have filled vacancies in promotional ranks of senior deputy, sergeant and lieutenant. As of this writing, full staffing of the Sheriff's Department requires 874 sworn positions filled. We now have 771 sworn staff working, plus 49 in various stages of training. These trainees will assume full duty in groups starting in late September through early December 2016. The Department's 2016-2017 budget provides for the hiring of an additional 60 sworn positions, who will assume full duty in groups starting late April through December 2017. If all trainees succeed in completing the POST academy and CORE jail operations course, it will bring our staffing to 880. Unfortunately, we are expecting 20 to 30 retirements during this time period. Thus, we will need to rely on overtime to fill shift vacancies.

*Recommendation D.1.b. Identify positions that might be re-classified as administrative support, i.e. civilian, rather than requiring sworn deputies to handle those duties.*

The recommendation requires further analysis. The Sheriff's Department is currently conducting a management audit of the Sheriff's Department's Information Technology and Support Services unit to, among other things, determine if some sworn positions are suitable for re-classification. The FY 2016-2017 budget provides for re-classification of selected positions in the Records Unit. We will continue to look for opportunities to re-classify positions that can be performed by civilian staff, thus shifting sworn positions to fill vacancies in the jails.

*Finding D.2. The San Francisco Sheriff's Department has an assignment process that enables deputies to keep one position for many years.*

Agree.

*Recommendation D.2. The Sheriff's Department should have a rotation policy similar to policies in effect at other law enforcement agencies: every five years, one third of the staff gets rotated. The Station Transfer Unit and other additional duties to enrich rotation opportunities should be implemented.*

The recommendation requires further analysis. I am exploring model policies and best practices among similar law enforcement agencies with the objective of implementing a fair and practical assignment rotation policy. This will represent a change in policy that will be subject to meet-and-confer with the Deputy Sheriffs' Association and the Managers' and Supervisors' Association. Once the staffing infrastructure is in place, consideration will be given to discussing the re-instituting of the Station Transfer Unit.

*Finding D.3. Some Deputy Sheriffs appreciate the opportunity to work hours more compatible with family life and/or closer to home.*

Agree.

*Recommendation D.3. The Sheriff should negotiate with the San Francisco Deputy Sheriff's Association for recognition of the benefits to be gained by rotation and should negotiate incentives that balance the desire of deputies for preferable assignments with the needs of the service.*

This recommendation requires further analysis of incentives permissible by existing MOU's, City policy and available funding.

*Finding D.4. There is a need for all Deputies at County Jails to be trained on suicide prevention and crisis intervention as a priority, and for additional training to meet annual POST requirements. Training will require a training float.*

Agree.

*Recommendation D.4.a. The Sheriff should include in the 2017-18 budget request sufficient funds for the purpose of training all Deputies at County Jails on suicide prevention and crisis intervention, including enough for a training float.*

The recommendation has been implemented. Funding was requested and approved in the FY 2016-2017 budget.

*Finding D.5. The Sheriff's Department management concurs that all staff need training in crisis intervention, incident debriefing, and stress management. The Sheriff Department's policy to only send two people for training at one time due to staff vacancies means that Deputies trained in Crisis Intervention will continue to be a limited group for some time to come.*

Agree, however, there is no policy that provides for sending only two people to training at a time. Crisis intervention training is currently provided to classes that contain 20 to 25 people each.

*Recommendation D.5.a. New recruits should complete crisis intervention training either at the Academy or within one year of graduation from POST academy.*

The recommendation has been implemented. New recruits currently receive 24 hours of crisis intervention training in the CORE course, which covers basic jail operations, in addition to the introduction to crisis intervention they receive in their POST academy training.

*Recommendation D.5.b. All sworn officers, medical, and psychiatric services staff should complete crisis intervention, debriefing, and stress management training within three years of employment.*

The recommendation has been implemented. Sworn Sheriff's Department staff are scheduled to receive crisis intervention training, in addition to their required Advanced Officer Training. It is anticipated that all sworn staff will receive the training within three years. All staff participate in debriefs of critical incidents, and after-action reports, and have access to Peer Support, the Department chaplains, and law-enforcement-specific counseling provided by the city's Employee Assistance Program. The portion of this recommendation regarding medical and behavioral health staff is best addressed by the Department of Public Health.

*Recommendation D.5.c. To accomplish this, the Sheriff should recruit extra help from the roster of retired Deputies and arrange for more "train the trainer" sessions.*

The recommendation has been implemented. Retired deputy sheriffs are used, and will continue to be used, to perform important administrative tasks. However, it is cost- and time-prohibitive to employ them in law enforcement duties, which is where the need exists, because to do so requires that they bring their POST certifications up to date, pass firearms requalification, and undergo a complete background investigation. The Department routinely uses a "train the trainer" strategy to enable us to deploy training throughout the Department quickly and efficiently.

*Finding E.1 The Sheriff and the Director of Public Health staff could do more to plan for the critical first few hours after discharge of a person with mental illness.*

Agree.

*Recommendation E.1. The Sheriff and the Director of Public Health should update the San Francisco Jail's Discharge Planning Policies and Practices to add Wellness Recovery Plan Procedures, including:*

*Provide a "warm handoff" to a Case Manager in the community who will arrange for a full continuum of care. (Note that this requires identification of receiving hands ready to accept the patient).*

*Have case manager or designee accompany the patient to at least the first continuing care appointment and assess patient needs to assure future appointment compliance.*



*Set up a meeting of the Community Case Manager with the patient prior to his release, in order to have a visual connection.*

The recommendation has been implemented. Sheriff's Department's Program Coordinators are responsible for coordinating release of eligible custodies to community case managers who deliver them directly to the program designated and ready to receive them. Eligible individuals are clients of the collaborative courts, including Behavioral Health Court, Veterans' Court and Drug Court, as well as the Assertive Case Management program. In addition, Peer Specialists funded by the MIOGR (Mentally Ill Offender Grant) accompany misdemeanor clients of Behavioral Health Court to medical appointments and remind clients of upcoming court dates.

*Finding E.2. Jail Behavioral Health Services does not currently conduct "release assessments" on patients discharged from the San Francisco Jails.*

*Recommendation E.2. The Sheriff and the Director of Public Health should request the Controller to conduct a benchmark survey of "release assessment" and other performance measures for mental health services in county jails and suggest best practices for adoption at the San Francisco Jails.*

As mental health services are provided by the Department of Public Health, the Sheriff will defer to the Director on this recommendation, and assist in every way possible.

*Finding E.3. Bay Area universities represent a source of impartial data reviewers of San Francisco Jail's mental health services.*

*Recommendation E.3. The Sheriff and the Director of Public Health should contact appropriate departments in Bay Area universities to determine potential interest in having graduate students analyze performance metrics and prepare reports on mental health services provided in San Francisco Jails.*

As mental health services are provided by the Department of Public Health, the Sheriff will defer to the Director on this recommendation and assist in every way possible.

*Finding E.4. Bay Area mental health organizations such as NAMI could provide useful recommendations on mental health services in San Francisco Jails*

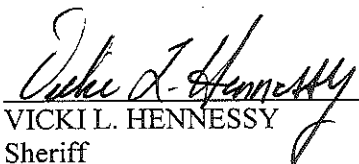
Agree.

*Recommendation E.4. The Sheriff and the Director of Public Health should seek out local mental health organizations, such as NAMI and MHB, for recommendations on mental health services provided in the San Francisco Jails and related reentry services.*

The recommendation has not been but will be implemented. I will seek information and advice from the suggested organizations and others within the next three months.

I wish to thank the Civil Grand Jury for their thoughtful, thorough and informative report. Having the benefit of their insight and fresh eyes on the issues is extremely valuable to me, and I am grateful for their dedication and service. Should they require further information, I shall be happy to provide it.

Sincerely,

  
VICKI L. HENNESSY  
Sheriff