



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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VICKI L. HENNESSY
SHERIFF

September 12, 2019
Reference: 2019-107

Rasha Harvey, Foreperson
2018-2019 Civil Grand Jury
400 McAllister, Room 008
San Francisco, CA 94132

Dear Foreperson Harvey,

I am in receipt of your letter dated July 15, 2019. In that letter you provided me a copy of your annual report entitled, "*Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report*". Although you stated the Sheriff is not required to respond, I have offered my response below.

Reference Pages 45 and 46 of the report:

FY 2015-206 Responses Not in Penal Code Compliance:

Recommendation #1 –Individuals arrested and subsequently referred to the hospital prior to being accepted into the jail should be tracked and information communicated.

Sheriff's Response: Was not correct. Here is the current response: Agree – DPH who conducts medical triage prior to booking does track and communicate this information.

Recommendation #4 – The City should staff Jail Behavioral Health Services 24/7.

DPH Response: Further analysis of mental health services delivery overnight is currently underway.

Sheriff's Current Response: Disagree. While the Sheriff and the DPH Director agree we need more staffing, we must disagree as it is not a current priority. There have been many additional behavioral health staff added during who provide direct programmatic and therapeutic engagement of clients during regular hours. Jail Health Services covers all the jails 24/7 and there are behavioral health staff on-call at times who can be contacted if needed.

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

Chief Data's Officer Response: DataSF continues to be available to support departments in their publication process. Any department can start the publishing process. The Sheriff's Department must initiate the process. The Coordinator for the department is expected to identify the stewards and custodians to help make data available on the open data portal per policy.

Sheriff's Response: We are happy to work with DataSF and agree we need to post our data on the open portal. That data is unavailable due to our antiquated systems and lack of resources at our IT unit. The Sheriff has requested appropriate staffing for the SFSD IT Unit in the last two budget cycles. The Controller's City Service Auditors (CSA) completed an audit of our IT capability in 2018. Based on that audit we requested 3 recommended FTEs including a Chief Information Officer, for that unit. We were denied positions by the Mayor's Budget Office in the FY 18/19 budget. This year, FY 19/20 the CIO position was approved, and the hiring process is in full swing. In the meantime, we are working on a new jail management system that will allow us to extract and share relevant data more easily.

Estimated date is early 2021 for completion of this item.

Recommendation #6- Identify positions that might be reclassified as administrative support, i.e. civilian, rather than requiring sworn deputies to handle those duties.

Sheriff's Response: Will be implemented in the Future.

Sheriff's Current Response: Agree. In 2018/19 the CSA performed a staffing audit of our department. The final results indicated that the SFSD is severely understaffed with sworn personnel, and also recommended a number of positions that could be civilianized. Although the report was issued after our budget submission, we had some fore knowledge and requested 17 of the 37 recommended positions in our FY 19/20 budget. 11 of those were approved for a portion of the fiscal year and we plan to have those on-board by the end of this fiscal year. We will continue the process of requesting the identified civilian positions in the following budget years. The CSA report issued on 06.09.19 can be accessed here on the Controller's website:

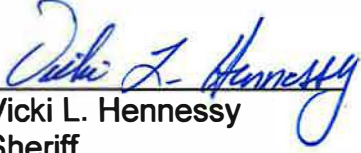
<http://openbook.sfgov.org/webreports/search.aspx?searchString=&year=1986&year2=2021&type=AU&index=0&index2=1&index3=0>

I hope this information is useful and provides closure to the items left open on our previous reports. I have also attached the completed Excel document you provided for the 2016/2017 Civil Grand Jury report as well as an excerpt from the original response on the items noted. The spreadsheet provided by you in your email would not allow an entry into the Agree/Disagree column so I included the determination in the Response Text column. .

If you have any questions or concerns, please feel free to contact me.

Thank you for your service on the Civil Grand Jury.

Sincerely,


Vicki L. Hennessy
Sheriff

Cc: Mayor London Breed
Presiding Judge Garrett Wong

attachments

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APPENDIX N – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE

**2015-2016 Report: SF County Jails - Our Largest Mental Health Facility Needs Attention
Four Responses Not in Penal Code Compliance**

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<p><u>Pending Recommendation #1:</u> 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.</p>	<p><u>Last Response From:</u> <u>Chief Deputy of Custody Operations</u> 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.</p>
<p><u>Last Response Year:2016 Last Response Status: Will Be Implemented in the Future</u></p>	
<p><u>Action Required: Provide Timeframe for Implementation.</u></p>	

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<p><u>Pending Recommendation #4:</u> R.C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Health should determine the amount to be included in the 2017-2018 budget request.</p>	<p><u>Last Response From:</u> <u>Director of Public Health</u> Further analysis of mental health services delivery overnight is currently underway.</p>
<p><u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u></p>	
<p><u>Action Required: Provide Timeframe for Implementation</u></p>	

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<p><u>Pending Recommendation #5:</u> R.C.5. The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.</p>	<p><u>Last Response From:</u> <u>Chief Data Officer</u> DataSF continues to be available to support departments in their publication process. Any department can start the publishing process by visiting https://datasf.org/publishing/. The Sheriff's Department must initiate the process. The Coordinator for the Department is expected to identify the stewards and custodians to help make data available on the open data portal per policy. Furthermore, a 5-year roadmap for JUSTIS (the interdepartmental data sharing program for criminal justice agencies) is currently in planning. Data integrations with open data are on that roadmap and it will likely be more efficient and consistent to use that infrastructure for publishing data, pending approval from the Sheriff's Department.</p>
<p><u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u></p>	
<p><u>Action Required: Provide Timeframe for Implementation</u></p>	

**APPENDIX N: 2015-2016 RESPONSES NOT IN PENAL CODE
COMPLIANCE – Continued**

**2015-2016 Report: SF County Jails - Our Largest Mental Health Facility Needs Attention
Four Responses Not in Penal Code Compliance**

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<p><u>Pending Recommendation #6:</u> R.D.1.b. Identify positions that might be reclassified as administrative support, i.e. civilian, rather than requiring sworn deputies to handle those duties.</p>	<p><u>Last Response From:</u> <u>Sheriff</u> The request for civilian staff - 3 positions including a Chief Information Officer was not approved by the Mayor's Office. In the meantime, we are working on converting some positions in Records to civilian ones.</p>
<p><u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u></p>	
<p><u>Action Required: Provide Timeframe for Implementation.</u></p>	

2017-2018 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	F#	Finding (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/Disagree)	Finding Response Text
Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report [July 17, 2019]	F6	In the 2016-2017 Civil Grand Jury report Educational Parity in Custody (EPIC): Ensuring the Quality of Women's Education in the SF Jail System, an apparent transcription error citing the "Five Keys" program instead of the "Sister" program led to an inaccurate Recommendation and resultant erroneous response.	Sheriff		Agree- We have recently changed providers for the SISTER program. Measuring recidivism continues to be a challenge as there is no universal agreement on what constitutes a lack of recidivism. Instead we can measure whether or not someone who completes the SISTER program returns to custody in San Francisco, within one year, two or three.
Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report [July 17, 2019]					

2017-2018 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	Recommendation (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report [July 17, 2019]				
Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report [July 17, 2019]	By no later than December 31, 2019, the Sheriff should respond to recommendation R10 as it appears in the body of the 2016-2017 Civil Grand Jury report Educational Parity in Custody (EPIC): Ensuring the Quality of Women's Education in the SF Jail System.	Sheriff		Agree- with caveats expressed in the finding column. We are able to determine if someone returns to our custody within certain time parameters from any of our programs however this is not automated at this time. We are currently testing a new jail management system that we hope will produce regular reports on this item and many others. Expect it to be fully operationation by the end of 2021.

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	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 with it, wholly (explanation in next column)	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	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 (summary of how it was implemented in next column)	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.
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