

2016-17 Civil Grand Jury
Educational Parity In Custody (EPIC) Report: **RESPONSES TO CGJ FINDINGS**

CGJ Year	Report Title	#	Findings	Respondent assigned by CGJ	2017 Responses (Agree/Disagree)	2017 Response Text
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F1	A deputy's initial training is 6 months long. An insufficient time of that training is spent focused on the specific skills needed for a deputy whose duty is inside the jail.	Sheriff's Department	disagree, wholly	San Francisco Sheriff's Deputies are required to pass three training milestones before assuming full duty in the jails. They must pass a six-month POST-certified peace officer academy; they must pass a four-Week POST-certified jail operations course, called Core, which includes gender awareness and crisis intervention; and, they must pass a seven-week one-on-one on-site training during which they are paired with a Jail Training Officer and required to demonstrate expertise in more than 30 jail-specific skills. In addition, deputy sheriffs are required to take annual Advanced Officer training that includes 24 hours of subjects mandated by POST, and additional topics chosen by the Sheriff. In Fiscal Year 2016-17, AO training included four hours of gender awareness training and 24 hours of crisis intervention training. This year they will receive implicit bias training. The gender awareness training developed by the Sheriff's Department was the first in the state to be certified by POST.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F2	Deputies and civilian staff often lack sufficient training in interpersonal communication skills, case management and assessing the needs and risks of the inmates. They need to more vigorously follow up an inmates' assessment, and contact county agencies to assure an inmate's needs are adequately addressed while in custody.	Sheriff's Department	disagree, wholly	Deputy sheriffs are responsible for the maintaining the safety and security of the jails and the prisoners. They are not case managers. Case management services are provided by Five Keys Schools and Sheriff's Program staff, as well as by community-based organizations that administer such programs as SISTER (Sisters in Sober Treatment Empowered in Recovery), RSVP (Resolve to Stop the Violence) and NoVA (No Violence Alliance). Sheriff's Department program coordinators provide linkages between in-custody programs and post-release(county agency) programs. For example, students who enroll in Five Keys while in custody may continue their studies at Five Keys' community sites. Prisoners in SISTER and RSVP may transition to NoVA upon release. And, prisoners are enrolled in an appropriate medical care program prior to release in order to ensure continuity of medical care. Case managers and program coordinators do their best to work within the limitations of available services to assure each inmate's needs are addressed, including the lack of knowing a release date, both in and out of custody.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F3	The deputies are working excessive over-time hours which leaves them too exhausted to meet the demands of their work. As a result, tension between the deputies and inmates can be exacerbated, as well as increased deputy dissatisfaction at work. Those deputies who are working with female inmates in the jail presently are suffering from fatigue because of the excessive overtime demands. Consequently, by their own admission, they are not performing up to par. More deputies are needed to fill the extra hours required for the job.	Sheriff's Department	disagree, partially	In the four years prior to my taking office in January 2016, the Sheriff's Department had hired only 20 people. While it is true that the Department has been dependent on overtime to provide adequate staff to the jails and to perform our other mandated duties, there are no reports of staff being "too exhausted" to perform their duties or evidence of deputies "not performing up to par." What we have realized is that the junior personnel were consistently held over for overtime to ensure minimum staffing consistent with the collective bargaining agreement between the Deputy Sheriff's Association and the City. To ensure adequate staffing over the summer months, when use of vacation time is typically high and to alleviate the burden of involuntary overtime on more junior deputies, I implemented Fair Share Overtime, which required every deputy work some overtime each pay period. From January 2016 through July 2017, the Sheriff's Department hired 140 new sworn employees, but we also separated 84, mostly for retirement, for a net gain of 56. However we began at a deficit of close to 100 and are still struggling to get ahead.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F4	At present, because of lack of staff, re-entry surveys are given on a limited, random basis, so that management does not have the feedback it needs to fully evaluate the effectiveness of the educational classes offered, or the prognosis of the success of an inmate's re-entry.	Sheriff's Department	disagree, wholly	Re-entry surveys are performed by the community-based organizations with whom the Sheriff's Department contracts to provide case management and program services. Department staffing levels have no bearing on the consistency or frequency of re-entry surveys. Re-entry surveys are more useful in some programs than others, but provide valuable feedback that informs program planning. Re-entry planning is also impacted by the fact that 85% of the Jail population is pretrial, subject to release at any time and with no advance notice to program staff. Additionally, 49% of people who would otherwise be in jail, are out on some form of pretrial release.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F5	In February, 2017, the Sheriff's office submitted a grant request for \$70,000,000 to the California Board of Community Corrections for the renovation of County Jail #2, where females are incarcerated. At present, designing a new Women's Education Pod is not included as a part of the new jail plans for this grant proposal.	Sheriff's Department	disagree, wholly	The Board of State and Community Corrections rejected the Sheriff's Department's grant proposal, rendering this issue moot. Plans did include more discreet housing which would have provided women with better space in which to receive programs. However, women prisoners participate in a wide range of educational and treatment programs in their housing units as well as in the classrooms located in the Education Corridor of County Jail #2.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F6	Housing for female inmates trying to study while in jail is not designed for maximum learning. The facilities are seismically compromised and a threat to the safety of inmates in the case of an earthquake. The building is old and poorly designed for modern theories about incarceration; furthermore, it does not meet modern qualifications for inmate's physical security, personal safety and appropriate visitation space.	Sheriff's Department	disagree, wholly	Women prisoners are housed in County Jail #2, at 425 7th Street, not the Hall of Justice, which is well beyond its useful life. Opened in 1994, County Jail #2 is not seismically compromised and features housing units in modern podular configurations, which maximize physical security and provide effective line of sight. There is ample open space for programs and group counseling inside each pod, as well as access to a variety of educational and treatment programs.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F7	Those inmates who have already graduated high school have little opportunity to continue their education in custody, as so few courses offered are college oriented. The major problem for college-oriented inmates is the shortness of their incarceration, most often not allowing for the completion of a full semester of study.	Sheriff's Department	disagree, partially	Five Keys Schools and Programs, in partnership with City College of San Francisco, offers prisoners college level courses. Prisoners may also participate in Coastline College's distance learning option. The Five Keys/City College courses are offered in sessions lasting between two and five weeks, maximizing the opportunity for prisoners to complete courses. Coastline offerings are based on the traditional semester system, which makes completion of a course more difficult for prisoners who do not remain in custody for the entire 16-week semester. College course offerings continue to improve. for all prisoners.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F8	The courses taught in custody do not prepare inmates for the technical skills they need upon re-entry. There are few opportunities to use a computer in jail and learn the technical skills necessary to get a job when leaving custody.	Sheriff's Department	disagree, partially	We agree that it is important to maximize learning opportunities that provide students with technical skills necessary for success in today's job market. Nevertheless, Five Keys' primary focus, as mandated by its charter, is to offer high school curriculum leading to a high school diploma. Given that the majority of students are credit deficient and below grade level, the school's efforts are to get them to grade level, then offer the required classes they need to graduate, which is the priority. Five Keys does provide coding classes at its in-custody and community sites on a rotating basis. Additionally, students enrolled in the school's Keys to Change and Keys to College programs may access tablets in their housing areas.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F9	Five Keys does not compile complete statistical information about its educational courses in terms of recidivism, change of behavior or success in re-entry. Therefore, we know little about the impact of these classes in terms of keeping women out of jail, changing their behavior to conform to the laws of our society, or how successful they are in re-entering civil society.	Sheriff's Department	agree with finding	While we agree with this finding, it is impossible for law enforcement agencies and programs that serve the incarcerated population to track individuals once they leave custody, much less measure with any precision generalized concepts such as "change of behavior" and "success in re-entry." For the most part, once individuals leave jail, they have little interest in or incentive to remain in contact with the criminal justice system. The fact of not returning to custody is a indicator of success.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F10	There is little statistical documentation available to determine if educational services offered for women inmates in the SISTERS program are effective. The Sheriff's Department, which facilitates the SISTERS Program, does not ensure that the SISTER program keeps complete records about the number of inmates who participate in each SISTER group. The SISTER program also does not efficiently measure the success of the program in terms of motivating continued education after release, or track positive behavioral changes while in custody, or increased well being while in custody, nor are the recidivism rates explored thoroughly, leaving the Sheriff's Department unclear about the statistics about the female inmates in the SISTER program. Consequently, they know little about how effective this program is.	Sheriff's Department	disagree, partially	Information about recidivism is always valuable, but it is very difficult to acquire. There is no uniformity among jurisdictions and programs about what defines recidivism, and it is impossible to know the whereabouts of every individual who has participated in SISTER or any other jail program after they leave custody. We have no way of knowing, for example, how many people leave custody in San Francisco and re-offend in another jurisdiction. Recidivism studies are very labor intensive and expensive, and can only provide information accurate in one point of time. A study completed today may be inaccurate three months from now as an individual who has not returned to custody today may re-offend next week or next month. Nevertheless, the Sheriff's Department defines recidivism as "arraigned on a new charge, or held on parole or probation in San Francisco County within 12 months post release." Using this definition, the SISTER Project had a recidivism rate of 41% for the last six months of 2015.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F11	The Sheriff's Department lacks proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in and out of the SF jail system, regardless of surgical status.	Sheriff's Department	disagree, wholly	Sworn staff receives gender awareness training during initial training, as detailed in the response to Finding 1. Program staff is included in the gender awareness training provided in Advanced Officer training.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F12	The Sheriff's Department lacks a set of proper disciplinary actions for Sheriff's deputies/ jail staff who refuse to accept transgender females as female jail population members, including refusals to perform common jail search duties on transgender inmates in the SF jail system.	Sheriff's Department	disagree, wholly	The Sheriff's Departments disciplinary procedures are set forth in the San Francisco Charter, the Civil Service Rules and Regulations, the Rules and Regulations of the Sheriff's Department and the collective bargaining agreements between the Sheriff's Department and the unions that represent Sheriff's Department sworn and non-sworn employees. Corrective action taken pursuant to violation of department policy, whether involving TGI policy or any other policy, is consistent with these. Corrective action may take the form of informal counseling, formal counseling, or request for a formal reprimand, suspension or termination.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F13	The Sheriff's Department lacks proper classification directives to classify transgender females as a part of the female population of the SF jail facilities.	Sheriff's Department	disagree, partially	The Sheriff's Department's classification policy, which is based on an objective classification system certified by the National Institute of Justice, is designed to house each individual who comes into custody in the safest and least restrictive housing appropriate to their classification level. Gender Identity is one factor taken into consideration. The classification policy with regard to TGI prisoners is undergoing revision, consistent with the Prison Rape Elimination Act (PREA), which provides for the housing of transwomen with cis women when it is preferred by transwomen and their classification history does not prevent it.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	F14	The Sheriff's Department lacks proper female housing for transgender females in the SF jail system, negatively affecting their socialization and educational potential.	Sheriff's Department	disagree, partially	Architectural limitations currently make it impossible to house transwomen with cis women in a manner consistent with PREA. Nevertheless, TGI prisoners not requiring specialized housing for medical, behavioral health or mental health issues are housed together in a separate unit within the male re-entry the SF Jail System pod at County Jail #2 until structural improvements required by PREA can be made to women's housing units to ensure shower privacy.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R1	The Sheriff's Department should dedicate more time in the initial Deputy Training Course to the actual work deputies do inside the jail, rather than spending the majority of their training time on work as a police person on the street. They need training to more appropriately match their job descriptions inside. We suggest the Sheriff's Office implement this recommendation within a year (July 2018).	Sheriff's Department	The recommendation has been implemented	Entry-level deputy sheriffs have received extensive corrections-specific training for more than thirty years. Deputies are required to pass three training milestones before assuming full duty in the jails. They must pass a six-month POST-certified peace officer academy, which includes some corrections-specific topics; they must pass a four-week POST-certified jail operations course, called Core; and, they must pass a seven-week one-on-one on-site training during which they are paired with a Jail Training Officer and required to demonstrate expertise in more than 30 jail-specific skills. In addition, deputy sheriffs are required to pass annual Advanced Officer training that includes 24 hours of subjects mandated by POST, and additional topics chosen by the Sheriff. Most of this training is specific to corrections and also required by the State Board of Community Corrections (SBCC). Topics currently under consideration for future Advanced Officer training include Brain Development in Transitional Age Youth, Understanding Substance Abuse, Co-Occurring Disorders, and a Direct Supervision Refresher.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R2	Deputies and the civilian staff should be required to take the two-day University of Cincinnati Core Correctional Practices training. The course involves learning the language and techniques for addressing inmates to motivate them, instead of creating resistance. It also includes education in direct supervision, which involves how to effectively manage a housing unit using cooperative strategies instead of divisive ones. We suggest the Sheriff's office implement this recommendation within the year(July 2018).	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	The Sheriff's Department was an early adopter of direct supervision. Since the late 1980's, direct supervision techniques have been employed in County Jails #2 and #5, which were designed specifically for direct supervision, as well as in County Jail #4, an obsolete linear-style jail. Deputy Sheriffs receive training in direct supervision in all stages of their training, detailed above.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R3	Instead of increasing the over-time budget for existing deputies, we recommend hiring more deputies. We suggest the Sheriff's Department evaluate the feasibility of hiring more deputies within the current budget year (2017- 2018), instead of continuing to pay over-time to overworked staff.	Sheriff's Department	The recommendation has been implemented	Since January 2016, through July 2017, the Sheriff's Department has hired 140 new sworn employees, but we also separated 84, mostly for retirement, for a net gain of 56. However we began at a deficit at close to 100.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R4	We recommend the Sheriff Department hire 8 more case managers for Five Keys to effectively carry out its mission to guide an inmate through her incarceration, assist in her successful re-entry, and keep track of their progress in the Five Keys system. We suggest beginning this hiring process within the next 12 months (July 2018).	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	Five Keys Schools and Programs is an independent non-profit organization, governed by its own Board of Directors and supported by state charter school funding and grants. The Sheriff has no authority over Five Keys' staffing decisions.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R5	This Committee strongly supports funding for renovated jail facilities, and recommends that the SF Sheriff's Department the California Board of Community Corrections to incorporate the Five Keys' proposal to develop a Women's Education Pod as a part of their building and redesign plans. We also recommend that the SF Sheriff's office report how this plan for a Women's Education Pod will be budgeted into their \$70 Million grant to the SF Board of Supervisors by July 2018.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	The Sheriff's Department's proposal for a \$70 million grant to fund jail renovation was rejected by the Board of State and Community Corrections. However we continue to work on plans to create better housing for all our prisoners, including gender specific housing for women.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R6	Create an adequate housing design for maximum learning for female inmates, using the Five Keys Women's Educational Pod design, by August 2018.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	Women prisoners are housed in two podular housing units within County Jail #2 where they have access to classrooms within their pods and in the Education Corridor. Since the rejection by the Board of State and Community Corrections, we have been working with the City's Capital Planning office to bring the living areas of County Jail #2 up to current BSCC standards. These improvements include an area for general population women's housing.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R7	The Sheriff's Department will focus on facilitating abbreviated, intensive courses to fit an inmate's time limitations by working with the Five Keys school administration.	Sheriff's Department	The recommendation has been implemented	The Five Keys Schools and Programs curriculum has, for more than ten years, been based on short, intensive courses which maximize a prisoner's ability to complete courses during their time in custody. In addition to Five Keys' many community sites, which enable students to continue progress toward their high school diplomas after release from jail, the school has refurbished a surplus Muni bus as a complete classroom and learning environment that travels to areas of the City where gang activity is known to hinder participation at the community sites. Students may enroll, take classes, obtain referrals to social services and avail themselves of the school library on the bus.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R8	The Sheriff's Department should facilitate more technical classes for both high school and college studies, as a part of their overall educational programs.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	The Sheriff's Department agrees with this recommendation, and works closely with Five Keys Schools and Programs to make coding classes and computer access available to as many prisoners as possible, however, course offerings are the responsibility of Five Keys Schools and Programs. The Sheriff's Department is beginning work on a collaboration with Five Keys and the Mayor's Office of Workforce Development to bring union training into the jail facilities.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R9	We recommend that the Sheriff's Department work with Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).	Sheriff's Department	The recommendation has been implemented	The Sheriff's Department supports Five Keys in measuring performance according to the metrics mandated by Five Keys' accreditation as a California public school, which is focused primarily on academic performance. Information about recidivism is always valuable, but it is difficult to acquire. There is no uniformity among jurisdictions and programs about what defines recidivism, and it is impossible to know the whereabouts of every individual who has taken classes or earned a diploma from Five Keys after they leave custody. It is also impossible to measure general concepts such as "change in behavior" and "success in re-entry" with any precision. The fact of not returning to custody is, on its own, a powerful indicator of success. Nevertheless, the Sheriff's Department and Five Keys continue to seek a system of measures beyond academic performance.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R10	We recommend that the Five Keys staff set up guidelines to measure the success of its charter school program in terms of recidivism, change of behavior, and success in re-entry for every participating inmates in the Five Keys program. We suggest this recommendation be implemented within the year (2017).	Sheriff's Department	The recommendation has been implemented	The Sheriff's Department supports Five Keys in measuring performance according to the metrics mandated by Five Keys' accreditation as a California public school, which is focused primarily on academic performance. Information about recidivism is always valuable, but it is difficult to acquire. There is no uniformity among jurisdictions and programs about what defines recidivism, and it is impossible to know the whereabouts of every individual who has taken classes or earned a diploma from Five Keys after they leave custody. It is also impossible to measure general concepts such as "change in behavior" and "success in re-entry" with any precision. The fact of not returning to custody is, on its own, a powerful indicator of success. Nevertheless, the Sheriff's Department and Five Keys continue to seek a system of measures beyond academic performance.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R11	By May 2018, the Sheriff's Department should create proper training for deputies / jail staff towards accepting transgender females as being a full part of the female population in the SF jail system, regardless of surgical status.	Sheriff's Department	The recommendation has been implemented	In Fiscal Year 2016-17, all deputies and program staff received a four-hour POST certified course in gender awareness. This year, we are implementing a training on appropriate strip search protocols and have changed the Field Arrest Booking Card to record preferred gender identity, name, pronouns and gender of the deputy who will perform any required searches.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R12	By June 2018, the Sheriff's Department should create proper disciplinary actions for Sheriff's deputies / jail staff who refuse to accept transgender females as female jail population members, including refusal to perform common jail search duties on transgender inmates in the SF jail system.	Sheriff's Department	The recommendation has been implemented	Disciplinary procedures are set forth in the San Francisco Charter, the Civil Service Rules, the Rules and Regulations of the Sheriff's Department, and the collective bargaining agreements between the City and the unions that represent the Sheriff's Department's sworn and non-sworn employees. Corrective action taken pursuant to violation of department policy, whether involving TGI policy or any other policy is consistent with these. Corrective action may include informal counseling, formal counseling or request for a formal reprimand, suspension or termination.

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2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R13	<p>By July 2018, the Sheriff's Department should rewrite the SF jail classification directives to classify transgender females part of the female population in the SF jail facilities. This language should look like this:</p> <p>Transgender females are a part of the female population, and shall be accommodated and treated as such.</p> <p>Transgender males are a part of the male population, and shall be accommodated and treated as such.</p>	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	This recommendation is not consistent with standards set forth in the federal Prison Rape Elimination Act (PREA), which recognizes that gender is not binary and therefore calls for transgender custodies to be offered the opportunity to state their preferences for name, pronouns, housing and the gender of the deputy sheriff who will perform searches. The assumption that all transgender females wish to be housed with cis women, and all transgender males wish to be housed with cis men has been shown to be incorrect.
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	R14	By August 2018, the SF Sheriff's Department should move all transgender women to appropriately female housing in the SF jail system.	Sheriff's Department	The recommendation will not be implemented because it is not warranted or reasonable	This recommendation is not consistent with the standards set forth in the federal Prison Rape Elimination Act (PREA), which recognizes that gender is not binary, and therefore, calls for transgender women to be offered the opportunity to state their preference for housing. Furthermore, certain structural changes are necessary for the current cis women's housing to be compliant with PREA requirements for, among other things, shower privacy. Funding for these changes was included in a \$70 million jail renovation grant proposal that was rejected by the state Board of State and Community Corrections. We continue to work with the City to identify funding in order to modify areas of women's housing to allow transgender women who are if appropriate security classification to be housed with cis women if they so prefer.