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# CHAPTER 1

## THE MERGER OF EMERGENCY MEDICAL SERVICES AND THE SAN FRANCISCO FIRE DEPARTMENT: A MATCH MADE IN HEAVEN OR SHOTGUN WEDDING?

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### BACKGROUND

The 2003-04 Civil Grand Jury investigated the status of Emergency Medical Services (EMS) that merged with the San Francisco Fire Department (SFFD) in 1997.<sup>1</sup> Following a national trend, the Department of Public Health (DPH) and the SFFD agreed to merge EMS into the SFFD in the late 1990s. The merger was seen as a way to get better and faster deployment of EMS services and to better utilize the rich resources of SFFD. Representatives from DPH and SFFD planned for the phased merging of the two services.

DPH paramedics joined the SFFD in 1997, and were given the choice to remain as paramedics or to be fully trained as firefighters. Firefighters were given the opportunity to become cross-trained as paramedics. Members who cross-trained were then eligible to serve in the newly created firefighter/paramedic rank. Cross-training was encouraged and incentives were put in place in addition to a 15% higher salary for firefighter/paramedics.

Since the merger, the Department has had three rather short-term Chiefs. As a result, continuous, long-term leadership at the top and a shared vision for the SFFD has been lacking. Chief Joanne Hayes-White, appointed in January 2004, is the fourth Chief since the merger took place in 1997. A lack of strong leadership has allowed for conditions in the Department, which adversely impact the integration of EMS and fire suppression into an effective team.<sup>2</sup>

### RESULTS

The Civil Grand Jury made 25 recommendations and required responses from the following:

Mayor  
Board of Supervisors  
Civil Service Commission  
Director, Department of Public Health  
Fire Chief  
Fire Commission  
Health Commission

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>1</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

<sup>2</sup> This report of the SFFD and EMS merger is issued by the 2003-2004 Grand Jury with the exception of one member of this Grand Jury who is an employee of the San Francisco Fire Department. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations and the making and acceptance of this report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Juror.

**FINDING 1: THE MERGER OF THE DEPARTMENT OF PUBLIC HEALTH'S EMERGENCY MEDICAL SERVICES AND THE FIRE DEPARTMENT DID NOT SUFFICIENTLY SPECIFY MEASURES OF SUCCESS AND COMPLETION OF THE MERGER**

**Finding 1.1:** The planning document for the merger, "Optimizing the Configuration of San Francisco's Emergency Medical Services, Fire Based Response and Transportation System, Phase II Report, Amended February 1997," (hereinafter referred to as the Phase II document), does not include criteria for success or for determining when the merger is complete.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. The documents did not include "success or failure" criteria.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree. The document was a planning document and did not specifically include criteria for success.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Agree. The document was a planning document and did not specifically include criteria for success.

**Finding 1.2:** Section 112 of the San Francisco Health Code authorizes the Fire Department to provide emergency medical services "without diminishing the authority of the (Department of Public Health) San Francisco Emergency Medical Services Agency."

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. The San Francisco Fire Department is indeed the primary EMS service provider in the City and County.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Agree.

**Finding 1.3:** Although Emergency Medical Services are provided by the SFFD, DPH is responsible for its effectiveness.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree in part. SFFD is also responsible for the effectiveness of EMS.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. The EMS Section of the Department of Public Health is responsible for overall system coordination and effectiveness as it relates to the delivery of out-of-hospital medical care. The Fire Department is equally responsible for the care and service it delivers to the community.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Disagree. The Fire Department is responsible for the effectiveness of its EMS services. The EMS Section of the Health Department is responsible for regulating the Fire Department's EMS services and for more broadly ensuring the quality of out-of-hospital care including the 911 Consolidated Dispatch Center, hospital emergency departments, Fire and private provider paramedic and EMT service providers.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Disagree. The Fire Department is responsible for the effectiveness of its EMS services. The EMS Section of the Health Department is responsible for regulating the Fire Department's EMS services and for more broadly ensuring the quality of out-of-hospital care including the 911 Consolidated Dispatch Center, hospital emergency departments, Fire and private provider paramedic and EMT service providers. The Commission is responsible for setting policy for the Health Department, including the EMS Section. The Commission also reviews the performance of all areas of the Health Department. The Commission has held formal hearings on San Francisco's EMS system annually.

**Finding 1.4:** There is no consensus among the Fire Commission, the Fire Chief and the DPH on whether the merger has been completed.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. The Report is engaging in semantics with the terms "merger" and "complete". The merger is complete by every measure, from the lettering on the ambulances to the integration of EMS services, training and administration into the Department. The Department, as with every successful organization, will continue to refine the method and quality of the services it provides.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. There is consensus among the Mayor, the Fire Commission, the Department of Public Health, the Health Commission and the Fire Department Administration that the transfer of function is, in fact, complete, as evidenced by the revision of the Fire Commission's Annual Statement of Purpose which removed the term 'merger'.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Disagree. The Mayor, the Fire Commission, the Health Commission, the Fire Department, and the Health Department all believe that the merger has been completed. I believe that some of the confusion comes from the fact that not all the benefits envisioned by the Phase II report have yet been realized.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Disagree. The Mayor, the Fire Commission, the Health Commission, the Fire Department, and the Health Department all believe that the merger has been completed, although not all the benefits envisioned by the Phase II report have yet been realized.

**Finding 1.5:** The Phase II document created the position of SFFD Medical Director, who reports directly to the Director of Public Health and serves as a consultant and advisor to the Fire Chief on medical issues. The responsibilities of the position are limited to quality improvement, medical control and accountability, and compliance with all applicable regulations and statutes. The SFFD Medical Director does not have a policy advisory role in SFFD and is not paid by SFFD. (See Appendix A, Phase II Organizational Chart.)

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. The SFFD Medical Director's salary is paid in part by the SFFD and in part by the Department of Public Health. The SFFD Medical Director has, and exercises, a policy advisory role in the SFFD regarding the provision of medical care and quality improvement.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. The SFFD Medical Directors are employed by the Department through a contract with UCSF. These physicians, board certified in emergency medicine, provide guidance and consult on matters of clinical significance and their impact on policy.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

The SFFD EMS Medical Director is employed by the Fire Department through a professional services contract with University of California, San Francisco (UCSF). This arrangement predates the merger and was done because we wanted the SFFD EMS Medical Director to be clinically active at an academic medical center. A professional services contract with UCSF was the best way to achieve this.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Disagree. The SFFD EMS Medical Director is employed by the Fire Department through a professional services contract with University of California, San Francisco (UCSF). This arrangement predates the merger and was done because we wanted the SFFD EMS Medical Director to be clinically active at an academic medical center. A professional services contract with UCSF was the best way to achieve this. The contract has been reviewed by the Health Commission budget committee and the full commission.

**Finding 1.6:** There is no reporting relationship between the Fire EMS Medical Director and the DPH EMS Medical Director who, as the head of the Emergency Medical Services Agency, is otherwise responsible for all EMS in the City and County.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree. There is a direct reporting relationship between the SFFD Medical Director and the Director of Public Health. There is also a direct reporting relationship between the Director of EMSA and the Director of Public Health.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. The Department's Medical Directors report directly to the Director of Public Health, Mitch Katz, MD. The EMS Medical Director for the Department of Public Health also reports directly to Dr. Katz. The EMS physicians, amongst themselves, maintain a collegial working relationship.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree. Because the EMS Section of the Health Department is the State of California designated regulator of the EMS System, it would be inappropriate for that section to directly supervise the SFFD EMS Medical Director. However, the SFFD EMS Medical Director reports directly to the Health Director. The Medical Director of the EMS Section of the Health Department also reports directly to the Health Director. In this way, we are able to maintain an arm's length between the regulator (EMS Section of the Health Department) and the provider of service (the EMS Division of the Fire Department).

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Agree. Because the EMS Section of the Health Department is the State of California designated regulator of the EMS System, it would be inappropriate for that section to directly supervise the SFFD EMS Medical Director. However, the SFFD EMS Medical Director reports directly to the Health Director. The Medical Director of the EMS Section of the Health Department also reports directly to the Health Director. The Health Director reports to the Health Commission. We perform annual evaluations of the Health Director.

**Finding 1.7:** The Chief of EMS in SFFD is one of eight division chiefs who report to the Chief of Department through the Deputy Chief of Operations. (See Appendix B, SFFD 2004 Organizational Chart.)

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. The SFFD Chief of EMS is one of three Assistant Deputy Chiefs who reports to the Chief of Department through the Deputy Chief of Operations.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. There are a total of five Assistant Deputy Chiefs; three report directly to the Deputy Chief of Operations

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Cannot comment. The command structure of the Fire Department is determined by the Fire Department Chief.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Cannot comment. The command structure of the Fire Department is determined by the Fire Department Chief.

**Finding 1.8:** Although 70% or more of the calls to which the Department responds are EMS in nature, the fire suppression mission is valued above EMS by Department leadership, ranking officers, Local 798 and many rank and file.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. The Department responded to BLS medical calls before the merger and continues to respond, with added ALS capability, since the merger. The EMS mission is considered to be an integral part of the Department's mission.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department responded to emergency medical services calls before the merger, and continues to respond, with added ALS capability, since the merger. The provision of EMS is embraced by this Administration and is wholeheartedly considered an integral part of this Department's mission.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Disagree. The Fire Chief greatly values the EMS mission of the Fire Department. I have no direct contract with the Fire Union.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Cannot comment.

**Finding 1.9:** Calls for EMS average about 200 per day, whereas those for actual fires (as opposed to false alarms and other calls that are counted as fire suppression responses) are one or two per day citywide.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. This statement does not make a fair comparison between all EMS calls, regardless of the true medical condition of the patient, and those fire calls which only involve actual structure fires. Call volume alone, without reference to the nature or severity of the incident as well as other factors, should not be relied upon in determining the appropriate deployment of resources.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. This statement does not quantify, qualify or otherwise detail an 'EMS incident' from a 'Fire Suppression incident'. Due to the inherent complexity of emergencies, most incidents have fire suppression / rescue and medical components.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree in terms of call volume.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Agree in terms of call volume.

**Finding 1.10:** Numbers of fire suppression calls are inflated. For example, according to the Controller's Office report, "A Review of the San Francisco Fire-EMS System, April 28, 2004 (hereinafter referred to as the Controller's report): "*suppression*, as a category, includes a number of response types not related to fires; *medical*, as a category, includes medical responses only."

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. There is no basis, factual or otherwise, to support a conclusion that the number of fire suppression calls are “inflated” or are otherwise misrepresented. SFFD incident response data is available to the public through a number of sources.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

See finding 1.9

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

The Health Department has no information on fire suppression calls, the street box response, or the response to alarms.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

The Health Commission has no information on fire suppression calls, the street box response, or the response to alarms.

**Finding 1.11:** The Controller's report also found that 47% of the fire suppression workload is in responding to street box and commercial alarms. Twenty thousand responses a year or nearly 25% of suppression workload are for street box alarms. Ninety-five percent (95%) of street box alarms are false. Of those that are not false, 80% are calls for medical attention.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

See finding 1.9

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

The Health Department has no information on fire suppression calls, the street box response, or the response to alarms.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

The Health Commission has no information on fire suppression calls, the street box response, or the response to alarms.

**Finding 1.12:** The Controller's report notes also that all alarms "are typically responded to with both a truck and an engine and are dispatched as highest priority (Code 3)." A Code 3 response to alarms seems excessive given the high percentage of them that are false.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree that street box alarms are typically responded to by an ALS or BLS engine and a truck, which are prepared to provide fire suppression or medical response. Disagree that this is excessive, given the importance of a fast medical response and the risk of fire spread posed by the construction type and density in San Francisco.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. All alarms are considered legitimate emergencies until proven otherwise. The Department responds with the appropriate equipment to meet the needs of the service request.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

The Health Department has no information on fire suppression calls, the street box response, or the response to alarms.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

The Health Commission has no information on fire suppression calls, the street box response, or the response to alarms.

**Finding 1.13:** Firefighter/paramedics are treated like second-class citizens by their fire fighting peers and some officers. (See specific examples in the section on harassment.)

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. Refer to Response to Findings and Recommendations in Section V and the Introduction, Overview and Conclusion sections of this Response.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. All alarms are considered legitimate emergencies until proven otherwise. The Department responds with the appropriate equipment to meet the needs of the service request.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

I have never observed Firefighters treating Firefighter/Paramedics like “second class citizens”. However, I have spoken with Firefighter/Paramedics who felt that they had been treated badly by Firefighters.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Cannot comment. The Commission has received no public testimony on this issue, but individual commissioners have been told by Firefighter/Paramedics that paramedics were not treated well in the Fire Department.

***Recommendation 1a: The Fire Department and the Department of Public Health Should Establish Criteria for Measuring Success of the Merger***

SFFD and DPH should establish specific criteria for measuring the success of the merger. They should determine the steps necessary to complete the merger. Steps to be taken and the establishment of timelines should be delineated and agreed upon as soon as possible.

***Responses***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree. The Commission agrees with this recommendation to the extent that it suggests the establishment of specific criteria for measuring the success of the Department's provision of Emergency Medical Services. This recommendation will be implemented, understanding that the Commission views the merger as having already been "completed", but with the view that goals and timelines for further improvement should be established and articulated and accomplishment of these goals measured.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. The Department and this Administration see the 'merger' as being complete. However, as the Department moves forward, it constantly searches for more efficient mechanisms to deliver its critical services.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree. In retrospect, I wish that we had set specific criteria for measuring the success of the merger in the Phase II document. Although we did not do this, I am nonetheless pleased with the successes that we have achieved:

1. Shorter response times to both life-threatening medical emergencies and to urgent calls.
2. Increased number of ambulances on San Francisco streets.
3. Single communication system for coordinating actions during emergencies.
4. Single chain of command for swift response during emergencies.

Although we cannot go backward, I agree with the recommendation that we set goals and timelines for improvements to the current system. I will meet with the Chief of the Fire Department to set up goals and timelines as soon as possible.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Agree. The Health Commission held extensive hearings on the Health Department, the Fire Department, and the EMS reconfiguration at the time of the merger. We have been monitoring performance of the EMS System including the number of ambulances on the street, the presence of ALS trained personnel on the Fire engine, and the response time. We will work with the Fire Commission to establish new criteria for measuring the success of fire based EMS.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**June 24, 2005**

Agree. Although we did not set specific criteria during the merger, I am pleased with the successes that we have achieved:

- 1) Shorter response times to both life-threatening medical emergencies and to urgent calls.
- 2) Increased number of ambulances on San Francisco streets.
- 3) Single communication system for coordinating actions during emergencies.
- 4) Single chain of command for swift response during emergencies.

I met with the Fire Department during the Fall of 2004 to jointly modify the EMS configuration plan based on the successes and limitations of the existing model and the recommendations of a stake holders process. The Health Commission held two hearings on the new configuration, the basic elements of which are:

- Establishment of 42 ALS engine companies (from 21).
- Dynamic deployment of ambulances with higher number of ambulances at peak times.
- Use of dedicated paramedics and dedicated EMTs to staff ambulances.

The Commission approved the Reconfiguration Proposal for Emergency Medical Services in the Fire Department at its meeting October 26, 2004.

**Lee Ann Monfredini**  
**President**  
**San Francisco Health Commission**  
**June 28, 2005**

Agree. Although specific criteria was not set during the merger, the Health Commission is pleased with the successes that has been achieved:

1. Shorter response times to both life-threatening medical emergencies and to urgent calls.
2. Increased number of ambulances on San Francisco streets.
3. Single communication system for coordinating actions during emergencies.
4. Single chain of command for swift response during emergencies.

Dr. Katz, who reports to the Health Commission, met with the Fire Department during the Fall of 2004 to jointly modify the EMS configuration plan based on the successes and limitations of the existing model and the recommendations of a stake holders process. The Health Commission held two hearings on the new configuration, the basic elements of which are:

- Establishment of 42 ALS engine companies (from 21).
- Dynamic deployment of ambulances with higher number of ambulances at peak times.
- Use of dedicated paramedics and dedicated EMTs to staff ambulances

The Commission approved the Reconfiguration Proposal for Emergency Medical Services in the Fire Department at its October 26, 2004 meeting.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

Reference is made to the attached Fire Commission Resolution 05-4, which provides that the EMS Reconfiguration is to be measured as follows: *[The resolution is not attached as part of this report. Please contact the commission for a copy of the document.]*

“Success of the reconfiguration will be monitored and reported on a continual basis and measured by the following factors: maintenance or improvement of current patient outcomes; maintenance or improvement of current response times; achievement of uniform response times among the City’s battalion districts; compliance with accepted and applicable standards for the provision of pre-hospital emergency care; compliance with EMSEO Section and Department agreed upon standards and Continuous Quality Improvement guidelines; reduction in the current level of fatigue experienced by EMS responders and transporters; fiscal accountability; and the effect on the ability of the Department to provide a balanced response to all types of emergencies;

“The Chief of Department shall report to the Commission on a quarterly basis, or more often as circumstances warrant, on the progress and success of the reconfiguration, and shall make recommendations to the Commission concerning any proposed changes to the hiring and deployment schedule outlined above;”

It should be noted that the EMS Reconfiguration is at the beginning stages, with no new personnel or apparatus deployed as yet. It is anticipated that the first new ten hour shift Paramedic/EMT ambulances will be deployed in January 2006.

The Fire Commission continues to receive regular reports from the Chief of Department and her administration concerning the Department’s provision of EMS services, including response times, quality of service, significant events and the progress of the EMS Reconfiguration.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

Portions of the recommendation have been implemented

The Department has worked collaboratively with the Department of Public Health (DPH) and has identified criteria for ongoing assessment of the delivery of Emergency Medical Service (EMS).

The Department reasserts its position that the merger is, in many respects, an unparalleled success. The merger is in fact complete; the Fire Department has become wholly responsible for the delivery of pre-hospital care in the City and County of San Francisco. How that service is delivered are operational details of that merger, not its essence. The merger resulted in rapid Paramedic level Advanced Life Support (ALS) becoming available faster to more of our residents and visitors.

Emergency medical systems are fluid and dynamic by their nature. As such, our EMS delivery is constantly evolving to meet the needs of the population served including the incorporation of updated technology. Therefore, it is inherently impractical and counter-productive to make efforts to assess the “success” or “completeness” of a merger which has already occurred.

It is far more important for an EMS provider to identify and develop criteria that can be used to measure progress and success on an ongoing basis. In retrospect, the absence of ongoing performance evaluation was a glaring omission from the 1996-97 Phase I and II plans.

The Department has, in partnership with the Department of Public Health Emergency Medical Services Agency, a number of indices to measure the success of its EMS system. These criteria are used on a daily and monthly basis by Department upper management to facilitate performance review and provided to the public on a monthly basis at both the Fire Commission and the Mayor’s SFStat meetings.

These criteria will be used to monitor and prevent degradation in the level of Emergency Medical Service as the Department moves into the implementation phase of its EMS reconfiguration.

***Recommendation 1b: The Fire Chief and Fire Commission Should Be Accountable for Achieving Success for the Merger***

Once criteria and timelines are established, the Chief and the Fire Commission should be held accountable by the Mayor for achieving them.

***Responses***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree, as noted in 1a, above. The Commission is accountable to the Mayor and agrees that it should be accountable for all goals established for the Fire Department.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. See Recommendation 1a.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Agree.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**June 24, 2005**

Agree. The Fire Department now submits a quarterly report with specific indicators to the Health Commission on the progress of the new configuration.

**Lee Ann Monfredini**  
**President**  
**San Francisco Health Commission**  
**June 28, 2005**

Agree. The Fire Department now submits a quarterly report with specific indicators to the Health Commission on the progress of the new configuration.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

The Commission continues to agree that it should be accountable for all goals established for the Fire Department, and remains accountable for such.

***Recommendation 1c: The Mayor Should Appoint a Health Professional to the Fire Commission***

The Mayor should appoint a health professional, preferably one with Emergency Medical Services experience, to the Fire Commission.

## **Responses**

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

The Mayor appoints Commissioners, pursuant to the San Francisco Charter, Sections 3.100 and 4.108, and, therefore, the Commission cannot implement this recommendation.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Sections 3.100 and 4.108 of the San Francisco City Charter confer exclusive Commission appointment privileges to the Mayor of the City and County. The Department would welcome the opportunity to work with the Mayor's Office to realize this recommendation.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Not applicable to the Health Department.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Not applicable to the Health Commission.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**June 24, 2005**

Not applicable to the Health Department.

**Lee Ann Monfredini**  
**President**  
**San Francisco Health Commission**  
**June 28, 2005**

Not applicable to the Health Department.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

Since the Civil Grand Jury issued this recommendation, Dr. Douglas Goldman was appointed to the Fire Commission. Dr. Goldman was a non-practicing, board certified emergency physician. Appointed in October 2004, Dr. Goldman's tenure ended when he resigned from the Fire Commission in May 2005.

***Recommendation 1d: The Fire Commission and the Health Commission Should Meet Jointly at Least Quarterly***

The Fire and Health Commissions should meet jointly at least quarterly for better oversight of SFFD EMS.

***Responses***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

The Commission disagrees with this recommendation. Medical oversight is provided by: The Department of Public Health Director; the Director of the San Francisco County Emergency Medical Services Agency (EMSA); the Department's two Medical Directors, all in communication with one another. The Department's Medical Directors and the EMS Division Chief and the EMS Operations Chief report to the Chief of Department and through her, report directly to the Fire Commission at regularly scheduled Commission meetings. Individual Commissioners recommended in November, 2003 that greater communication occur between the Chief of Department and the EMSA Director. There has been significant improvement in this area since the inception of Chief Hayes-White's administration, to the benefit of the Department's provision of EMS services.

The Commission believes that there may be occasions in the future when both the Fire Commission and the Public Health Commission would find it beneficial to meet jointly with respect to specific policies or procedures, as appropriate.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Both Commissions receive regular updates and reports. The Chief and the Director of Public Health meet regularly to discuss any issue that might impact the provision of EMS in San Francisco.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Agree. The Health Department agrees that joint meetings between the Commissions, as occurred during the pre-merger discussions, would be worthwhile.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Partially agree. The Health Commission agrees that joint meetings between the Commissions, as occurred at the time of the merger, would be worthwhile and we intend to work with the Fire Department to schedule them as soon as possible. We believe the interval of the meetings should depend on the need at the time.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**June 24, 2005**

Agree. The Health Department agrees that joint meetings between the Commissions, as occurred during the pre-merger discussions, would be worthwhile. While no joint meetings have occurred this fiscal year, the Fire Chief has attended three Health Commission meetings to discuss system changes within the Fire Department. Dr. John Brown, EMS Medical Director regularly attends the Fire Commission meetings.

**Lee Ann Monfredini**  
**President**  
**San Francisco Health Commission**  
**June 28, 2005**

Agree. The Health Department agrees that joint meetings between the Commissions, as occurred during the pre-merger discussions, would be worthwhile. While no joint meetings have occurred this fiscal year, the Fire Chief has attended three Health Commission meetings to discuss system changes within the Fire Department. Dr. John Brown, EMS Medical Director regularly attends the Fire Commission meetings.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

*Implementation is independent of the Department*

The Department feels that it may be beneficial for the Fire and Health Commissions to hold joint meetings, as necessary, for issues that arise requiring input of both entities.

**Recommendation 1e: Department Leadership Should Communicate the Importance of EMS.**

Department leadership should define and communicate the values of the department so that EMS is seen to be at least as important as fire suppression, as stated in the SFFD's mission statement. The Fire Commission, the Chief and Department leadership should promote and support EMS by communicating the value of its mission throughout the Department.

**Responses**

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

The Commission agrees with this recommendation, which has already been implemented. The Commission, in its Annual Statement of Purpose posted on the Commission web site, recites that the provision of emergency medical services, together with fire suppression and fire prevention is an integral part of the Department's mission. The Commission has also communicated the importance of the Department's EMS mission in public statements during both regular and special Commission meetings.

In addition, at a special meeting convened by the Commission on August 12, 2003 specifically for the purpose of considering steps to take to improve the progress of the merger and to respond to complaints from Firefighter/paramedics, the Commission sought and obtained public comment from members. Following this meeting, two Commissioners undertook a series of individual meetings with all stakeholders in regards to the merger and the complaints since reiterated in the Report. These Commissioners publicly announced and repeated the importance of the EMS mission during the November 25, 2004 Commission meeting. (See minutes of August 12, 2003 Special Meeting and November 25, 2003 Regular Meeting.) Additionally, in communications with Department membership and administration, Commissioners have stressed the importance of a team approach of all segments of the Department in carrying out its mission to provide fire prevention, emergency medical services, fire suppression, rescue and hazardous materials response. The Chief of Department has clearly and unequivocally communicated the same message.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. This Administration communicates its values, and those of the Department, by words and actions, on a daily basis. EMS, suppression, prevention and training are all equally important and valuable to carrying out the Mission of the Department.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Not applicable to the Health Department.  
**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Not applicable to the Health Commission.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**June 24, 2005**

Not applicable to the Health Department.

**Lee Ann Monfredini**  
**President**  
**San Francisco Health Commission**  
**June 28, 2005**

Not applicable to the Health Commission.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

The Commission continues to stress the importance of the EMS mission of the Department. This is evidenced by Resolution 05-4 and continues to be publicly stated by individual Commissioners during Commission meetings. The Chief of Department and her administration continue to communicate this message.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

Completed

The provision of Emergency Medical Services is an integral part of our core mission. This administration continues to articulate that both the EMS and suppression missions define our organization. The message is clear and unequivocal; neither EMS nor Fire suppression has to win at the expense of the other. Our Department will only be successful if these two goals are integrated into a cohesive, unified vision for the future of our Department.

***Recommendation 1f: Respond to Alarms With Appropriate Staff and Equipment***

Given that most alarms are false and those that are not are medical in nature, SFFD should respond with appropriate staff and equipment.

## **Responses**

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

This recommendation has already been implemented. Additionally, the EMS configuration study is currently underway to refine the Department's delivery of EMS services and ensure that the most effective and efficient combination of resources is brought to bear on medical and other emergencies. The Commission does not agree with the inference that there has been a disproportionate emphasis on fire suppression, but agrees with the recommendation that the Department should respond with appropriate staff and equipment.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. Until proven otherwise, every alarm is a true emergency. The Department currently responds, and will continue to respond, with all necessary apparatus and personnel, as determined by the Chief of Department and her Command Staff. Additionally, the Department is working with the Department of Telecommunications and Information Services (DTIS) to reduce false street alarms by installing False Alarm Deterrent Devices (FADD) on all street boxes. This program is being monitored through the Mayor's SFSTAT Program and has already proven to be successful.

The San Francisco Fire Department is a multi-faceted, multi-skilled public safety agency, whose mission of which is to protect the lives and the property of the people of San Francisco from fires, natural disasters, and hazardous materials incidents; to save lives by providing emergency medical services; to prevent fires through prevention and education programs; and to provide a work environment that values cultural diversity and is free of harassment and discrimination.

The Department is staffed by 1,734 members: of those, 1,601 are field personnel directly involved in provision of fire protection and prevention, medical assistance, emergency communications and technical rescues. Sixty-five (65) members provide administrative and investigatory support, training and continuing education curriculum for all Department personnel. Sixty-eight (68) members of the Fire Department are civilians.

The Civil Grand Jury commissioned a report on the Fire Department in July of 2003, some six months prior to Chief Hayes-White taking office.

In 1996, the City and County of San Francisco was faced with what physician and medical groups termed a "public health crisis". The Paramedic Division of the Department of Public Health was not meeting the County's mandated response times.

The question that faced the Health Commission, the Health Department and the Director of Public Health was how to provide the maximum number of health care resources to the City of San Francisco, using existing equipment, without a significant increase in expenditures.

Transfer of EMS into the Fire Department was the natural next-step. Fire Services all over the nation had successfully assumed responsibility for providing Paramedic Services and the San Francisco Fire Department had been providing emergency first response since the late 1950's. Every front line responder in the Department has been staffed with at least one firefighter trained to the level of Emergency Medical Technician since 1989 and equipped with first aid equipment, oxygen and an automatic external defibrillator. Additionally, the Fire Department was equipped and trained in extrication, confined space rescue and Hazardous Materials mitigation techniques. The addition of Paramedics was a logical progression in the development of the services it provided.

The SFFD has had three Chiefs since 1997. Lack of continuity, lack of long range goals and the lack of time and ability for the Department to meet those goals are all factors in the questions that are raised in this report. This Administration has stated unequivocally that the transfer of function of Paramedic Services from the Department of Public Health to the Fire Department is complete. The combination of services and the strengthening of the service provided have created a public safety entity that is orders of magnitude stronger than the sum of its parts.

Except for the National Fire Protection Agency (NFPA) standards, the Fire Services of this nation have enjoyed operational autonomy since their inception. Each Fire Department carries equipment and tools unique to its own operational district and no two Fire Departments are exactly alike.

In contrast to the Fire Service, the medical profession is very different in regards to oversight and autonomy. There are laws, directives, and governing bodies for every facet of medicine, and EMS is no exception.

The State EMS Agency oversees fifty-eight counties in California, each with its own Department of Public Health, and its own Emergency Medical Services Agency. Each county is required by state law to have an EMS Medical Director, who is responsible for the oversight, regulation and efficacy of the pre-hospital medical and trauma care practiced in their jurisdiction. Every provider in those jurisdictions, public or private, maintains a Director of EMS who is responsible for the oversight and efficacy of the medical care being provided by their agency.

In San Francisco, the Fire Department is overseen by the civilian governing body of the Fire Commission. Public Health is overseen by the like civilian body of the Health Commission.

The perception that there is no contact between the Health Commission and the Fire Commission is incorrect. While the twelve commissioners do not regularly conduct joint meetings or discussions, the Health Commission is keenly aware of the Fire Department's provision of pre-hospital care.

The Fire Department provides ongoing reporting and documentation to the office of the EMS Medical Director of the Department of Public Health. John Brown, MD, presents to the Health Commission in the same manner that the Department presents to the Fire Commission. During his presentation, Doctor Brown reports on the Fire Department activities and response times. In addition, Chief Hayes-White and Doctor Mitch Katz maintain open lines of communication and confer on a regular basis.

The Fire Department provides a myriad of services to the public. The perception that fire suppression is valued more highly than EMS services is false. This Department values every

component of its mission equally, and every facet of this Department is geared towards the preservation of life and property in San Francisco.

The Controller's Report of 2004 noted that the Fire Department responds to 20,000 street box alarms per year. The audit went on to state that 95% of street box alarms are false. The Fire Department also responds to 1,836 'person downs', 3,256 'vehicle crashes' and 6,128 'sick evaluations' per year. The majority of those incidents are without emergency merit, but many are true life-threatening emergencies. Until a Paramedic is on scene and can determine the extent of the emergency, every person down is considered a cardiac arrest. Until Firefighters can arrive on scene and determine the extent of the emergency, every street box alarm is considered a working fire.

In the past, the Department responded to most alarms with a full box assignment. The apparatus dispatched has been pared down to accommodate changes in the nature of service requests. A first response Engine and a Truck are considered to be the absolute minimum response to an initial box alarm. It should be made clear that the Department is constantly evaluating system performance and seeks to deploy the most effective configuration of resources to each call for service.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**August 24, 2004**

Not applicable to the Health Department.

**Edward A. Chow, MD**  
**President**  
**San Francisco Health Commission**  
**August 27, 2004**

Not applicable to the Health Commission.

**Mitchell H. Katz, MD**  
**Director of Health**  
**Department of Public Health**  
**June 24, 2005**

Not applicable to the Health Department. Thank you again for all the hard work involved in preparing this report.

**Lee Ann Monfredini**  
**President**  
**San Francisco Health Commission**  
**June 28, 2005**

Not applicable to the Health Commission. Thank you again for all the hard work involved in preparing this report.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

The EMS Reconfiguration has been developed by the Department and approved by the Commission as a means of further enhancing the provision of Fire-based EMS service to the public. The Department continues to respond with appropriate staff and equipment to fire, medical and other emergencies.

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**Finding 2: The Merger of Emergency Medical Services Into the Fire Department Is Impeded by Local 798 and Cultural Differences in the Two Services**

**Finding 2.1:** Local 798 has been cited at all levels within and without the Department as a major impediment to the integration of EMS into the Department.

***Response to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. This Administration sees the merger as being complete.

**Finding 2.2:** Local 798 and a vocal core of SFFD personnel perpetuate a culture that values fire suppression over emergency medical services.

***Response to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department, the Administration and staff values all aspects of its operation equally. No one operational facet is more or less important than any other.

**Finding 2.3:** An article in the November/December 2003 issue of "Mainline," a Local 798 publication, targeted two EMS officers, accusing them of illegitimately negotiating with the City as representatives of the Department. In a letter to the Fire Commission a DPH official subsequently refuted the allegations. Shortly after Chief Hayes-White assumed office, these two EMS officers were demoted and reassigned. Whatever the reasons for the reassignment, the perception is that the demotions were made to satisfy Local 798.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. Virtually every member of the Command Staff was replaced during the establishment of the new Administration. This Administration cannot comment on the perception of individuals.

**Finding 2.4:** Leadership of Local 798 has been accused of trying to intimidate firefighter/paramedics and other members of the Local by publicly accusing them of being “snitches” in Union meetings.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

The Department does not exercise control, direction or any form of authority over the labor unions or their members’ actions outside of the workplace.

**Finding 2.5:** The Secretary of Local 798 labeled SFFD personnel who speak out and report on-duty drinking as “snitches” in the February/March issue of “Mainline,” the publication of local 798.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

See finding 2.4

**Finding 2.6:** The Chiefs response (as quoted by the 3/26/04 San Francisco *Chronicle*) reminded members that they had an obligation to report violations through the chain of command. In addition, she said that retaliation or threats against those who report such violations is also a violation. Many saw this as a weak response to the Union. Further, her comments fail to recognize that the reason members have gone outside the Department chain of command is because the Department has failed to deal with the problem.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. While it is impossible for the Department to comment on individual thoughts and opinions, the response of this Administration to the aforementioned articles was swift and

unequivocal. Letters were sent to Union leaders and memos issued Department-wide emphasizing the responsibility of all members to report inappropriate behavior and that any retaliatory acts would be met with discipline.

**Finding 2.7:** An article in the April/May issue of “Mainline” discusses the gatherings firefighters have when a member retires or dies and the feelings of pride the gatherings engender. The author seems to equate the recent termination of a probationary firefighter, who tested positive for alcohol levels in excess of SFFD regulations to termination due to death or retirement. The final sentence, “ Are YOU finally PROUD?” is presumably directed at those whom the author feels are responsible for reporting that the firefighter was under the influence of alcohol.

### ***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

The Department does not exercise control, direction or any form of authority over the labor unions or their members’ actions outside of the workplace. This includes print media or any other form of information and/or news statements or distribution.

### ***Recommendation 2: Confront the Perception that Local 798 Is Running the Department***

Department leadership should confront the commonly held perception that Local 798, rather than the Chief, is “running the department.”

### ***Response***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree.

The Department has had three Chiefs over the past seven years. This procession of Department Heads had difficulty in achieving the momentum necessary to effect substantive change. Chief Joanne Hayes-White and the current Command Staff is committed to providing, and has already displayed the strong leadership necessary to facilitate change and promote the accountability and professionalism throughout the ranks of the Department.

IAFF Local 798, as the authorized bargaining unit for most members of the Department is involved in any decision that has the potential to impact the wages, hours or working conditions of its members. The Chief, however, is the sole arbiter of decisions that affect the operations and administration of the Department. The current leadership has already displayed its willingness to exercise independent authority, often in opposition to the opinion of the labor union.

**Finding 3: The Fire Department Allocates the Majority of Its Budget to Fire Suppression Although the Workload Is a Fraction of the Use of Its Resources**

**Finding 3.1:** The “Fire/EMS Project Preliminary Findings and Recommendations of the Controller's Office,” presented on March 22, 2004 states, “with 1150 firefighters and 250 firefighter/paramedics stationed at fire stations. . . .SFFD staffing is weighted towards suppression activities.”

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. Among other omissions, this statement does not account for the Firefighter-EMTs in the Department who provide important BLS services, in addition to their other services. This statement does not recognize the pre-merger and continuing demand for fire and other emergency response that is not eliminated by the addition of ALS responsibilities.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. Staffing is determined by the needs of the public.

**Finding 3.2:** Although current Department leadership maintains the merger will be complete when there is a firefighter/paramedic on every engine, there are no plans to hire additional firefighter/paramedics in the near future.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. The merger is complete. A goal has been expressed of achieving all ALS engines. Some recruits with paramedic licenses have been hired into the current academy and will be encouraged to work for the Department as Firefighter/Paramedics. The Department is currently reviewing its hiring plan to increase the number of paramedics.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. Future recruitment and hiring of personnel will be determined following the conclusion of the Reconfiguration Task Force’s work and the selection of an appropriate response model.

**Finding 3.3:** The current and previous administrations cite the higher cost of firefighter/paramedic salaries as a budgetary reason for not hiring more of them. However, a firefighter/paramedic is able to provide both firefighting skills and Advanced Life Support (ALS) services at a cost of approximately 15% more than a regular firefighter.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree that an entrance level Firefighter/Paramedic provides firefighting and ALS services at a 15% higher cost than a fifth year firefighter.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. No such statement came from the Department.

**Finding 3.4:** Firefighter/paramedics are trained in ALS. This enables them to start intravenous lines, administer medications, and place endotracheal tubes (artificial airways which pass through the larynx), provide advanced cardiac monitoring, and apply manual defibrillation.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree.

**Finding 3.5:** In fiscal year 2002-2003, there were 138,171 medical responses by the SFFD. Of these, 77% (or 106,205) were for ALS emergency medical services.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

This finding does not specify the criteria being utilized for this conclusion. Unable to agree or disagree because it is unclear in which situations the patients actually received or required ALS services.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. The criteria used to determine medical responses and ALS-level care are not specified.

**Finding 3.6:** Twenty-one (21) of 42 functioning fire stations in San Francisco are equipped with ALS engines. An ALS engine is one that is staffed with a firefighter/paramedic as well as two firefighters and an officer. The engine is equipped with a locked drug box containing medications that may be needed in providing ALS medical care. Many Bay Area jurisdictions have only ALS engines.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree that twenty-one ALS engines is the minimum number of ALS engines that the Department will deploy. However this year, on average, twenty-five ALS engines have been staffed.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. Upwards of twenty-six (26) first response vehicles are ALS-delivery capable.

**Finding 3.7:** In the 7 years since the merger in 1997, SFFD has had three short-term Chiefs. The leadership necessary to successfully accomplish the merger of EMS into the Department was not in place. The Department now has a new leader who should be charged with achieving a successful merger and be supported in those efforts.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree in part and agree in part. The merger has progressed under the administration of three short-term Chiefs and the merger was accomplished, in the view of the Commission, during the tenure of the previous Chief. Agree that the new Chief is charged with further enhancing the Department's provision of Emergency Medical Services. Agree that the new Chief should be, and is, supported in her efforts.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. Chiefs Demmons, Tabacco and Treviño commanded the Department in the years between 1997 to 2003. The Department considers the 'merger' complete.

**Finding 3.8:** There is a widely held belief that nothing will change in the SFFD, particularly the allocation of more resources to EMS, because Local 798 will oppose it.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. There has been significant change for the better in the Department, particularly as it relates to the provision of EMS services. Local 798 leadership has expressed support for the Department's provision of EMS services. This is consistent with the International Association of Firefighter's endorsement of a Fire-based EMS provider system model. All stakeholders have worked collaboratively during the Department's recent EMS Reconfiguration process.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Chief is the sole arbiter of decisions that affect the operations and administration of the Department and the current leadership has already displayed its willingness to exercise independent authority, often in opposition to the opinion of the union.

**Finding 3.9:** Local 798 is active and powerful in local politics. Local 798 has the ability to "put the bodies out" in support of politicians and issues, as President John Hanley was quoted by Matier and Ross in the March 26, 2004 San Francisco *Chronicle*. The City needs the cooperation and "give-backs" of Local 798 and other unions in order to balance the budget.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree that Local 798 effectively advocates for its membership, which is open to all uniformed members of the Department from the rank of H-2 Firefighter to H-50 Assistant Chief.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

See Findings 2.4, 2.5 and 2.7.

**Finding 3.10:** Changes to the current system in SFFD or reductions in service, no matter how warranted, are political hot potatoes that bring out predictable, knee-jerk reactions from politicians. For example, the Matier and Ross column cited above also quotes Supervisor Tony Hall as saying he “vowed to fight” the Controller's recommendation for alternate staffing among three underutilized fire stations. This same column stated that representatives from Local 798 would be out in support of Supervisor Hall's re-election campaign kick-off the following Tuesday. Supervisor Hall's quote appears in the April/May issue of “Mainline” and has become the rallying cry of Local 798.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

This finding is so replete with argument that it is not capable of response.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department is committed to implementing any change that promotes efficiency without compromise to our operational readiness and ability to deliver service, political sensitivity not withstanding.

**Finding 3.11:** San Francisco firefighters are paid 8.6% higher salaries and work an average of 7.3% fewer hours than firefighters in comparable fire departments according to the Controller's Report of April 28, 2004.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree that this is the conclusion of the Controller's report. However, the volume of calls in the SFFD is far greater than "comparable" departments, resulting in a heavier work load and the exposure of members to greater risk.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

This Administration cannot comment on this finding, as the Civil Grand Jury does not provide any definition or supporting documentation for "comparable jurisdictions". It should be noted that change in the work schedule, slated to go into effect before the end of September, will add thirty-six (36) hours per year per uniformed member in productivity.

**Finding 3.12:** The same report states that San Francisco has more fire stations per square mile and a higher per capita budget by far than comparable jurisdictions.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree. This conclusion of the Controller's Report, however, omits the fact that San Francisco has greater population density and greater housing stock density than the other jurisdictions to which it was compared. Factoring in density, San Francisco has fewer fire stations per structure requiring fire protection than "comparable" United States jurisdictions referenced in the Controller's Report. This comparison also omits other factors, such as: the challenging topography of San Francisco; the limited availability of mutual aid from other jurisdictions due to the fact that the City is on a peninsula; the prevalence of older wood frame structures and the risk of earthquake.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Department cannot respond to this finding, as the Civil Grand Jury does not provide any definition or supporting documentation for "comparable jurisdictions". The Controller's Report underscored the fact that San Francisco is the most densely populated city in the nation, second only to New York City and unlike most West Coast cities, most structures were built prior to 1945.

***Recommendation 3a: Allocate Resources According to the Change in Workload From Fire Suppression to EMS.***

Resource allocation and staffing should reflect the Department's change in workload from fire suppression to EMS.

***Responses***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree. This recommendation has already been implemented and is also undergoing further evaluation through the EMS Configuration process. It should be pointed out that although the medical dispatches amount to approximately 70% of the current dispatch volume, this medical workload has been layered on top of the Department's pre-merger fire and emergency response. These additional calls do not obviate the need to respond to suppression and other emergencies. Given the age and density of San Francisco's predominantly wood frame structures, quick and aggressive response by a sufficient number of personnel and apparatus is necessary to extinguish fires before they spread, which could otherwise result in conflagration. Resources cannot be allocated based solely on the daily series of dispatches, but must also be ready to respond to the regular occurrence of fire and the risk of earthquake, conflagration and other anticipated major events.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department's workload is reflective of the demands that the public places on its resources.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

As noted in the Commission's response, above, the recommendation has already been implemented. Since the response, the EMS Reconfiguration has been approved by the Commission as a means of further enhancing the Department's provision of emergency medical services.

***Recommendation 3b: The Fire Chief Should Be Directed to Allocate Resources to Support the EMS Mission***

The Mayor, Board of Supervisors and the Fire Commission should direct and support the Chief in making resource allocation changes that properly support the EMS mission.

## **Responses**

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree. This recommendation has already been implemented and is continuing. The Commission has overseen the deployment of Department resources to carry out the EMS mission of the Department since the inception of the merger as noted in the Introduction to this response.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Chief works collaboratively with the Mayor, the Board of Supervisors and the Fire Commission.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

Since the above response, the Fire Commission has approved the EMS Reconfiguration to further enhance the Department's provision of emergency medical services to the public.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

Chief Hayes-White continues to work collaboratively with the Mayor, the Board of Supervisors and the Fire Commission in oversight of the Department operations. They have provided the support and counsel necessary to allow the Department to move forward, including implementation of our EMS reconfiguration plan.

### ***Recommendation 3c: The Board of Supervisors Should Direct the Fire Chief to Implement the Recommendations of the Controller's Office***

The Board of Supervisors mandated the review of SFFD recently conducted by the Controller's Office. The Board should now act on and direct the Chief to implement the recommendations.

## **Responses**

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

This is a recommendation to the Board of Supervisors. The previous and current Presidents of the Commission have met with the Controller and his staff concerning the Controller's recommendations. The Department has responded in those meetings and during the public meeting conducted by the Finance Committee of the Board of Supervisors. Under the City Charter, it is the Fire Commission that sets objectives, programs and policies and prescribes and enforces rules and regulations for the Fire Department.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Department is committed to implementing any change that promotes efficiency without compromise to operational readiness and ability to deliver service.

The Controller's report, as is any audit or report of an organization, a tool for the management of that agency. The Department is respectful of the recommendations made in that report. Each recommendation was reviewed by the Department for feasibility and to gauge its impact on service. The Department has implemented or is in the process of implementing many of its recommendations.

The Department committed to implementing change that promotes efficiency without impinging its ability to safeguard the health and welfare of the public it serves. The Department has been aggressive in maintaining on-going dialogues with all Supervisors, decision makers and community leaders, in its institution of fiscal policies while mitigating any operational impact.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

Portions of the Controller's Office recommendations have been implemented.

The Department continues to use the review conducted by the Controller's Office as a valuable management tool, and has already completed implementation of a number of the recommendations in the report.

The Controller's Report made two important recommendations concerning the delivery of EMS services by the Department. The Controller recommended:

1. The use of peak period staffing<sup>3</sup>

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<sup>3</sup> *A Review of the San Francisco Fire-EMS System*, Office of the Controller, April 2004, pg. 12

2. The implementation of alternative staffing and shifts<sup>4</sup>

Both of these recommendations will be implemented as part of the Department's current EMS Reconfiguration plan.

Additionally, after discussions with the Controller's Office, the Department completed its analysis of data on street box alarms in October of 2004. Rather than reconfigure response and jeopardize the health, safety or property of those legitimate requests for service, the Department partnered with the Emergency Communications Department (ECD) and the Department of Telecommunications and Information Service (DTIS) to install Anti-Tamper Devices on Fire Call Boxes. This action has resulted in a 35% reduction in false alarms.

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**Finding 4: The Fire Department Needs to Address Problems in Recruitment, Retention, Cross-Training, and Staff for EMS**

**Finding 4.1:** Currently, there are not enough firefighter/paramedics in the Department to provide adequate relief for ambulance duty. There are barely enough firefighter/paramedics to staff existing EMS equipment, let alone increased equipment and services.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

The Civil Grand Jury has not defined "adequate relief". The current EMS Reconfiguration program has been designed to address that and other issues.

**Finding 4.2:** In order to be eligible for promotion, firefighter/paramedics (as well as firefighters) must have completed four months of service on both an engine and a truck. The firefighter/paramedic shortage makes it difficult for them to complete such service because they are needed on ambulances or ALS engines.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. Many Firefighter/Paramedics have already completed all required probationary training. The remaining members are in the process of completing their training.

**Finding 4.3:** The Department has no plans to hire additional firefighter/paramedics in the near future.

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<sup>4</sup> *IBID*, pg. 20

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. The Department does not intend, nor currently plan, to hire cross-trained, dual-response Firefighter/Paramedics from outside the City and County. The Department is currently studying proposals for augmentation of the ALS-provider ranks.

**Finding 4.4:** In spite of incentives for firefighters to cross-train and become firefighter/paramedics, poor working conditions and heavy workloads have proven to be even stronger disincentives. Although the firefighter/paramedic job classification has only been in existence since 2000, 19 firefighter/paramedics have given up their higher salaries and returned to the firefighter job classification as of December 31, 2003.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. These resignations and position changes occurred prior to the current Administration. It is worth noting, that no Firefighter / Paramedics have separated from the Department since Chief Hayes-White's appointment.

**Finding 4.5:** The Controller's Office's April 28, 2004 report, states that 16% of firefighter/paramedics hired from fiscal year 1996-97, to date, have separated from the Department. In comparison, the separation rate for firefighters is 7% during the same period of time.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree.

**Finding 4.6:** Firefighter/paramedics in command positions can help integrate EMS into the Department and change the emphasis of the Department from fire suppression. According to the Controller's report of April 28, 2004, "current SFFD practice does not use firefighter/paramedics who are promoted to command positions for paramedic functions on engines or medic units, despite the fact that the City pays them a premium if they retain their paramedic licenses."

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. Provision of Emergency Medical Services has been an integral part of the Department's Mission for many years before 1997. The emphasis of this Department is providing health and safety service to the members of this City's public. The current administration has an unprecedented number of Firefighter / Paramedics in command positions.

**Finding 4.7:** There are four EMS Captains supervising firefighter/paramedics who respond to approximately 200 EMS calls per day, for a ratio of one supervisor for every 50 calls. EMS Captains are not part of the staffing on the engine or ambulance; they respond in their own vehicles. In contrast, all fire engines are staffed with one officer and three firefighters, providing a supervision ratio of 1:3. All fire trucks are staffed with 1 officer and 4 firefighters, a 1:4 ratio. Cross-trained officers would provide better supervision of EMS delivery and potentially better patient outcomes.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. There are seven EMS Captains, one Section Chief, one Assistant Deputy Chief and two board-certified physicians who supervise all field care provision and response around the clock.

**Finding 4.8:** Firefighter/paramedics assigned to ambulances spend more time on EMS calls because they are responsible for transporting patients and for hospital admission procedures. Firefighter/paramedics assigned to ALS engines, on the other hand, provide immediate medical care and return to the station. Transport duties and hospital admission requirements can add an hour or more to a call, resulting in a heavier, inequitable workload.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree in part. While transports often take more time than other responses, it is far from the only cause of heavier workloads.

**Finding 4.9:** The current shift of 48 hours off after a busy 24 hours on ambulance duty provides insufficient rest for many firefighter/paramedics.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree in part. The work of the current Reconfiguration Task Force and a new direction for EMS provision in the Department are critical for relieving chronic fatigue for Firefighter / Paramedics.

**Finding 4.10:** Firefighter/paramedics working on ambulance duty get job burnout and leave the Department or return to firefighter status.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

The Department cannot comment on individual's reasons for their personal choices. See Finding 4.4.

**Finding 4.11:** There are many options for alleviating workload. Some options that other jurisdictions have looked into, which the SFFD should explore, include: 1) 12 hours on ambulance, 12 on ALS engine, 2) 24 hours on ambulance duty followed by 72 hours off, and/or 3) using more private ambulance services for transport.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. The EMS reconfiguration project was designed to address workload issues amongst others.

**Finding 4.12:** The issue of heavy workload for firefighter/paramedics assigned to ambulance duty has been around since at least 1997. The 1997 Phase II planning document recommended that tools be in place to evaluate, in particular, issues of workload and quality of care. The transcript from the Fire Commission sponsored EMS roundtable meeting on June 21, 2001 indicates that ambulance duty workload was still a major issue. In 2004, it continues to be a problem.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

See Finding 4.11

**Finding 4.13:** The Department has two Heavy Rescue Squads consisting of specially equipped Rescue Trucks staffed by an officer, a driver and two firefighters certified as Emergency Medical Technicians (firefighter-EMTs). Firefighter-EMTs can provide BLS medical services but not ALS. Rescue Squads are not staffed with firefighter/paramedics.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. Neither are Truck companies, mini-pumper vehicles or the fireboats.

**Finding 4.14:** These two squads respond to the severest rescue conditions, such as extraction of people from car wrecks using the Jaws of Life, hazardous material situations, and the like. The people they rescue should have the highest level of emergency medical service immediately available to them. Firefighter/paramedics are trained in ALS and are able to provide a higher level of medical care than firefighter-EMTs. Given the types of emergencies the Rescue Squads respond to, a higher level of EMS seems appropriate.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. The Department staffs and deploys resources to adequately meet the needs of the public for health and safety issues.

***Recommendation 4a: Recruit and Retain Firefighter/Paramedics***

Recruitment and retention of firefighter/paramedics is a critical problem that needs immediate attention. The Department should hire additional firefighter/paramedics and/or cross-train more existing personnel to be firefighter/paramedics as soon as possible.

## **Responses**

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. The number of Firefighter/Paramedics will be determined by any changes in deployment and configuration.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation is in process

The Department continues to be committed to recruitment and retention of high quality candidates that reflect the diversity of our City and can serve our community as Firefighters and as Firefighter / Paramedics.

The Department considers possession of a valid paramedic license as important secondary criteria for candidates seeking entry into the H2 Firefighter Academy. Additionally, the Department has secured an MOU with the City College Paramedic program to guarantee or current firefighters an opportunity to train to become Paramedics.

The report of the SFFD EMS Reconfiguration Committee of October 2005 and the subsequent adoption of its recommendations has compelled a change in focus from the recruitment and retention of currently cross trained Firefighter / Paramedics to the recruitment and retention of currently certified and licensed EMTs and Paramedics. Future cross trained Firefighter Paramedics would be drawn from the ranks of Paramedics serving on the transport tier.

The Department anticipates holding the entrance exam for Paramedics in the latter part of this year and the entrance exam for EMTs sometime in early 2006.

### ***Recommendation 4b: Cross-train Both Officers and Firefighters***

Officers should be cross-trained as well as rank and file firefighters. Officers who are already cross-trained should continue their paramedic licensure and use their paramedic skills in their command positions.

## **Responses**

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. Matriculation through the ranks by Firefighter /Paramedics will occur naturally as promotional exams are given. Evidence can be found in all departments (i.e. LA County, San Diego, etc.) where Paramedic level EMS has been a long standing component of operations.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation will be implemented in the future or is in process

Diversity in middle-management positions is critical to the long term health of any organization. While the cross-training of officers is a laudable goal, it is somewhat impractical. The Department believes that achieving diversity throughout its ranks is best accomplished by the steady promotion of Firefighter / Paramedics. Departments across the nation that have successfully integrated the EMS component have done so with “bottom-up” promotions and not a “top-down” imposition of policies.

Future promotional examinations conducted by the Department will have significant emphasis on the EMS mission of the Department as well as the traditional fire suppression components.

### ***Recommendation 4c: Reduce Ambulance Workloads***

Alleviation of heavy ambulance workloads should be addressed as soon as possible. The necessity for a 24-hour ambulance shift should be reviewed as well as other options for transporting patients.

## **Responses**

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. Formulating an action plan to address ambulance workload is a main component of the Reconfiguration Task Force.

These issues are not unknown to the Department, and the leadership is committed to addressing the issues of workload on the ambulances and the inevitable attrition of Firefighter / Paramedics. The number of Paramedics has not increased in proportion to call volume that has increased significantly in recent years. This problem has manifested in increases in unusual occurrences (UOs), a frustrated workforce and a non-retirement attrition rate for Firefighter / Paramedics that is higher than their Firefighter colleagues.

The Department is also acutely aware that the problem of high ambulance call volume does not exist independent of greater systemic issues. In order to be successful, any strategy addressing this issue must be part and parcel of an overall direction and vision for the provision of EMS in the Department.

The Department has already taken steps to address the larger system-wide issues it currently faces. It is in the process of reviewing the final report of the recent Reconfiguration Task Force and, in conjunction with the Mayor's Office and Department of Public Health, will select a model for the future. Negotiations with City College of San Francisco have recently been completed that secure spots in the City College Paramedic Training Program for our Firefighters. The current class of forty-eight (48) probationary Firefighter recruits was required to possess current, valid California State Emergency Medical Technician (EMT) certificate as a prerequisite to employment. Twelve (12) members of that class are licensed Paramedics.

The current administration has an unprecedented number of Firefighter / Paramedics among the Command Staff. Two (2) Assistant Deputy Chiefs are cross-trained Firefighter/Paramedics, in addition to several Lieutenants and fourteen (14) Rescue Captains already in command or supervisory positions. The Department is committed to promote and continue the advancement of Firefighter/Paramedics through its ranks.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation will be implemented in the future or is in process

The new administration of the Department immediately recognized the critical need to address the heavy workload placed on the transportation arm of the Department. Ambulance workload has been the primary focus of the reconfiguration workgroup and the long term solution to this issue is the sweeping, system wide change of the reconfiguration.

The Department is moving to implement its new EMS reconfiguration with all haste. Once the remaining labor and human resource hurdles are cleared, the Department anticipates that the first dynamically deployed units will be on our streets in the latter half of FY 2005-2006.

In the interim, the Department is considering a number of changes that will provide some relief to our units through the implementation of the new transport tier. The changes being considered include:

- Rotation of unassigned Firefighter / Paramedics
- Selected use of ALS Engine Responses to a subset of Code 2 calls
- Modification of dispatch rules for our units with the highest call volume
- More aggressive use of private ambulance resources

**Finding 5: The Fire Department Has Not Dealt With Harassment of Firefighter/Paramedics and Integrated EMS and Fire Suppression in any Meaningful Way.**

**Finding 5.1:** Harassment is a major factor in firefighter/paramedics decision to leave the Department or returning to firefighter status.

***Responses to Finding***

**Tania Bauer  
Commission Secretary  
San Francisco Fire Commission  
August 12, 2004**

There have been generalized anecdotal accounts of harassment, such as are contained in the Report itself. Information concerning the date, station, identity of the harasser and/or identity of the victim has not been received by the Commission. Many of the complaints were apparently in reference to incidents that had occurred years previously, but were reported as if they had recently occurred. The Commission has been frustrated by the lack of specifics in these complaints, which reduces the complaints to the status of rumors - that cannot be proved or disproved. The Commission is, therefore, not aware of facts which would either support or refute that this is currently or has recently occurred. The Commission has also been advised that Firefighter/paramedics have given up their H-3 status because of workload, a factor being addressed by the EMS Reconfiguration process. Another factor may have been the long term assignment to an ambulance, addressed in part by the deployment of Firefighter/paramedic-staffed ALS engines.

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree in part. While the Department cannot comment on individual's reasons for their personal choices, exit interviews suggest workload is the most common reason cited for leaving the Department.

**Finding 5.2:** Firefighter/paramedics are the new "whipping boys," taking the place of women and minorities in many instances as targets for harassment. Women and minorities are in protected Equal Employment Opportunity classes. The EEO complaint process affords them recourse that is not available to firefighter/paramedics. The complaint process available to firefighter/paramedics is ineffective.

***Responses to Finding***

**Tania Bauer  
Commission Secretary  
San Francisco Fire Commission  
August 12, 2004**

Disagree for the reasons stated in response to 5.1. Agree that the EEO complaint process does not afford recourse to a complainant who is not in a protected status under anti-discrimination laws. The process available to Firefighter/paramedics who complain of harassment because of their job function or title is through the chain of command. Agree that the chain of command is less

effective currently, given the lack of promotions and the resulting temporary officer assignments. Commissioners have also been advised that conditions for paramedics and Firefighter/paramedics have improved.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department agrees that 'protected status' does not extend to a job classification. Mechanisms, internal to the Department, exist for reporting harassment or inappropriate behavior regardless of the motivation.

**Finding 5.3:** In some stations firefighter/paramedics have been excluded from meals.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

This statement is of the type referred to in response to 5.1. The Commission is not aware of facts to support a statement that this is occurring or has occurred during this or the previous Chief's administration.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. This Administration has sent an unequivocal message to the members of the Department; harassment of any kind and for any reason **WILL NOT** be tolerated. Any indication or report of harassment is investigated thoroughly and professionally.

**Finding 5.4:** Some firefighter/paramedics and women firefighters have been insulted and even shunned while on duty.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree that there have been specific complaints made during the past year through the chain of command concerning incidents of claimed harassment. Members found to have engaged in this conduct have been appropriately disciplined. Two further disciplinary matters are pending and are currently before the Commission for determination.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this Finding. This Administration has sent an unequivocal message to the members of the Department; harassment of any kind and for any reason **WILL NOT** be tolerated. Any indication or report of harassment is investigated thoroughly and professionally.

**Finding 5.5:** Firefighter/paramedics in some stations are routinely referred to as “f---- in' Medics” and “a--wipes.”

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

This statement is of the type referred to in response to 5.1. The Commission is not aware that this is occurring, recently occurred or ever occurred.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this Finding. This Administration has sent an unequivocal message to the members of the Department; harassment of any kind and for any reason **WILL NOT** be tolerated. Any indication or report of harassment is investigated thoroughly and professionally.

**Finding 5.6:** Harassment is tolerated or even encouraged in certain stations. Firefighters are allowed to select their station assignments and can stay at that station for their entire careers. Fire stations take on the personality of the group that is permanently assigned there, for good or ill. When the personality or culture of a station is one that allows harassment and disrespect of co-workers, the best solution may be to break up the group that perpetuates the behavior and culture.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

The first sentence touches upon a matter that is currently before the Commission with respect to one station and cannot be commented upon. Other than that claim, the Commission is not aware of facts to support this statement with respect to other stations. The Commission agrees that removal of a perpetrator of harassment or discrimination from a station may be one of the appropriate methods of correcting the situation.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. The Department and in particular this Administration have sent a clear message to the members of the Department, in both policy and action, that harassment of any kind and for any reason **WILL NOT** be tolerated. Discipline rendered by this Administration for infractions has included suspension and even termination.

**Finding 5.7:** Article 3953 of the SFFD Rules and Regulations states that assignments can be revoked and reassignments made by the Chief “for the good of the service.”

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. The Chief of Department can direct assignment changes to best benefit the Department and its mission.

**Finding 5.8:** Weak leadership has allowed for a work environment that is hostile to firefighter/paramedics and women firefighters.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree that the Department has weak leadership or that the Department has a hostile work environment. Complaints of harassment that are brought through the chain of command are appropriately handled.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

This Administration cannot speak to, nor comment on, the practices or decisions of prior Chiefs. This Administration, however, will not tolerate harassment in any form and has demonstrated its willingness and obligation to discipline offending members.

**Finding 5.9:** Ranking officers ignore bad behavior and/or apply inconsistent or no discipline. This dereliction of duty has occurred with no repercussions to themselves or their careers.

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. This is a vague and generalized statement that is unsubstantiated and amounts to rumor.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. While the Civil Grand Jury has not provided any evidence or documentation to support this finding, Officers are held accountable for the behavior of themselves and those in their command. The Department and in particular this Administration have sent a clear message to all members of the Department, in both policy and action, that harassment of any kind and for any reason WILL NOT be tolerated.

**Finding 5.10:** Sec. 4.108 of the City Charter states, "The Fire Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department."

***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Agree. This section of the Charter was amended November 2003.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. The Fire Commission is authorized through Charter Amendment in November 2003, to prescribe and enforce reasonable rules.

**Finding 5.11:** Specific examples of mistreatment of EMS personnel have been brought to the attention of the Commission and have been largely ignored. The Fire Commission's response to harassment complaints has consisted of expressions of sympathy for the plight of firefighter/paramedics as opposed to the exercise of their powers to "prescribe and enforce any reasonable rules" that might improve conditions for firefighter/paramedics.

For example, at the 2/27/03 meeting of the Fire Commission, Commissioner Pat Norman expressed concern that the SFFD remain unified and that firefighters and firefighter/paramedics not turn on each other since the function of EMS in the Department is as critical to the people of SF as is fire suppression.

While these comments show concern and sympathy, the Commission has not taken SFFD leadership to task for the ongoing harassment of firefighter/paramedics and the failure to integrate EMS and fire suppression in any meaningful way.

### ***Responses to Finding***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

Disagree. The Commission has appropriately dealt with all claims of harassment or other misconduct that have been brought before it. Where violation of Department rules and regulations has been demonstrated, the Commission has imposed the appropriate discipline, including suspension, fine and termination. The Commission cannot act upon rumor, as the spreaders of such rumors are well aware. The Commission has clearly communicated to the Department that harassment of any kind will not be tolerated. The Chief of Department has demonstrated her own unequivocal determination to effectively deal with any specific claims of harassment. The Commission has directed, encouraged and supported the completion of the merger and the continuing improvement of the quality of service, including EMS service, provided by the Department.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department and this Administration are committed to providing a supportive workplace free from harassment of any kind. No complaint is ignored and any potential infraction of Department rules brought to the attention of this Administration is investigated in a thorough and professional manner.

### ***Recommendation 5a: Identify and Discipline Those Engaging in Harassing Behavior***

Department leadership should identify the stations where harassment is occurring. Those engaging in harassing behavior should be appropriately disciplined. The range of discipline should include suspension with or without pay and/or firing, depending on the degree of harassment. Harassers who are not fired should be reassigned to different stations.

#### ***Responses***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

The Commission agrees with, and has already implemented and pursued a policy that harassment of any type, including harassment of Firefighter/paramedics, will not be tolerated. The Department should continue to investigate specific claims of harassment and, if verified, impose appropriate discipline, up to and including potential termination. The Department should take steps to eliminate structural impediments that are perceived as preventing enforcement of the Department policy that harassment will not be tolerated. The Commission recently terminated a member it found guilty of harassment.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Should evidence become available, and should this finding be substantiated, this Administration will move swiftly and decisively to address the allegations.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

Since the Commission's response, the Commission has heard additional disciplinary matters concerning incidents predating the Grand Jury Report and has appropriately disciplined those members found guilty of harassment. The Commission also disciplined an officer who did not take appropriate steps to stop harassment. There are currently no complaints of harassment before the Commission. Neither the Fire Commission, nor individual Commissioners, have received any complaints that harassment of Firefighter Paramedics, Paramedics or women members has occurred since the issuance of the Grand Jury Report to the present date.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

Harassment of any kind, and for any reason, is not tolerated by this Department. This administration takes our obligation to provide a safe and supportive workplace, free from harassment of any kind very seriously, and has already demonstrated its commitment in the discipline and termination of members who have committed this infraction.

***Recommendation 5b: Hold Officers Accountable for Actions or Inactions Related to Harassment.***

Ranking officers should be held accountable for their actions or inaction related to harassment. Officers who participate in or allow those under their supervision to participate in harassment should be disciplined. The range of discipline should include suspension without pay, demotion and/or firing, depending on the severity of the offense.

***Responses***

**Tania Bauer  
Commission Secretary  
San Francisco Fire Commission  
August 12, 2004**

The Commission agrees with this recommendation, which has already been implemented.

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

See 5a.

**Paul Conroy  
President  
San Francisco Fire Commission  
July 15, 2005**

Since the Commission's response, the Commission has heard additional disciplinary matters concerning incidents predating the Grand Jury Report and has appropriately disciplined those members found guilty of harassment and an officer who did not take appropriate steps to stop the harassment. There are currently no complaints of harassment before the Commission. Neither the Fire Commission, nor individual Commissioners, have received any complaints that harassment of Firefighter Paramedics, Paramedics or women members has occurred since the issuance of the Grand Jury Report to the present date.

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

This administration is keenly sensitive to the issue of harassment, and continues to take its obligation to provide a safe and supportive workplace, free from harassment of any kind very seriously, and has already demonstrated its commitment in the discipline and termination of members who have committed this infraction. All members, regardless of rank, are held accountable.

***Recommendation 5c: Hold Fire Department Leadership Accountable for Eliminating Harassment***

The Fire Commission should hold Department leadership accountable for eliminating harassment.

***Responses***

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

The Commission agrees with this recommendation, which has already been implemented.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Harassment of any kind, and for any reason is not tolerated by this Department.

This Administration has zero tolerance for harassment of any kind and is obligated to provide a safe and supportive workplace. The current Administration takes the obligation very seriously, and has already demonstrated its commitment in the discipline and termination of members who have committed this infraction. Any member who feels that he or she is being subjected to harassment or unfair treatment is obligated to speak up, loud and clear. Whoever the offender, whatever his or her rank, position or title, if a member of this Department is harassing another, that person can expect a swift and appropriate response from my office.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

The Department leadership continues to be vigilant in eliminating harassment, as demonstrated above.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

The Fire Commission is unwavering in holding Department leadership responsible for providing a safe and supportive work environment, free from harassment of any kind. The current administration welcomes the accountability required from this Fire Commission.

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### **Finding 6: The Fire Department Should Improve the Training of Its Officers**

**Finding 6.1:** Leadership and command training is currently offered every other year .This means that some officers assume command with no training for the role.

#### ***Response to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. Leadership and command training has and will be offered whenever required.

**Finding 6.2:** According to the schedule for a one-day Company Officer Management Course offered last year, only one half hour was scheduled for “Human Resources.” Course materials indicate that the focus of this module was on EEO complaints. There are no training modules in team building, conflict resolution, professional behavior, responsibility or accountability.

#### ***Response to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. Modern management theory was part of the recent Battalion Chief’s Academy.

### ***Recommendation 6: Provide Comprehensive Leadership and Command Training for All Officers***

The Department should provide comprehensive leadership and command training for all officers prior to their assumption of command. Periodic training should emphasize professionalism, responsibility and accountability and be given on a regular, ongoing basis. Training should include conflict resolution and team building.

#### ***Responses***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The roles and responsibilities of the officer-as-supervisor have changed dramatically over the years. At one time, a supervisor just needed to be respected by their peers to perform adequately.

The role of the supervisor has evolved dramatically. Today, a successful supervisor in the Fire Service must not only understand and know operations and tactics about a broad scope of potential challenges, but be well versed in modern management and personnel theory.

Assistant Deputy Chief Tom Siragusa and his training staff are currently researching leadership and command programs for all SFFD Officers. Examples will be drawn from civilian corporations, uniformed public service agencies and even officer training programs from the Armed Forces. In fact, the Department recently completed a comprehensive three-day Battalion Chief Academy training program.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

In the last nine months, management and supervisory classes were held for members accepting provisional promotions into the officer ranks. Curriculum included modules in customer service, professional demeanor, conflict resolution and teambuilding, administrative responsibilities, review of fire tactics, dealing with high risk, low frequency operations such as high-rise fires, BART / MUNI responses, management multi-casualty incidents and disaster operations.

Accountability is a key element to the success of any organization, and is expected from every member of this Department regardless of rank. This administration continues to hold all its members accountable for performance and behavior.

While the administration continues to hold all members accountable for their actions, promotional exams and permanent appointments are crucial to executing this recommendation. The Department looks forward to resolution between the Civil Service Commission and Local 798 regarding the promotional certification rule.

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## **Finding 7: The Fire Department Has Been Slow in Giving Promotional Examinations**

**Finding 7.1:** No promotional examinations may be given until the Chief generates secondary criteria and submits it to the Civil Service Commission for approval. Once approval is obtained, the Department can post vacancies in the officer ranks and give promotional examinations to generate lists of eligible candidates to fill those vacancies. No permanent officer can be appointed until all of these steps are complete.

### ***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree. The Civil Service Commission, when adopting changes to the Civil Service Commission Rules, required that the Fire Chief submit the secondary criteria to the Civil Service Commission for its approval prior to the issuance of any job announcement. The Commission Rules further state that the secondary criteria will be discussed in open session with all parties interested. The purpose of the Commission's action was to assure that the secondary criteria utilized by the Fire Chief were consistent with the City's merit system and to create a transparent and open process providing for public comment from any interested party.

**Finding 7.2:** Using March 2004 data from the SFFD, Appendix C shows that temporary appointees hold 170 of 365 or 47% of all officer positions in the SFFD. One hundred and twelve (112) hold acting appointments and 58 are provisional. Captains and lieutenants typically supervise fire station personnel. Thirty-eight (38) of 69 captains or 55% have acting or provisional appointments. Seventy-two (72) of 199 lieutenant positions or 36% have acting or provisional appointments. Twenty-seven (27) of 27 or 100% of EMS-captain appointees are acting or provisional.

***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree. The Civil Service Commission Rules authorize the Human Resources Director to approve provisional appointments when an eligible list is exhausted or expired.

**Finding 7.3:** The Chief or her designee makes temporary officer appointments using criteria she deems appropriate. While such factors as performance and community service may enter into the appointing decision, there is no substitute for appointment from a list of eligible members who have passed a promotional examination and whose performance is objectively ranked.

***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree. The merit system principles applicable to the Uniformed Ranks of the San Francisco Fire Department are described in Civil Service Commission Rule 301.3 which states:

“The principles of the City and County’s merit system:

“1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,

“2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period.

“Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism.”

**Finding 7.4:** The MOU provides for the filling of short-term vacancies, 60 days or less, on the basis of seniority. Long term vacancies, more than 60 days, are assigned by the Captain of the company “with due regard for seniority.”

### ***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

The Civil Service Commission does not have jurisdiction on matters that are collectively bargained, such as assignments. The merit system principles address decisions based on merit not longevity.

**Finding 7.5:** Temporary officers are assigned to various stations *as needed*, as opposed to having a permanent assignment at one station. They may be assigned to a different station every time they are on duty. When presented with a conflict or a problem, they often avoid dealing with it because of the temporary nature of their assignments. “I’m just here for the day,” is the widely used and understood

phrase to describe this behavior. They have not been held accountable by their superior officers for shirking responsibilities.

***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. Temporary and acting officers of every management rank are placed in permanent, full time assignments at stations whenever possible. Currently, 140 Officers off all ranks are assigned to permanent stations or companies, only three (3) Officers remain as needed. It is this type of assignment that allows all ranks to be held accountable for their actions as well as those in their command.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Evaluation of performance is a matter under the jurisdiction of the appointing officer. As previously stated, the merit system principles contain an expectation of high performance and ethical standards. Employees should be trained on the expectations of the job, even in an acting capacity, and held accountable.

**Finding 7.6:** The officer ranks of SFFD are severely weakened by having so many long-term temporary officers. SFFD's promotional system is designed to be merit-based, not based on seniority. The lack of promotional examinations is defeating the purpose of a merit-based system.

***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. While the Department has made every effort to assure that operations, discipline and morale are not compromised by the lack of permanent appointments, there is no complete substitute for tests and permanent appointments in all ranks.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree in part. The merit system in San Francisco was established to assure that the recruitment and retention of a qualified work force and the selection and promotion of employees providing public services are conducted in a fair and impartial manner and in a competitive fashion. The merit system and appointment based on merit provide a visible, objective public personnel

process consistent with the public demand for accountability, high performance and ethical standards. The lack of promotional examinations undermines this process.

**Finding 7.7:** In addition to the reasons listed for taking the steps necessary to provide the Department with permanent officers, promotional examinations and officer selection would presumably get more firefighter/paramedics into the officer ranks, further integrating them into the Department. The fact that promotional examinations have not been given since the merger of EMS into the Department is more than a little suspicious.

***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The Department considers promotional exams a high priority and is committed to providing them at the earliest possible opportunity. Serial litigation and the continuing debate over Civil Service Certification Rules, and NOT the merger, have resulted in no promotional exams in the Department.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree in part. As previously stated, a merit system provides a visible, objective public hiring process consistent with the public demand for accountability, high performance and ethical standards. The lack of promotional examinations undermines this process.

**Finding 7.8:** The most recent promotional examinations given in the SFFD were 7 years ago in 1997, for the rank of firefighter Lieutenant. Examinations for the rank of Bureau of Fire Prevention and Inspection Captain have not been given since 1985. The most populous Captain rank has not had exams since 1994, 10 years ago. (See Appendix D.)

***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree. It is the understanding of this office that the examination for the Captain rank is ready and available to administer. The Civil Service Commission is required to approve the secondary

criteria prior to the issuance of the examination announcement and to that end held two public hearings on February 2, 2004, and March 15, 2004. The Fire Chief subsequently requested a delay in part to inform the newly-appointed Fire Commissioners of the secondary criteria. As a courtesy, the Civil Service Commission has delayed the subsequent hearings on the secondary criteria.

The Fire Chief has indicated that she may request that the Civil Service Commission consider a different certification rule. The Civil Service Commission recently adopted this certification rule on February 21, 2003 after two years of meet and confer and numerous public meetings. The examination is ready and available to administer.

**Finding 7.9:** At least once every five years the Civil Service Commission is required to provide for examinations for each promotive rank in SFFD, according to Section 311.3 of Civil Service Commission rules.

### ***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. The Civil Service Commission may be able to speak to this issue much more cogently and knowledgably than this Department's Administration.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

In 1994, the voters approved a Charter amendment redefining the Civil Service Commission role from an operational personnel department to a rule and policy making appeals board. The Department of Human Resources was created to carry out and implement the Civil Service Commission Rules, including those covering the administration of examinations. The Human Resources Director is authorized to delegate to the various appointing officers appropriate personnel activities including the administration of examinations.

The Fire Department has a decentralized examination unit which administers examinations for the Uniformed Ranks of the San Francisco Fire Department, including the examination for the rank of Captain. The Civil Service Commission Rules adopted by the Civil Service Commission on March 26, 2001, require promotional examinations to be administered every five years.

**Finding 7.10:** There are potentially significant financial ramifications to the SFFD retirement budget as provisional officers are able to retire at the temporary higher rank they fill.

### ***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree. The financial implications have no material impact on retirement expenditures.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree. Although the Civil Service Commission does not have jurisdiction over retirement budgets, the solution is to administer the examination plan in a timely manner.

**Finding 7.11:** In February 2003, the Civil Service Commission adopted a new certification rule 313.3.4, Statistically Valid Grouping (Sliding Band). Local 798 is appealing this rule in the courts. Current SFFD leadership is also opposed the new rule.

### ***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Disagree in part. While the Department cannot speak for Local 798, the Administration is committed to working this issue through to successful resolution and is currently analyzing all options presented by the Civil Service Commission.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

The Civil Service Commission has Charter authority to establish Rules affecting the Uniformed Ranks of the San Francisco Fire Department, including the Rules governing promotions to provide the best qualified candidates for selection.

In making the decision to adopt the Statistically Valid Grouping, the Civil Service Commission considered input from the department, the recognized bargaining agent, Local 798, other employee associations, and other interested parties. The Civil Service Commission also considered the history of litigation and the need to ensure compliance with Federal, State and local anti-discrimination laws. At times, the Civil Service Commission is required to make decisions that have a broader perspective.

**Finding 7.12:** Since the “Band” can “Slide” over the entire range of test scores, the new certification rule, in effect, makes everyone who takes the test eligible for promotion, regardless of test score.

## ***Responses to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The new Certification Rule does not make everyone who takes a test eligible for promotion, regardless of test score. The Certification Rule establishes a “band” using legal and valid methods of grouping and identification for qualified candidates and from which selections for hire and promotions can be made.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Disagree. Statistically Valid Grouping (the band) is NOT “Rule-of-the-List.” Statistically valid grouping is a concept that has withstood court challenge in many instances and involves a statistical formula to determine that eligibles have comparable knowledge, skills and abilities. The Fire Chief may ONLY consider the scores in the band. Additional eligibles may only be considered when the top score is exhausted. The certification rule also provides that should the “band” include fewer than three scores, the Department of Human Resources is to certify to the Fire Chief, the names of eligibles with the three highest scores. This is to make sure that the Charter requirement of a minimum of Rule-of-Three-Scores certification is met. The Civil Service Commission Rules also require the Fire Chief to develop secondary criteria that are job-related, based on experience, training and employment history, and NOT based on race, religion, national origin, ethnicity, age, disability, gender, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or otherwise prohibited nepotism, or favoritism.

### ***Recommendation 7a: Develop Secondary Promotional Criteria for Submission to the Civil Service Commission***

Department leadership should develop and submit secondary promotional criteria to the Civil Service Commission for approval as soon as possible. Although there is a legal appeal in process and the Department will not be able to act until this appeal is resolved, it is imperative that the Department be ready to proceed with examinations and selections after the appeal is adjudicated.

## ***Responses***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Chief is working closely with the Civil Service Commission and employee groups to develop meaningful and measurable secondary criteria.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Agree. There is no legal reason to delay further. The examination for the Captain's rank is ready to be administered.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation will be implemented in the future or is in process

The Department has worked in partnership with the employee groups to develop meaningful, measurable secondary criteria for promotional examinations and is working to assure that approved criteria will be in place after all legal issues are resolved and promotional exams are scheduled.

***Recommendation 7b: The Mayor Should Investigate Why the Fire Department Has Not Given Promotional Examinations***

The Mayor should investigate why promotional examinations have not been given in the SFFD and determine what the financial ramifications are.

***Responses***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Chief Hayes-White works collaboratively with the Mayor's Office on all Department related issues.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

Examinations are ready to be administered. The Civil Service Commission is waiting for the Fire Chief to return to the Civil Service Commission with secondary criteria.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

Implementation is independent of the Department.

***Recommendation 7c: The Mayor Should Investigate Why the Civil Service Commission Implemented a Certification Rule Not Supported by Management and Labor***

The Mayor should investigate why the Civil Service Commission implemented a new certification rule that neither management nor labor want.

***Responses***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Department continues to work with the Mayor's Office in an effort to provide updates related to the development of a timeline for administration of promotional examinations.

The Department is eager to hold promotional examinations for all ranks. The appointment of permanent officers is critical to improving accountability and the ability of the Department to move forward at a rapid pace. Serial litigation, lack of funding and protracted development of Civil Service certification rules have delayed the administration of promotional exams for a number of years.

The Department is working diligently with the Department of Human Resources and employee groups to develop secondary criteria, and hopes to resolve this issue in the near future. When funding is allocated for promotional exams, the Department intends to administer them without unnecessary delay. It should be noted that the H-30 Captain's Examination has been developed and will be the first promotional exam to be administered.

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

The Civil Service Commission has Charter authority to establish Rules to administer the merit system, including applications, examinations, eligible lists, and certification rules, specifically, the certification rules for promotions. In doing so, the Civil Service Commission takes into account the input from department heads, employee organizations, other interested persons and members of the public.

Civil Service Commission Rules require for promotions in the Fire Department that qualified firefighters take a test that is job related and valid. Those who pass the test are placed on a list in

order of their scores and only reachable candidates (those in the grouping/band) are referred to the Fire Chief for consideration for selection.

The Commission, in considering various certification rules for promotions in the Fire Department, took into account the more than 20 year history of litigation on San Francisco Fire Department examinations resulting in the Consent Decree. With the termination of the Consent Decree and the subsequent Stipulated Order in 1998, the Civil Service Commission adopted updated Rules applicable to the Uniformed Ranks.

The challenge facing the Civil Service Commission was to establish a fair and defensible certification Rule for promotions that enables the Fire Chief to select the best-qualified candidates and ensures compliance with Federal, State and local anti-discrimination laws.

Statistically valid grouping is a concept that has withstood court challenge in many instances and involves a statistical formula to determine that eligibles have comparable knowledge, skills and abilities and that the difference in their scores is not significant and are included in the “grouping” (the band). Those eligibles are referred to the Fire Chief for consideration for selection. The Fire Chief may only consider the scores in the band. Additional eligibles may only be considered when the top score is exhausted.

The Civil Service Commission Rules also require the Fire Chief to develop secondary criteria that are job-related, based on experience, training and employment history, and NOT based on relationship, race, religion, national origin, ethnicity, age, disability, gender, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or otherwise prohibited nepotism, or favoritism.

Certification Rules authorized by the Civil Service Commission are the Rule-of-Three-Scores, Rule-of-Three-or-More-Scores, Rule-of-List and Statistically Valid Grouping.

The *Rule-of-Three-Scores* requires the Department of Human Resources to refer to the department, the names of eligibles with the three highest scores on the list of eligibles for the position available for appointment. When there are two (2) or more approved personnel requisitions on file, the number of scores certified is equal to the number of positions to be filled plus two scores.

The *Rule-of-Three-or-More-Scores* Certification Rule requires the Department of Human Resources to refer the number of scores equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified minus one. Simply stated: If the certification rule is Rule-of-Seven-Scores, and there is one position to be filled, then the names of eligibles with the seven highest scores on the list of eligibles for the position available for appointment are referred to the department. If there are two positions to be filled, then the names of the eligibles with the eight highest scores on the list of eligibles for the position available for appointment are referred to the department.

The *Rule-of-the-List* requires that ALL names on the eligible list that are available for appointment be referred to the department for consideration for selection.

The Certification Rule, *Statistically Valid Grouping (Sliding Band)*, requires that the names of the eligibles that are within a statistically valid grouping/sliding band of scores (“grouping”) be referred to the department for consideration for selection. The grouping is determined through the

standard error of the difference (SED) of the examination multiplied by a confidence factor of 1.96. Eligibles within the grouping are considered to be of comparable knowledge, skills and abilities with respect to the areas tested on the examination.

If at any time, the highest score in the grouping is exhausted, the grouping will slide so that its upper limit rests on the highest score remaining on the list. Any additional eligibles whose scores fall within the new grouping shall be certified to available positions. The grouping will also slide if all eligibles at the highest score waive or fail to respond within the time limits provided in this Rule.

The Certification Rule for entry level positions in the San Francisco Fire Department is Rule-of-the-List.

The Certification Rule for promotions is the Statistically Valid Grouping.

In making the decision to adopt the Statistically Valid Grouping, the Civil Service Commission considered input from the department, the recognized bargaining agent – Local 798, employee association representatives, and other interested parties, including experts in selection procedures. The Civil Service Commission also considered the history of litigation and the need to ensure compliance with Federal, State and local anti-discrimination laws.

The adopted Rules for promotions in the San Francisco Fire Department, the Statistically Valid Grouping, and the secondary criteria are selection devices that identify those candidates with comparable knowledge, skills and abilities, ensures compliance with Federal, State and local anti-discrimination laws, and enables the Fire Chief to select from among the best-qualified candidates within the grouping.

In matters related to the merit system, except for matters of inquiry, the Mayor is subject to San Francisco Charter Section 10.102 non-interference provisions, which state: "...Except for the purpose of inquiry, the Mayor shall deal with the administration of the civil service merit system solely through the Human Resources Director and the Civil Service Commission or their designees. The Mayor shall not dictate, suggest or interfere with the merit system activities of the Civil Service Commission or Human Resources Department. Administrative matters shall be dealt with only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited shall constitute official misconduct; provided that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter."

**Gavin Newsom**  
**Mayor**  
**Office of the Mayor**  
**March 18,2005**

The Fire Department is updating its examination components to reflect any recent changes in standard operating procedures. With regard to the method of selecting employees from promotive eligible lists, the Civil Service Commission is currently involved in legal proceedings and settlement discussions with Local 798 to determine a mutually agreed upon certification rule.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

Implementation is independent of the Department / in process.

The Department has worked in partnership with the employee groups to develop meaningful, measurable secondary criteria for promotional examinations and is working to assure that approved criteria will be in place after all legal issues are resolved and promotional exams are scheduled.

Promotional exams and permanent appointments are crucial to executing this recommendation. The Department looks forward to resolution between the Civil Service Commission and Local 798 regarding the promotional certification rule.

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**Finding 8: The Fire Department Has Not Adequately Dealt With On-Duty Alcohol Drinking and Substance Abuse**

**Finding 8.1:** The Department knows, or should know, it has a problem. Many SFFD personnel interviewed have witnessed on-duty drinking and other types of substance abuse. Many in the rank and file know the stations and officers that tolerate on-duty drinking. Follow up investigations by SFFD on recent tips have shown that on-duty SFFD personnel had alcohol or other substances in their systems.

***Response to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Department is not immune to problems that face the community at large. This Administration is committed to ensuring the health and safety of our employees and the public we serve.

**Finding 8.2:** Currently, Department leadership depends on tips, which are then investigated. Leadership also waits for those with alcohol or substance abuse problems to identify themselves and ask for help. The potential danger to SFFD personnel and the citizens of San Francisco is too critical for a wait-and-see approach. Procedures need to be in place to ensure that substance abuse is identified before it causes problems in the field.

***Response to Finding***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. Procedures are in place.

**Finding 8.3:** In addition to being dangerous, maintaining the status quo rather than taking action to resolve the problem further lowers morale for the many members of SFFD who want to see an end to on-duty alcohol consumption and substance abuse.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree.

**Finding 8.4:** The Substance Abuse Policy in place currently, was generated by Chief Robert L. Demmons in 1996. Under this policy, the Department may test for drugs only when there is “reasonable suspicion” that a person has “used an illegal/controlled substance or consumed alcohol while on duty or prior to duty.”

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree in part. While the boilerplate of the department’s Substance Abuse Policy was generated by Chief Demmons, the current Administration has strengthened and refashioned the policy to be more effective and proactive.

**Finding 8.5:** The MOU, section 41.1, states, “Mandatory physical examinations shall include the submission of a urine specimen for routine analysis and screening for the presence of drugs and alcohol.” Mandatory physical examinations are conducted under very limited circumstances.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree.

**Finding 8.6:** This limited scope of testing for public safety personnel is insufficient to prevent dangerous or deadly situations that could endanger both SFFD personnel and the citizenry. The Grand Jury believes that the potential risk outweighs privacy rights in this situation

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. Recent negotiations by the current Administration with Local 798 have resulted in the ability of the Department to begin unprecedented random drug testing as early as October of this year.

**Finding 8.7:** Identifying members of SFFD who have substance abuse problems allows the Department to refer them for appropriate treatment and potentially to retain individuals who have otherwise honorably served.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. The revised MOU contains language regarding substance abuse issues.

**Finding 8.8:** Like harassment, on-duty alcohol consumption occurs in certain fire stations. Several interviewees could identify those stations and they indicated that drinking was likely to occur at “cocktail time,” during dinner and at Sunday brunch. Unannounced stations visits made by investigators at appropriate times would likely uncover the problem stations.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

The Civil Grand Jury has not provided any evidence or documentation to support this finding. The Department has NO tolerance for on-duty alcohol consumption and indication or report of an infraction is investigated immediately.

**Finding 8.9:** The current procedure of supervisors' identifying members they suspect of substance or alcohol abuse is not working. On-duty consumption of alcohol and other drug abuse has been and continues to be tolerated in some stations. Some ranking officers in these stations are part of the problem.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. This Administration continues to hold Officers accountable for their behavior as well as those in their command.

**Finding 8.10:** In some stations, alcohol consumption and substance abuse are conducted covertly. Investigator access to lockers would eliminate one means of storing alcohol or controlled substances.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. Whenever investigations are conducted at Fire Stations, all relevant lockers are inspected in the presence of the member whose locker is at issue.

**Finding 8.11:** Article 3946 of the SFFD Rules and Regulations allows for lockers to be opened if the member is present, or in his or her absence, in the presence of the company officer and another member of the company or other officer.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. Article 3946 prevents a locker from being opened **unless** the member and/or company officer are present. Article 3946 exists to protect a member from illegal Search-and-Seizure.

**Finding 8.12:** When officers were sent to stations to conduct investigations following tips, they were known to look the other way while station members disposed of alcohol. In an organization that identifies its members as “brothers and sisters,” misplaced loyalty can sometimes supersede proper reporting of on-duty alcohol consumption. Officers’ investigations into substance abuse and alcohol consumption lack credibility with SFFD personnel who have witnessed years of on-duty alcohol consumption with no repercussions.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. Officers have a responsibility to conduct investigations whenever warranted and they are held accountable to conduct these investigations in a thorough and professional manner.

**Finding 8.13:** Substance abuse by members of SFFD is incompatible with the duties and obligations of a firefighter.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree.

**Finding 8.14:** The Demmons' policy (cited above in number 8.4) is really a statement of procedures. The current Chief has been quoted as favoring a case-by-case policy, with the appropriate discipline to be determined by her. Case-by-case review and disposition can be viewed as unfair. Indeed, that criticism has already been leveled. A policy with a range of options for discipline and a clear statement of the circumstances under which each disciplinary action will be taken offers an alternative to case-by-case evaluation and avoids the potential for favoritism or inequities found in the Chiefs subjective approach.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. As with all investigations, it is imperative that all relevant facts be discovered and placed in the context of a totality of circumstance that include mitigating or aggravating elements.

**Finding 8.15:** Fire and Police Departments in other jurisdictions are dealing with or have already dealt with these same problems. The SFFD leadership should look to other departments that have been successful in resolving these problems and adopt their methods.

***Response to Finding***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree. This Administration has reviewed and studied other public safety substance abuse programs and intends to fashion the random drug testing policy after other urban jurisdictions

***Recommendation 8a: Determine the extent of on-duty alcohol consumption and substance abuse.***

The Department needs to determine the extent of on-duty alcohol consumption and substance abuse among Department personnel as soon as possible.

***Responses***

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 23, 2004**

Agree.

**Joanne Hayes-White  
Chief of Department  
Fire Department  
August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

Early in 2004, this administration re-fashioned and developed new policies that allow the Department to effectively address this important issue. This administration has always been unequivocal that there will be no tolerance for substance use while on duty and all members will be held to that unwavering standard. Further, the Department has demonstrated its commitment in its willingness to exercise discipline for, and the termination of, members violating that rule.

The Department is close to implementing a complete substance abuse screening policy including screening prior to hire, promotion, post accident, reasonable suspicion, and on a random basis.

***Recommendation 8b: Negotiate for expanded and random drug and alcohol testing.***

The Department should negotiate for expanded and random drug and alcohol testing as soon as possible.

## **Responses**

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The current MOU with IAFF Local 798 provides a provision for random drug testing. The testing program will begin in October of this year.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

This administration, in last year budget negotiations, secured random drug and alcohol testing for members of Firefighter's Union Local 798. The Department and Local 798 are currently finalizing the scope and mechanism of testing, and random testing is anticipated to begin September 2005.

### ***Recommendation 8c: Establish and Internal Investigative Unit***

The Department should establish an Internal Investigative Unit that reports directly to the Chief. Investigators trained in identifying people who are under the influence should staff this Unit. The investigators should have complete authority to make unannounced visits to fire stations and to conduct drug and alcohol tests. They should have access to lockers used by firefighters for storage of personal items.

## **Responses**

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

The Internal Services Bureau of the Department is the primary investigative authority for internal Department matters. This Administration has already displayed its willingness and resolve to take whatever action necessary and appropriate to address these internal issues, including the appointment of a fully cross-trained Firefighter / Paramedic to serve as the primary Investigative Officer.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

The Investigative Services Bureau (ISB) is the internal investigative unit of the Department. Members assigned to the ISB completed training in the identification of people under the influence of substances.

The members of the ISB have authority to make unannounced visits to fire stations and conduct drug and alcohol tests. During these visits they have access to lockers used by members for storage of personal items.

***Recommendation 8d: Implement a Strong and Clear Drug Policy***

The Department needs to implement a strong, clear, and effective drug policy.

***Responses***

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. A stronger and clearer alcohol and drug policy has already been implemented.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented / in process.

The Department is close to implementing a complete substance abuse screening policy including screening prior to hire, promotion, post accident, reasonable suspicion and on a random basis.

This administration has been working closing with Local 798 to finalize the scope and mechanism of testing. The Random Drug Testing Policy is anticipated to be implemented in September 2005.

***Recommendation 8e: Institute and Outreach Program***

The Department should institute an outreach program to help identify and refer for treatment those members with alcohol and substance abuse problems.

## **Responses**

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

Agree. Outreach to Department members is a component of the new alcohol and drug policy.

The Fire Department is an organization just like any other, and is comprised of individuals that face the same challenges as all other members of our community. While the Department has had to address substance abuse among a few of its members, it is unfair and misleading to impute the guilt of a few onto the 1,734 dedicated members who serve our community each and every day.

When infractions do occur, the Department is committed to holding its members accountable. Each and every member of the Department took an oath when they accepted the responsibility of serving the City. Any infraction, particularly one that could jeopardize other members and the public we serve, is handled swiftly and decisively.

The Department's Administration has already taken significant steps in addressing this issue. New alcohol and substance abuse policies, including post-accident testing, are in place and being used. This is the first Administration to successfully negotiate random drug and alcohol testing as part of the MOU with the Firefighter's Union Local 798.

The Mayor, the Fire Commission and the Department all recognize and support that alcoholism and chemical dependency are considered disease processes and require the attention that a disease or illness demands. We are committed to supporting Department members in any way possible to reclaim their lives and independence from substance dependency.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented / in process.

An important component of the Department's new and renovated substance abuse policies is an outreach program designed to identify and find treatment programs for members with alcohol and substance abuse problems. Those members coming forth voluntarily will be provided with every resource available.

In addition, the Department intends to provide a training module to raise awareness to its members of alcohol and substance abuse issues.

## **General Responses**

**Tania Bauer**  
**Commission Secretary**  
**San Francisco Fire Commission**  
**August 12, 2004**

### INTRODUCTION

The merger of the Fire and Emergency Medical Services (EMS) functions into one department has been a matter of critical importance to the Fire Commission. The merger process began in 1996, at the time when three of the current commissioners were appointed by Mayor Brown. At the inception of this process, the Fire and Health Commissions met jointly and established that it was the policy of both Commissions that a fire-based EMS delivery system was in the best interest of San Francisco's residents and visitors. The merger of the Advanced Life Support (ALS) capability of the Department of Public Health ambulance system into the Fire Department, which was already providing Basic Life Support (BLS) emergency medical service, was perceived to be a natural and efficient combination of existing resources, while enhancing the quality of pre-hospital medical care. The Fire Commission appreciates the Grand Jury's work on this important issue and herewith responds to the Grand Jury Report on the Merger of Emergency Medical Services and the San Francisco Fire Department (hereinafter referred to as "Report").

Preliminarily, the Fire Commission notes the merger's progress since it was initiated in 1996:

Before the merger, the Public Health ambulance system consisted of an average of fourteen ambulances deployed dynamically, each staffed by two paramedics, providing service to the entire City. There are now twenty ambulances, each staffed by at least one paramedic and one Emergency Medical Technician (EMT), four Rescue Captains in vehicles, and additional H1-paramedic staffed ambulances deployed strategically throughout the City. For the past two and one half years, there have been a minimum of 21 and, during the past year, an average of 25 ALS engines deployed throughout the City, each staffed with one paramedic and one EMT. All Firefighter/paramedics now rotate between assigned ALS engines and ambulances, establishing continuity and rounding out the engine company's provision of services. With four Paramedic Rescue Captains in vehicles, there are, at any given time, more than 45 to 50 ALS-staffed Fire Department units responding to medical emergencies throughout the City. The number of paramedics-staffed units capable of responding at any given time has increased 200% from fourteen to more than forty-five. The number of individual ALS responses that are possible at a given time have increased more than 200% from fourteen to fifty.

Before the merger, the entire paramedic staff was supervised by one field supervisor. There are now four field supervisors, an increase of 300%. The ratio of field supervisors to paramedics has been improved from one to twenty-eight (1:28) to one to eleven (1:11).

Before the merger, the 90<sup>th</sup> percentile ALS response time<sup>5</sup> for a paramedic to reach the scene was over nine minutes. The 90<sup>th</sup> percentile ALS response time for the first paramedic to the scene is now four minutes and forty seconds, cutting the response time in half.

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<sup>5</sup> "90<sup>th</sup> percentile" means that in nine out of ten responses, the responding vehicle arrives within the required time. This is a national statistical methodology utilized by Emergency Response Agencies to measure and compare emergency response times.

Since the merger, paramedics, firefighters and Firefighters/Paramedics have been quartered together and have worked side by side in the delivery of emergency services to the City. These emergency services consist not only of emergency medical services and fire suppression<sup>6</sup>, but also water, surf and cliff rescue, hazardous materials response and weapons of mass destruction response which are all provided by firefighters and Firefighter/paramedics. During the past two years EMS and suppression administrative staffs have been integrated into the same headquarters. EMS and suppression training now takes place in the same facilities. There are now two California Medical Board Certified Emergency Room physicians who serve as Medical Directors of the Department.

In late 2003, the Commission revised its Annual Statement of Purpose by eliminating the statement that one of the Commission's purposes is to advocate for the realization of the merger. This was done in recognition that, in the Commission's view, the merger has been accomplished. Although the merger is accomplished, the manner and method by which the Department provides emergency medical services is continuing to undergo refinement. One role of the Commission is to provide ongoing support of the administration's efforts to enhance and support the collaborative work of the department membership and public stakeholders in the delivery of (1) fire suppression, (2) fire prevention and (3) emergency medical services with the focus upon the common public good. There is no priority given to one service over another. All are critical and integral components designed to effectively serve the public.

Since Chief Joanne Hayes-White took office in January of this year, she has taken swift and deliberate action to further improve upon the system. The Chief has named a new Director of Training who is the first Director trained as both a paramedic and firefighter. The new EMS Division Chief, appointed by Chief Hayes-White, is the first EMS Chief with extensive experience in the field as both a firefighter and paramedic. There is now a physician assigned to the in-service medical training for EMTs and paramedics. There is now an ongoing Quality Improvement Program designed to enhance the quality of medical care overseen by a physician.

Early this year, Chief Hayes-White convened an EMS configuration study involving all employee and work group organizations, including the Firefighter/paramedic association, the EMS Officers Association, Local 790 (representing the paramedics), the Director of the San Francisco County EMS Agency, Local 798 and other stakeholders in the process in an effort to refine the delivery of EMS services, taking into account quality of service, cost and the retention of Firefighter/Paramedic personnel.

At the same time, Chief Hayes-White announced a goal of deploying each of the Department's 42 engines companies as ALS engines, further reducing response time and further integrating paramedics and firefighters into a unified response to a range of emergencies.

While there have been difficulties encountered along the way, perhaps not surprising given the breadth of the undertaking, the merger has resulted in a far more effective emergency medical services delivery system - to the great benefit of San Francisco's residents and visitors. The San Francisco Fire Department is viewed nationally as a model EMS provider in the areas of medical training, quality improvement and dispatch.

In view of this substantial progress, it is with dismay that we read the Grand Jury Report, with the offensive sub-title Match Made in Heaven or Shotgun Wedding?

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<sup>6</sup> "Suppression" in the SFFD includes all field personnel, including Special Operations, extinguishment of fires, emergency medical response, surf and cliff rescue, Airport operations and arson investigation.

## OVERVIEW

The Report states that the majority of the Department Members “are dedicated to protecting the lives and property of the citizens of San Francisco.” It is the Commission’s view, based on its observance of and interaction with the Department’s membership that, with the exception of the few individuals encountered in disciplinary proceedings, all of the members, uniformed and civilian, are dedicated to the Department’s mission.

Contrary to the statements made in the Report, medical oversight of EMS is not weak, but, as pointed out above, it is stronger than ever before. The statement that “No one in authority is watching out for the EMS needs of San Franciscans or the EMS providers” has no support in fact and is contrary to the truth. In fact, the EMS needs of San Franciscans, through the merger and the continuing enhancement of the methods and quality of service, are significantly better provided for than prior to the merger. In fact, the EMS providers are better supported and supervised than prior to the merger. This is due to the efforts of the prior and current Mayoral administrations, the Public Health Commission and Director of Public Health, the Director of the San Francisco County Emergency Medical Services Agency, the Fire Commission, the Chief of the Fire Department and her administration, all of whom are looking out for the well being of the residents and visitors to San Francisco and the firefighters, EMTs, paramedics and Firefighter/Paramedics who help them. The Commission is dedicated to fostering a Department which will continue its progress toward becoming a model fire-based EMS delivery system in all facets of EMS delivery.

The Commission agrees that a very serious problem within the Department is the lack of promotions. This delay is related in part to the circumstances surrounding the Consent Decree and is due in large part to differences over the certification rule for the Captain’s promotional examination. The Department is currently endeavoring to resolve this issue before the Civil Service Commission.

The Commission is responsible for overseeing the Department and working with the Chief, but does not “rubber-stamp” the Chief’s decisions. The Commission independently evaluates recommendations and operates by consensus where appropriate. This Chief has brought a new openness to the deliberative process that fosters open debate during consideration of issues confronting the Department. The Commission does not hesitate to challenge and question the Chief.

The Commission does not tolerate on-duty alcohol or drug ingestion or intoxication. Members who have been found in violation of Department Rules and Regulations regarding drugs and alcohol have been appropriately disciplined by the Commission pursuant to its Charter mandate. The Chief of Department is in the process of initiating a program of random testing for on-duty drugs and alcohol. The random testing should enable further enforcement and provide deterrence.

## RESPONSE TO FINDINGS AND RECOMMENDATIONS

The Commission notes that most of the “Findings” contained within Sections I, III and V of the Report, to which it has been asked to respond, are not true factual findings. The Report’s findings are largely references to statements made in the Controller’s April 28, 2004 review of the Fire-EMS System, to which the Department has already responded separately. Additional findings are arguments posited as facts. In addition to the specific responses below, the Commission refers to the other sections of this response in answer to the findings.

## CONCLUSION

The Commission views the merger as having accomplished a substantial and dramatic improvement in the quality of emergency medical services provided to the residents and visitors of San Francisco. There have been significant increases in the number of paramedics and in the number of paramedic-staffed units. The response time for medical emergencies is half what the response time was before the merger. There has been an increase in the degree of direct medical oversight and a further integration of EMS and Fire administration and training.

The Commission recognizes and continues to stress the importance and equal role of the EMS component of the Department. Although the Commission views the merger as having been completed, it supports the Chief of Department's continuing efforts to refine a balanced and efficient delivery of EMS, Fire Suppression and other emergency and prevention services in an environment that is free from harassment and discrimination in any respect.

The Commission continues to communicate, consistent with what has been articulated by the Chief of Department, that harassment of any member for any reason will not be tolerated. Members who have committed harassment have been disciplined by the Department administration and the Fire Commission. It appears that the working conditions of Firefighter/paramedics have improved due to the efforts of all members to work together. Many of the complaints which the Commission has heard, which have also been repeated in the Report, concern reports of incidents that occurred years ago. Members of the Department who feel that they have been harassed or discriminated against based upon their Paramedic or Firefighter/paramedic status are encouraged to bring their complaints through the chain of command without fear of retribution.

In conclusion, it is this Commission's strongly held belief that the snapshot presented by the Grand Jury report does not accurately reflect the Department yesterday or today. The Department is more than a fire department. Its members offer the public a diverse set of skills and services and work collaboratively to achieve a selfless mission. The merger has been a broad undertaking in scope and has significantly improved the effective delivery of a full panoply of emergency services to the public.

The path is not always without conflict. The merger brought distinct working cultures together into a new organization that has taken time to mature. The Department consists of different employee groups, which, at times, have competing interests, particularly when there is a diminishing pie and serious financial and budgetary concerns facing the City. Yet, overwhelmingly, the members are united in their dedication to this City and to the delivery of effective suppression, prevention and emergency medical services in an environment that values cultural diversity and is free of harassment and discrimination.

The Department has taken great strides over the past eight years. The merger has been complex, yet, successful. Admittedly, there have been trying times. Admittedly, there is more to do - there will always be more to do. Yet, the Department is committed to excellence and no less a standard. The Members would no doubt agree.

Adopted at the Regular Meeting of the Tania Bauer, Commission Secretary San Francisco Fire Commission on August 12, 2004.

Ayes: Conroy, Nakajo, Roeca, and Clarke  
Absent: Fernandez-Pifer

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 23, 2004**

For over one-hundred thirty five (135) years the San Francisco Fire Department has proudly provided service to the residents and visitors of our City. From the conflagrations before the turn of the 20<sup>th</sup> century, to the Great Earthquake of 1906 and the 1989 Loma Prieta Quake, our Department has never failed to respond to needs of our City and its citizens. Each and every member of the Department is part of a long tradition of excellence, and dedicated, selfless service; our members, without a doubt, are our most valuable asset.

Over the past few decades, the challenges faced by our Department and the Fire Service in general have grown geometrically. The Fire Department has assumed primary responsibility for Hazardous Materials response, disaster preparedness, public education, Fire Prevention, technical rescues, the integration of Emergency Medical Services and, most recently, preparation for terrorist events and attacks with Weapons of Mass Destruction.

The Department is committed to providing all of these services, and any others required to ensure the health and safety of our community. We are continually seeking creative and efficient ways to prepare, train and integrate these disciplines into our array of skill sets, and for the most part, have been enormously successful. As with any professional organization, we continually strive to do better, and the integration of EMS into our Department is no exception.

While the ‘merger’ is complete, and the public has benefited from substantially improved service, faster response times and more rapid access to highly skilled Paramedics, further operational changes can still bring more efficiencies. The work of the Reconfiguration Task Force has delivered a number of options that can be incorporated by the Department, and by the end of this year, there will be a clear direction and vision for the delivery of EMS. The Department looks forward to the future with optimism and agrees with the Civil Grand Jury that the “San Francisco Fire Department has the tools, resources and people to be the best Fire Department in the Country.”

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**September 20, 2004**

The following is a report on the 2003-2004 Civil Grand Jury Report, The Merger of Emergency Medical Services and the San Francisco Fire Department: Match Made in Heaven or Shotgun Wedding, in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors’ City Services Committee held a hearing on Thursday, September 16, 2004 on the Civil Grand Jury Report. Representatives from the Civil Grand Jury presented their recommendations with a focus on harassment, alcohol and substance abuse.

Fire Chief Joanne Hayes-White discussed the new EMS configuration plan, promotional exams, harassment and random drug testing.

Fire Chief Hayes-White also provided the following target dates:

- EEO training for the Fire Department by end of FY 2004-2005

- Develop random drug testing policy by October 2004
- Promotional exam for H30, Fire Captain Exam, to go before the Civil Service Commission by December 31, 2004

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**August 23, 2004**

The Civil Service Commission is a five member policy/rule making and appeals board charged to oversee, regulate, and serve as final arbiter of the City and County of San Francisco civil service merit system.

The Mission and Vision of the Civil Service Commission is to establish, ensure, and maintain an equitable and credible merit system for public service for the citizens of San Francisco. The Commission seeks to set the standard for excellence in personnel management through an effective, fair, and modern system that recognizes and builds on the diversity, skills, and dedication of public employees. The Commission's goal is to consistently provide the best-qualified candidates for public service in a timely and cost-effective manner.

The Civil Service Commission fulfills its Charter and legal mandates by:

- Establishing Rules, regulations, policies, and procedures that provide the framework for the operation of the City and County personnel system. For example, the Commission approves Rules and procedures governing equal employment opportunity, applications, examinations, eligibility, duration of eligible lists, appointments, promotions, transfers, resignations, and other personnel related matters;
- Hearing of appeals of administrative actions and decisions of the Human Resources Director, the Director of Transportation and its Executive Officer, including discrimination complaints, and rendering final and binding decisions;
- Investigating and resolving charges and complaints of discrimination, sexual harassment, and otherwise prohibited nepotism and favoritism;
- Instituting legal proceedings, if necessary, to abate violations of the civil service merit system provisions of the City and County Charter and Commission regulations;
- Directing the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service merit system provisions of the Charter;
- Directing the Municipal Transportation Agency Director to take such action as the Commission believes necessary to carry out the civil service merit system provisions of the Charter applicable to Service-Critical classifications at the Municipal Transportation Agency;
- Providing training and education on the merit system; Monitoring and auditing the operation of the merit system through Inspection services.

Civil Service Commission Rules require for promotions in the Fire Department that qualified firefighters take a test that is job related and valid. Those who pass the test are placed on a list in

order of their scores and only reachable candidates (those in the grouping/band) are referred to the Fire Chief for consideration for selection.

The Commission, in considering various certification rules for promotions in the Fire Department, took into account the more than 20 year history of litigation on San Francisco Fire Department examinations resulting in the Consent Decree. With the termination of the Consent Decree and the subsequent Stipulated Order in 1998, the Civil Service Commission adopted updated Rules applicable to the Uniformed Ranks.

The challenge facing the Civil Service Commission was to establish a fair and defensible certification Rule for promotions that enables the Chief of the Department to select the best-qualified candidates and that ensures compliance with Federal, State and local anti-discrimination laws.

Statistically valid grouping is a concept that has withstood court challenge in many instances and involves a statistical formula to determine that eligibles have comparable knowledge, skills and abilities and that the difference in their scores is not significant. These eligibles are included in the “grouping” (the band) and are referred to the Fire Chief for consideration for selection. The Fire Chief may only consider the scores in the band. Additional eligibles may be considered when the top score is exhausted.

The Civil Service Commission Rules also require the Fire Chief to develop secondary criteria for Commission approval that are job-related, based on experience, training and employment history, and NOT based on race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or otherwise prohibited nepotism or favoritism.

The Civil Service Commission adopted the Statistically Valid Grouping Rule and the Legislative Findings on February 21, 2003, after seven public meetings over a period of over two years, including presentations by experts in the field; more than two years of meet and confer with the recognized bargaining agent, Local 798 Fire Fighters, where mutual agreement was not reached; and considering input from the department, other employee organization representatives, and other interested parties. The Civil Service Commission also considered the history of litigation and the need to ensure compliance with Federal, State and local anti-discrimination laws.

The Civil Service Commission acted (Vote of 4-1, Casper dissents) on February 21, 2003 to:

- 1) adopt Legislative Findings on the proposed amendments to Civil Service Commission Rule 313 – Certification of Eligibles Applicable to the Uniformed Ranks of the Fire Department;
- 2) adopt proposed amendments to Civil Service Commission Rules Applicable to the Uniformed Ranks of the Fire Department, Rule 313 – Certification of Eligibles; and
- 3) adopt for further clarification that prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval and will be discussed in open session with all parties interested.

The adopted Rules for promotions in the San Francisco Fire Department utilize a selection device, Statistically Valid Grouping, that identifies those candidates with comparable knowledge skills and abilities, ensures compliance with Federal, State and local anti-discrimination laws, and enables the Chief of the Department to select the best-qualified candidates.

## ATTACHMENTS

I am attaching for the Grand Jury's information, a chronology of events, including the history of litigation and subsequent record of meet and confer, the Statement of Legislative Findings and a copy of Civil Service Commission Rule 313 - Certification of Eligibles for the record and to clarify and to shed light on the action of the Civil Service Commission in adopting the Statistically Valid Grouping as the certification rule applicable to promotions of the Uniformed Ranks of the San Francisco Fire Department. [*The attachments are not included in this report. Please contact the agency for copies.*]

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' City Services Committee held a hearing on Thursday, September 16, 2004. Representatives from the Civil Grand Jury presented their recommendations with a focus on harassment, alcohol and substance abuse. Fire Chief Joanne Hayes-White discussed the new EMS configuration plan, promotional exams, harassment and random drug testing.

Fire Chief Hayes-White also provided the following target dates:

- EEO training for the Fire Department by the end of FY 2004-2005
- Develop random drug testing policy by October 2004
- Promotional exam for H30, Fire Captain Exam, to go before the Civil Service Commission by December 31, 2004

**Kate Favetti**  
**Executive Officer**  
**Civil Service Commission**  
**June 30, 2005**

The California State Supreme Court has taken under review the decision by the California Court of Appeal, First Appellate District, Division Five, Case No. A 104822 to reverse the decision of the Superior Court on litigation filed by the San Francisco Fire Fighters, Local 798, International Association of Fire Fighters AFLCIO vs. City & County of San Francisco.

**Paul Conroy**  
**President**  
**San Francisco Fire Commission**  
**July 15, 2005**

Since the June 2004 Grand Jury Report and the Fire Commission's August 2004 response, the Fire Department has moved forward with implementation of the EMS Reconfiguration, approved by the Fire Commission on March 24, 2005. Resolution No. 05-4 is attached as Appendix 1. The EMS Reconfiguration is designed to improve the provision of EMS service to the public, while improving working conditions for Paramedics and EMTs. The Reconfiguration's major changes include the dynamic deployment of ambulances to further improve response time and efficiency; the hiring of additional paramedics and EMTs to staff the dynamically deployed ambulances on ten hour rather than twenty-four hour shifts to reduce fatigue; and the deployment of additional Advanced Life Support (ALS) engines. On July 14, 2005 the Fire Commission further resolved

that the new classes of paramedics and EMTs established by the Reconfiguration will be uniformed members of the Department with the same public safety benefits as other Department members.

## CONCLUSION

As noted in the original Response, since its inception in 1996, the merger has accomplished a substantial and dramatic improvement in the quality of emergency medical services. The Department is continuing to enhance its provision of emergency medical services through continuous quality improvement and implementation of the EMS Reconfiguration, with monitoring and oversight by the Fire Commission.

Adopted at the Regular Meeting of the San Francisco Fire Commission on July 14, 2005.

**Joanne Hayes-White**  
**Chief of Department**  
**Fire Department**  
**August 1, 2005**

On behalf of the San Francisco Fire Department, I am submitting the current status of the implementation of the recommendations of the 2003-2004 San Francisco Civil Grand Jury report.

Most of us are all too aware that the Fire Department has faced a number of challenges in the last 18 months. In spite of the current landscape, the Department has made significant progress in almost every area identified by the Grand Jury. Zealous media scrutiny, highly publicized medical and fire incidents, and the worst fiscal climate in San Francisco's recent history serve to make our progress all the more significant.

While swift and dramatic change is never easy on an organization or the people in it, the men and women of the San Francisco Fire Department have continued to serve this City with unwavering professionalism and dedication. I am proud to serve with each and every member of this Department; they are our Department's greatest asset.

It is therefore, with great respect and pride that I submit to you the current status of the implementation of the recommendations of the 2003-2004 San Francisco Civil Grand Jury report.

## TERMS

Ambulance - A vehicle equipped to assess, treat and transport medical patients. Also known as Medic Units, they carry some firefighting equipment to provide medical and rescue support. The SFFD has 19 such units that are staffed by one firefighter/paramedic and one firefighter/EMT . The SFFD also staffs one or two ambulances per day with two paramedics. These ambulances provide ALS treatment and medical transport and carry less fire suppression equipment than Medic Units.

BLS - Basic Life Support. Persons trained in BLS can provide Cardio-Pulmonary Resuscitation (CPR), basic first aid and patient transport, and can use an external defibrillator

DPH - Department of Public Health.

EMS - Emergency Medical Services.

EMT - Emergency Medical Technician. A person trained and certified in BLS. SFFD requires that all new firefighters must have EMT-licensure. Currently, 74% of SFFD firefighters are EMT -1 certified.

Emergency Medical Response Times -The San Francisco Emergency Medical Services Agency of the DPH has performance standards governing the maximum allowable elapsed time, from call to arrival of the first responder to medical emergencies. The SFFD responds to two types of calls, Code 2 and Code 3. Code 2 calls are non-life threatening; Code 3 calls are those that are life threatening. The SFFD measures 3 responses to Code 3 calls:

- Responders capable of performing BLS and defibrillation. Response time is 5 minutes.
- Responders capable of performing ALS. Response time is 10 minutes.
- Responders capable of patient transport. Response time is 12 minutes.

Engine -A fire suppression apparatus staffed by an officer and three firefighters and equipped with a pump, hose and a water supply. Each of the 42 fire stations in San Francisco has an engine.

Firefighter -A member trained in fire suppression.

Firefighter-EMT -A member trained in fire suppression and BLS.

Firefighter-Paramedic -A member trained in fire suppression who is also a licensed paramedic capable of delivering ALS emergency medical care as well as BLS.

Heavy Rescue Squad -Staffed by an officer, a driver (firefighter) and two firefighter EMTs, the Department's two rescue squads are first responders on medical calls. The Rescue Trucks are specially equipped with infrared camera, Jaws of Life and scuba gear, as well as medical equipment and defibrillators. Rescue squad members are trained in scuba, surf, hazardous materials, cliff, tunnel and confined space rescue.

Like Work Like Pay -A short-term acting officer assignment, usually for a day at a time. The pay is at the higher rate for time worked only.

Medic Unit -A staff of either two firefighter/paramedics or one firefighter/paramedic and one firefighter-

**TERMS (continued)**

EMT: medic units provide ALS treatment and transport of ALS and BLS patients suffering in medical emergencies. Medic units also carry firefighting equipment and can provide medical and rescue support at fires and other emergencies. The SFFD has 19 such units. The term “ambulance” is used in this report to mean Medic Unit.

Member- Officers and other personnel of the SFFD.

MOU -Memorandum of Understanding between the City and County of San Francisco and San Francisco Firefighters Union, Local 1798, IAFF, AFL-CIO.

Provisional Officer -A temporary officer who is a step closer to permanent status than an Acting Officer. The member is appointed by the Chief for up to 3 years or more with approval of the Human Resources Director. A physical examination is required for a provisional officer appointment. Provisional officers are paid at the higher level when on duty and on vacation or sick leave. A provisional officer who retires will receive retirement benefits based on the higher salary.

Truck -Called “hook and ladder” by laymen, trucks are staffed with an officer (lieutenant or captain), one driver firefighter, one tiller firefighter, one firefighter-EMT and one firefighter. Trucks carry ladders and other equipment and are used to provide ladder access, rescue and ventilation.

Technical definitions derived from SFFD data and the City and County of San Francisco Office of the Controller's report, “A Review of the San Francisco Fire-EMS System, April 28, 2004.

<b>Civil Grand Jury Recommendations and Department Responses</b>		<b>Fire Commission</b>	<b>Fire Chief</b>	<b>Department of Public Health</b>	<b>Civil Service Commission</b>	<b>Health Commission</b>
1a	SFFD and DPH should establish specific criteria for measuring the success of the merger. They should determine the steps necessary to complete the merger. Steps to be taken and the establishment of timelines should be delineated and agreed upon as soon as possible.	Agree	Disagree in Part. As of 6/05, Portions of the recommendations have been implemented.	Agree		Agree
1b	Once criteria and timelines are established, the Chief and the Fire Commission should be held accountable by the Mayor for achieving them.	Agree	Disagree. See Note 1a.	Agree		Agree
1c	The Mayor should appoint a health professional, preferably one with Emergency Medical Services experience, to the Fire Commission.	Not Applicable	Implemented	Not Applicable		Not Applicable
1d	The Fire and Health Commissions should meet jointly at least quarterly for better oversight of SFFD EMS.	Disagrees	Not Applicable	Agree		Agree
1e	Department leadership should define and communicate the values of the department so that EMS IS seen to be at least as important as fire suppression, as stated in the SFFD's mission statement. The Fire Commission, the Chief and Department leadership should promote and support EMS by communicating the value of its mission throughout the Department.	Agree/ Implemented	Agree/ Implemented	Not Applicable		Not Applicable
1f	Given that most alarms are false and those that are not are medical in nature, SFFD should respond with appropriate staff and equipment.	Implemented	Disagree	Not Applicable		Not Applicable
2	Department leadership should confront the commonly held perception that Local 798, rather than the Chief, is "running the department."		Disagree			
3a	Resource allocation and staffing should reflect the Department's change in workload from fire suppression to EMS.	Agree	Disagree			
3b	The Mayor, Board of Supervisors and the Fire Commission should direct and support the Chief in making resource allocation changes that properly support the EMS mission.	Agree	Agree			

<b>Civil Grand Jury Recommendations and Department Responses</b>		<b>Fire Commission</b>	<b>Fire Chief</b>	<b>Department of Public Health</b>	<b>Civil Service Commission</b>	<b>Health Commission</b>
3c	The Board of Supervisors mandated the review of SFFD recently conducted by the Controller's Office. The Board should now act on and direct the Chief to implement the recommendations.	Not Applicable	Partially Implemented			
4a	Recruitment and retention of firefighter/paramedics is a critical problem that needs immediate attention. The Department should hire additional firefighter/paramedics and/or cross-train more existing personnel to be firefighter/paramedics as soon as possible.		Agree/In Process			
4b	Officers should be cross-trained as well as rank and file firefighters. Officers who are already cross-trained should continue their paramedic licensure and use their paramedic skills in their command positions.		Agree/In Process			
4c	Alleviation of heavy ambulance workloads should be addressed as soon as possible. The necessity for a 24-hour ambulance shift should be reviewed as well as other options for transporting patients.		Agree/In Process			
5a	Department leadership should identify the stations where harassment is occurring. Those engaging in harassing behavior should be appropriately disciplined. The range of discipline should include suspension with or without pay and/or firing, depending on the degree of harassment. Harassers who are not fired should be reassigned to different stations.	Agree/ Implemented	Implemented			
5b	Ranking officers should be held accountable for their actions or inaction related to harassment. Officers who participate in or allow those under their supervision to participate in harassment should be disciplined. The range of discipline should include suspension without pay, demotion and/or firing, depending on the severity of the offense.	Agree/ Implemented	Implemented			
5c	The Fire Commission should hold Department leadership accountable for eliminating harassment.	Agree	Implemented			

<b>Civil Grand Jury Recommendations and Department Responses</b>		<b>Fire Commission</b>	<b>Fire Chief</b>	<b>Department of Public Health</b>	<b>Civil Service Commission</b>	<b>Health Commission</b>
6	The Department should provide comprehensive leadership and command training for all officers prior to their assumption of command. Periodic training should emphasize professionalism, responsibility and accountability and be given on a regular, ongoing basis. Training should include conflict resolution and team building.		Implemented			
7a	Department leadership should develop and submit secondary promotional criteria to the Civil Service Commission for approval as soon as possible. Although there is a legal appeal in process and the Department will not be able to act until this appeal is resolved, it is imperative that the Department be ready to proceed with examinations and selections after the appeal is adjudicated.		Will be Implemented		Agree	
7b	The Mayor should investigate why promotional examinations have not been given in the SFFD and determine what the financial ramifications are.		Not Applicable		Exams ready, waiting for Chief w/ secondary criteria	
7c	The Mayor should investigate why the Civil Service Commission implemented a new certification rule that neither management nor labor want.		Not Applicable		CSC has the authority	
8a	The Department needs to determine the extent of on-duty alcohol consumption and substance abuse among Department personnel as soon as possible.		Agree/ Implemented			
8b	The Department should negotiate for expanded and random drug and alcohol testing as soon as possible.		Implemented			
8c	The Department should establish an Internal Investigative Unit that reports directly to the Chief. Investigators trained in identifying people who are under the influence should staff this Unit. The investigators should have complete authority to make unannounced visits to fire stations and to conduct drug and alcohol tests. They should have access to lockers used by firefighters for storage of personal items.		Implemented			

<b>Civil Grand Jury Recommendations and Department Responses</b>		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
8d	The Department needs to implement a strong, clear, and effective drug policy.		Agree/ Implemented			
8e	The Department should institute an outreach program to help identify and refer for treatment those members with alcohol and substance abuse problems.		Agree /Implemented			

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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## CHAPTER 2

### ON-TIME PERFORMANCE AND SERVICE GOALS REMAIN A FICTION: MUNI'S MISMANAGEMENT AND WORKER PROBLEM

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#### BACKGROUND

The 2003-04 Civil Grand Jury investigated the operations of the Municipal Railway (MUNI) with respect to progress in meeting the goals mandated in Proposition E.<sup>7</sup> This year, the MUNI administration will not meet on time performance and service delivery goals as set out in Proposition E. The Civil Grand Jury was unable to obtain from MUNI a timeframe in which they plan to achieve the original goals.

The Civil Grand Jury concluded that these failings result from management's lack of effective leadership--by not making the necessary changes and failing to develop new plans to meet goals, either through lack of competence or lack of will to do so.

The Civil Grand Jury also looked into the administration's control over the light-duty and battery-pay plans, training program and effectiveness of overall management. It was determined that light-duty and battery-pay plans are not effectively managed and are subject to abuse. Management is aware of the situation but has done nothing to eliminate infractions. The Civil Grand Jury also questioned the effectiveness of the existing training program, in light of the significant number and costs of claims that have occurred over the years.

#### RESULTS

The Civil Grand Jury made 13 recommendations and required responses from the following:

Board of Supervisors  
Office of the Controller  
San Francisco Municipal Transportation Agency Board of Directors  
San Francisco Municipal Railway

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>7</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

## **Finding 1: The Municipal Railway Will Not Meet On-Time Performance and Service Delivery Goals**

**Finding 1.1:** Proposition E (1999) specifies that MUNI must achieve an on-time performance of 85% and service delivery of 98.5% by July 2004. MUNI management acknowledged that they will not achieve these standards for 2004, and they were unable to demonstrate a plan that would ultimately achieve these goals.

### ***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Partially Disagree.

Muni has made significant progress in this area. On time performance has gone from 48% in 1999 to 71.5% today, an increase of 67%. For the quarter ending March 31, 2004, service delivery (employee and vehicle availability) was at 98.13%, which is .37 of 1% less than the mandated goal of 98.5%. Muni does have a plan for improving on-time performance.

Reference: Service Standards FY04 Third Quarter Report

**Finding 1.2:** A strong leadership presence is non-existent. Some employees do not take the Executive Director's and General Manager's policies and statements seriously. Some individuals do not respect the Executive Director and General Manager.

### ***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Partially Disagree.

The performance of Muni over the last several years confirms the existence of strong leadership. The subjective opinion of a few employees is not representative of all employees. This finding is also inconsistent with official employee surveys. According to a 2003 independent survey of Muni employees conducted by David Binder, employees reported that:

- “Majority of Muni employees (67%) are happy with their relationship with their supervisor”
- “Majority of Muni employees (61%) feels that their work is appreciated by management”.

Reference: 2003 Employee Survey

**Finding 1.3:** Employees' disrespect of MUNI management has led to morale problems.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Partially Disagree.

A vast majority of Muni employees respect their co-workers. Over 1,500 employees participated in crafting Muni’s Mission, Vision and Values statement, which emphasizes that employees treat each other with respect, trust, mutual understanding and value diversity. This finding is also inconsistent with official employee surveys conducted over the past four years. According to a 2003 independent survey of Muni employees conducted by David Binder, employees reported that:

- “Majority of Muni employees (67%) are happy with their relationship with their supervisor”.
- “Majority of Muni employees (61%) feel that their work is appreciated by management”.
- “The vast majority of Muni employees value their job”.

There are issues that pose a challenge to employee morale. They include significant budget shortfalls for the past two years; employees contributing 7.5% of their paycheck to their retirement fund resulting in a smaller paycheck and layoffs. These issues can affect morale and are impacting employees throughout the City and County of San Francisco.

Reference: Mission Vision Values Statement, 2003 Employee Survey

**Finding 1.4:** Management has failed to enforce its policies. As a result, many of management's instructions are disregarded.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree.

This is a subjective comment. More information is needed to provide a more in-depth response to this statement.

**Finding 1.5:** MUNI does not compare the cost/benefits of its light-duty and battery pay plans and workers' compensation benefits with those of other major metropolitan transit agencies.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Agree.

Muni management is currently looking at how Muni compares to similar transit properties in the country. It should be noted that Muni is composed of five modes, and should be compared to another multi-modal transit property. Preliminary information indicates that Muni compares favorably with the only other multi-modal transit property subject to the same worker's compensation laws as Muni. Muni management will continue to review, refine and use the best practices used at other transit properties to further strengthen Muni's worker's compensation and light duty program.

**Finding 1.6:** MUNI employees have stated that management is ignoring or not taking into consideration employee comments about safety, working conditions, and on-time efficiency.

## ***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree.

In an audit performed in 2002, the California Public Utilities Commission found that “the Employee Safety Program at Muni is pro-active and addresses safety hazards that are reported by its employees or generated as a result of regularly scheduled facility inspections”. The most recent Triennial Review conducted in 2001 by the Federal Transit Administration reviewed our safety and security practices and found no deficiencies.

Muni has a comprehensive safety program that involves employee-based division safety committees at each operating division and for each work group. Comments, complaints and suggestions from those committees are evaluated by the staff of the Health and Safety section for potential safety hazards. Those that are found to have merit are provided to senior management for corrective action. In addition we regularly audit all areas of Muni operation and administration to insure compliance with appropriate state and federal regulations as well as the standards established by the American Public Transportation Association.

Reference: CPUC 2002 Audit

### ***Recommendation 1a: Prepare Detailed Plans to Meet Performance Goals***

MUNI management should prepare detailed plans to attain the on-time performance of 85% and service delivery of 98.5% mandated by Proposition E.

## ***Response***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Implemented.

The on time performance goal of 85% is not being met, however, Muni has made significant progress in this area. On time performance has gone from 48% in 1999 to 71.5% today. Steps are being taken to improve on-time performance, including:

- New technology initiatives (e.g. Nextbus)
- Street Management initiatives
- Further Muni/DPT coordination efforts
- Schedule review to determine feasibility of current schedules

For the quarter ending March 31, 2004, service delivery (employee and vehicle availability) was at 98.13%, which is .37 of 1% less than the mandated goal of 98.5%. The missing .37 of 1 percent represents 4 missed runs out of 1254 runs per weekday 843 and 788 runs on Saturday and Sunday. New technology initiatives should make this goal achievable.

While an on-time performance of 85% may not be achievable, it should be noted that an independent audit concluded that Muni is making excellent progress toward the achievement of Proposition E goals.

Reference: FY2003 Third Quarter Service Standards and Proposition E Municipal Transportation Quality Review Final Report

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**June 30, 2005**

During Fiscal Year 2005 MUNI's System Wide Schedule Adherence or On Time Performance (OTP) continued in the 70% range, which is short of the Proposition E required goal of 85%. For the first three quarters of FY 05 OTP was 70.9%, 72.8% and 69.6% respectively. In FY 05 MUNI's efforts to improve OTP were significantly limited by budget constraints.

MUNI Management remains committed to improving On Time Performance. Efforts currently underway to accomplish this are: 1) Developing and publishing new schedules which better match the budgeted number of operators with the number of runs being scheduled; 2) Increasing the utilization of GPS Technology to better monitor, control and coordinate service on the street and in the subway; 3) Filling street supervisory vacancies; and 4) Continue cooperative efforts between Management, Supervisors and Union Officials.

***Recommendation 1b: Adopt Proactive and Highly Visible Leadership Roles***

The Executive Director of MTA, the General Manager of MUNI, and other senior management personnel should adopt proactive and highly visible leadership roles, establish accountability at all levels of management, ensure that all policies are enforced, and inform all employees of policies and the consequences of failing to adhere to them. In order to enhance morale and job satisfaction, the administration should encourage open communication between workers and management.

## **Response**

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Implemented.

Below are examples of how this has already been implemented:

- Yearly employee surveys
- Annual establishment of MTA-wide and division goals for senior managers
- Monthly letters from the Executive Director attached to each employees paycheck encouraging open communication.
- Posters placed at all work locations about MTA-wide goals, Muni's Mission, Vision and Values Statement and congratulating employees on strong rider survey results.
- Monthly, Quarterly and Annual Employee Recognition Program at all operating divisions
- Monthly Special Recognition Award Program at MTA Board meetings
- Annual Safe Driver Award Program
- Executive Director and GM regularly visit all divisions (most recently to discuss the current FY budget)
- Establishment of an "intraweb" for the dissemination of information to employees.
- Provide a wide variety of training programs including: new operator training, accident retraining, refresher courses, passenger relations and conflict training, Violence in the Workplace, Maintenance Training (including new revenue vehicle training), Ambassador Training, Supervisory Skills Training, Management Skills Training, Theories of Discrimination and the ADA, Preventing and Responding to Workplace Harassment, Preventing Violence in the Transit Workplace, Valuing and Managing Workplace Diversity, Rapport Building, Prohibited Employment Practices Under the Immigration Reform Control Act of 1986, Equal Employment Opportunity Programs After Prop 209 and New Employee Orientation to MUNI's EEO Programs and Services.
- Annual Retiree lunch
- Personal Bereavement letters sent to the family of employees who have passed.
- Bulletins issued to Muni Operations Professionals to inform them about safety regulations, "sign-ups", special event route changes and compliance with traffic laws.
- Biannual MTA Senior Management meetings to discuss plans to achieve MTA-wide goals; provide status updates on significant initiatives and projects; engage in team building exercises; and discuss how to improve communication within the organization.

In 2000 and 2001, Muni partnered with TWU, Local 250-A in hosting a Muni-wide "Family Day and Health Fair". Muni also published monthly newsletters for all employees that highlighted internal activities and accomplishments. Due to budgetary constraints, these activities have been temporarily halted.

Over the past four years, Muni has been involved in a cultural change initiative designed to improve customer service, enhance communications, improve labor-management relations, and

strengthen the overall quality and character of management throughout the organization. A key element of this initiative was the crafting and distribution of a new Mission Statement in 2002.

This Mission Statement represents the collective input of over 1,500 employees who directly participated in a series of 23 “interactive” workshops around the organization, and reflects a broad consensus of employee ideas and opinions about Muni’s mission, vision and values. This “mission” initiative continues today and is coordinated by a joint union-management committee - the Mission Action Center (MAC). MAC’s primary goal is to develop, promote, and coordinate implementation of programs that encourage a common understanding of Muni’s mission, and to ensure the daily practice of the values embodied in the Mission Statement. MAC looks for ways to empower employees in living our mission daily, and works directly with division managers, unions and employees in identifying current practices inconsistent with “living-the-mission,” and uses collaborative efforts to find solutions to these roadblocks.

The General Manager, along with the Assistant General Managers for Human Resources and Transportation and the Division Superintendents formally meet once a month with the Executive Officers of Local 250A and Chairperson of all seven of MUNI's operating divisions. The meetings usually last two to three hours. They are not grievance handling meetings but cover topics of concern to any participant. Issues such as operator comfort, uniforms, operator performance, safety, system performance and others are routinely discussed. These meetings have consistently occurred for the past 18 months.

The General Manager holds a monthly Communication Meeting with 40 to 60 mid level managers. The expressed purpose of these meetings is networking among various departments in MUNI operations. Guest speakers are usually featured and have ranged from the FTA Administrator, to Southwest Airlines Customer Service Representatives. An ongoing emphasis of the meetings is emergency preparedness.

In addition to meetings and site visits within the organization, the Executive Director of Transportation and senior staff participate in community meetings in all San Francisco neighborhoods, regularly attends meetings of and represents Muni’s interests to the Board of Supervisors and Transportation Authority. The Executive Director and senior management serve in a leadership capacity in a number of regional forums including serving with the Metropolitan Transportation Commission’s Partnership Board; Chairman of a regional subcommittee to implement Translink; serving on the CalTrain Joint Powers Board and the Transbay Terminal Joint Powers Board. At the regional and State level meetings include the Bay Area Air Quality Management District and California Air Resources Board, serving on the California Transit Association Executive Committee. At the federal level, the Executive Director serves on the ENO Transportation Foundation Board and, along with the Chairman of the MTA Board of Directors, also serves on the American Public Transportation Association Board of Directors.

Reference: Mission, Vision, Values Statement, MTA Goals, paycheck letters, Operator Bulletins, Employee Surveys.

***Recommendation 1c: Compare the Costs and Benefits of Its Light-Duty and Battery-Pay Plans and Workers’ Compensation Benefits to Other Agencies***

Management should determine where MUNI ranks, *vis-a-vis* other agencies, in terms of the cost/benefits of its light-duty and battery-pay plans and workers' compensation benefits.

## **Responses**

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Not Yet Implemented. It will be complete by December 2004.

Muni management is currently looking at how Muni compares to similar transit properties in the country. It should be noted that Muni is composed of five modes, and should be compared to another multi modal transit property. Preliminary information indicates that Muni compares favorably with the only other large multi- modal transit property subject to the same worker's compensation laws as Muni. Muni management will continue to review, refine and use the best practices used at other transit properties to further strengthen Muni's worker's compensation and light duty program.

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**June 30, 2005**

San Francisco MTA's Workers' Compensation costs; battery and assault pay and light duty programs are comparable to those of similar transit agencies. We continue to monitor both the light duty and battery/assault pay issues on a quarterly and annual basis.

### ***Recommendation 1d: Ensure That Its Training and Accident Prevention Programs are Consistent With Industry Standards***

Management should ensure that MUNI's training and accident prevention programs are consistent with current industry standards.

**Response**

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Implemented.

Muni's new operator training program is based on the Federal Transit Administration's Bus Operator Training program and the our accident prevention training is based on the Smith System's Five Keys To Space Cushion Driving which is the recognized industry standard in both the transit and trucking industries.

**Recommendation 1e: Consider Employee Comments and Recommendations**

Management should consider employee comments and recommendations at all levels. Such action can lead to improved working conditions and morale and, ultimately, to improved service.

**Response**

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Implemented.

Muni has actively sought input from every employee and considers all comments and recommendations. Not all suggestions can be implemented for a variety of reasons including budget, labor agreements or other physical constraints.

In the monthly letter sent to all employees, Muni asks for and encourages employee input. The MTA will continue to work to improve communications with employees.

Reference: Paycheck Letters

## **Finding 2: Muni’s Light-Duty and Battery Pay Plans, and Workers’ Compensation Benefits Are Being Abused**

**Finding 2.1:** The light-duty program at MUNI allows an employee to be on this status for up to 180 days at full pay--regardless of hours actually worked. After an elapsed period of one year, some employees apply again for light-duty. According to *Sec. 1.04 of the Transitional Work Program Manual*: “Transitional Work assignments will not adversely affect the employee's normal bi-weekly gross wages or retirement benefits.”

### ***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree.

The following statement is incorrect “employees get 180 days at full pay, regardless of hours worked”. When the department has knowledge of an employee missing time from Transitional Work due to illness, vacation, medical appointments or unscheduled absences, his/her timecard is adjusted appropriately.

Section 1.04 of the Transitional Work Program Manual was intended to address employee concerns that they would be paid less and their benefits would be impacted, while working transitional work. It is not a guarantee of full wages and benefits as interpreted by the Grand Jury. It is in fact a verification that employees will be paid appropriately.

**Finding 2.2:** Some MUNI employees have been known to be on light duty in excess of 90 days. This is contrary to MUNI's policy as stated in the “*Transitional Work Personnel Procedures Guide*, “*Sec. 1.02 (1)*: “Transitional Work assignments will terminate on the date the employee is released for full duty. Under no circumstances will Transitional Work assignments exceed 90 days per injury.”

### ***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree.

As noted in section 2.1 above, the current policy is that employees can work Transitional Work for up to 180 days. The 90-day limit was part of the original program construction as implemented in 1999, however, in early 2003, due to the state-mandated increases in Temporary Disability rates, it was decided to add the “up to 180 days” policy to offset the increases in benefits. The policy and procedure manual is being updated to reflect this change.

NOTE: for the recently completed fiscal year, ending 6/30/2004, the average number of days worked in Transitional Work by Muni employees is 52.

**Finding 2.3:** A comparison of MUNI to other major transit agencies in the San Francisco Bay Area shows a higher percentage of MUNI workers are on light duty; the following table was prepared with information acquired from Human Resource Departments.

	MUNI	AC Transit	VTA No Such Plan	Sam Trans No Such Plan
Employees on Light- Duty	145	18		
Percentage of total workers	3.3% 4,400	0.8% 2,200		
Percentage of Operators	6% 2,400	1% 1,300		
Approximate Cost	\$10 million	\$800,000		
Time Limit	180 days Every other year	30 days Per year		

**Response to Finding**

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Agree.

There are no other major transit agencies in the San Francisco Bay area that can reasonably be compared to Muni due to the size of the agency, the number of modes of transportation it provides and San Francisco’s unique geographic configuration.

AC Transit, while close, is still 50% smaller, and has fewer transportation modes, serves a lower population density, and operates in a different geography and traffic density. It would be more appropriate to compare Muni to transit agencies in Los Angeles, Chicago, New York, Atlanta, etc. to obtain a more legitimate assessment. Muni is undertaking that analysis.

Finally, the chart appended to section 2.3 assumes that all transitional work employees are transit operators, which is not the case.

**Finding 2.4:** Representatives from VTA stated that they have no immediate plan to institute such a program. Officials at Sam Trans have expressed views that such a program is subject to abuse if not properly managed, and they also stated that they have no immediate plan to create a light-duty program.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Agree.

Muni agrees that programs of this type are open to abuse if not properly managed. Muni has managed the program properly and has continued to adjust the program as weaknesses have been identified.

**Finding 2.5:** MUNI management officials are aware that some employees have filed questionable battery pay claims. These employees, who make fictional claims, do so in order to collect compensation under the battery pay plan.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Agree.

Muni management is aware that some employees have filed questionable battery pay claims. Over three years ago, Muni assigned a full time staff investigator to the Workers' Compensation section to investigate all claims for battery pay. As a result, claims for battery pay have decreased dramatically, from a high of 163 in FY 1996, to a low of 43 for FY 2004. Currently four people are receiving battery pay. Muni is confident that we are effectively managing this program.

The chart below illustrates the costs and claims trends for the past three fiscal years.

<b>Fiscal Year</b>	<b>Number of Battery Claims</b>	<b>Battery Pay Paid</b>
FY 2002	52	\$446,788.96
FY 2003	58	\$324,108.03
FY 2004	45	\$305,585.00*

Source: MTA Payroll, (As of 6/18/2004) and Muni Workers' Comp Section

**Finding 2.6:** AC Transit is the only transit agency other than MUNI to have a battery pay plan in the San Francisco Bay Area. AC Transit's program is limited to a maximum of three days. After the third day, a worker may be eligible for workers' compensation.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Agree.

Pursuant to City Administrative Code Section 16.170, all City and County employees who are battered in the course of their employment are eligible to receive battery pay. As part of the City and County of San Francisco, Muni is required to adhere to the city's established policies and programs.

Public transit operation by its very nature requires a high degree of physical exposure to the public. For this reason, Muni experiences a higher degree of physical attacks than other CCSF departments. As mentioned in the previous section, Muni aggressively investigates all claims for battery to insure that there are as few abuses of the system as possible. Currently, four employees are receiving battery pay.

Reference: Administrative Code Section 16.170

**Finding 2.7:** Currently, the individuals who are responsible for verifying that light-duty personnel are present and performing their assigned duties are themselves, on light-duty; this monitoring process gives rise to a possible conflict of interest.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree.

A small percent of the employees in the Transitional Work program have their timesheets delivered to their work location by another person in the Transitional Work program. This has been done as a logistical solution to the reality that certain positions are geographically dispersed throughout the City. Once returned, the Program Coordinator for the Transitional Work Program carefully reviews the timesheets.

Employees on other transitional work jobs are assigned to individual locations throughout Muni. The requesting supervisor of these specific locations is responsible for and in fact does monitor employees assigned to them.

**Finding 2.8:** Some department managers of employees on light-duty have not supervised employees on light-duty assignments, and they do nothing about light-duty workers who are absent and not performing assigned tasks.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree.

Our time card records reflect that adjustments to timecards are routinely made for sick leave, vacation, medical appointments and time without pay.

When an employee is assigned to a Transitional Work job, they sign an agreement regarding their duties and responsibilities, which includes information on their Transitional Work hours, location, supervisor, work restrictions, job duties etc. This agreement is then signed by the requesting supervisor and returned to the Transitional Work Program Coordinator and made part of the permanent record.

**Finding 2.9:** MUNI management agrees that the current light-duty procedures can lead to various forms of abuse.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree.

Muni has appropriate controls in place to monitor and correct potential abuses of the light duty program. A Transitional Work Program Coordinator as well as the supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. Random spot checks are conducted by Worker's Compensation Staff. In the event that a potential abuse is validated, the appropriate steps are taken that may include docked pay, counseling or re-assignment.

**Finding 2.10:** Neither the Office of the Controller nor the Budget Analyst's Office has ever conducted any audits of MUNI's light-duty and battery pay plans and/or workers' compensation program.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Agree.

Muni welcomes additional audits at any time.

**Finding 2.11:** MUNI employees who are on light-duty, battery pay, absent without leave, or on sick leave are, for payroll purposes, categorized as being assigned to the "Geary Division," (a paper designation that is relatively unknown inside or outside of the MUNI organization).

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree.

During the interview process, department representatives repeatedly explained to Grand Jury representatives that the Geary Division had been eliminated.

Muni currently uses an “In and Out” process, initiated in August 2003. This electronic database allows us to monitor the work status and location of all employees from the first day of hire to retirement.

**Finding 2.12:** The payroll cost of the “Geary Division” is unknown; this information, though specifically requested, could not be provided to the Grand Jury. It was stated that such information has never been compiled, and doing so could involve considerable time and effort.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree.

As stated in our response to Section 2.11, the Geary Division no longer exists. Additionally, the Grand Jury report assumes that all employees tracked in the Geary Division were due to workers’ compensation claims. This is not the case. The Geary Division consisted of operations personnel who missed more than 30 days from work. The list of reasons that a person would have been placed in the Geary Division included:

- Occupational Injury/Illness
- Non-occupational injury/illness
- Sick Leave with pay
- Sick Leave without pay
- Personal Leave
- Suspension

- ADA accommodation
- Labor related assignments (Union Chairman, Vice President, etc.)
- Transitional/Light duty
- Administrative reasons (license suspension, etc.)
- Retirement
- FMLA (Family Medical Leave Act)
- Educational Leave
- Maternity Leave
- Catastrophic Illness
- Compulsory Sick Leave

The information requested by the CGJ could not be provided because it doesn't exist. As explained to the CGJ, providing information about the former Geary Division payroll costs would have required significant time and effort by staff, as they would have had to reinvent a division that no longer exists.

**Finding 2.13:** Approximately 12% percent of all MUNI employees are under the “Geary Division” designation.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree.

The Geary Division does not exist. Also, Geary Division only represented absences incurred by operations personnel and did not account for non-operations personnel. Muni has an electronic database that tracks the status of all employees.

Currently less than 8% percent of all Muni employees are on leave due to the reasons listed in 2.12

**Finding 2.14:** AN employee who suffers a temporary and partial disability due to an industrial or non-industrial injury or illness can be placed on light-duty. The employee must get a written medical diagnosis stating that s/he is only able to work in a reduced capacity. It is management's position that some employees have been able to obtain a medical professional's release form, certifying that the employee can work only with restrictions, over the phone and without the employee ever being examined by a medical professional.

### ***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree.

A physician must diagnose all industrially injured employees in writing, before they are eligible for Workers' Compensation benefits or Transitional Work. The guidelines established by the State of California for Workers' Compensation requires physicians to personally examine the patient. Although there have always been rumors of this type of activity, Muni has never been able to prove that a physician provided disability verification without first examining the employee.

There are instances however, where subsequent to the initial office visit, an employee will contact the doctor by phone and ask to have their disability extended due to ongoing pain. Workers' Comp doctors routinely do this type of medical certification, but it is only subsequent to the initial physical evaluation.

Under the Workers' Compensation reform legislation enacted on April 19, 2004, physicians will have less discretion to make arbitrary decisions due to the establishment of guidelines for disability determinations.

**Finding 2.15:** The cost to MUNI of employees on light-duty or battery pay is greater than if these individuals were placed on workers' compensation. In the state of California, benefits under workers' compensation plans are generally designed to replace two-thirds of lost wages, up to the current maximum of \$728 per week.

### ***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Agree.

The cost of the Transitional Work program is approximately \$6 million annually. The cost of workers' compensation and battery pay benefits for the same period is approximately \$5 million

annually. Employees in the Transitional Work program are performing useful tasks in exchange for a paycheck. It should be noted that the majority of employees participating in the Transitional Work program would receive worker's compensation benefits if the Transitional Work program were eliminated

Earlier this year, management undertook a holistic review of the Transitional Work program and is examining both the direct cost of the program and other potential tangible benefits. This review is comparing the differences between the light duty program, worker's compensation, ADA and FMLA, the civil service system, requirements of the City's Administrative Code and various employee bargaining unit memorandums of understanding. When this review is complete, management expects to implement any recommended changes to these programs (as allowed by the law) Management also wishes to implement a program that protects the best interests of Muni and its employees.

**Finding 2.16:** The following table compares the battery pay plans of the following transit agencies in the San Francisco Bay Area.

	MUNI (Average of two years)	AC Transit (As of 3/26/04)	VT A No Such Plan	SamTrans No Such Plan
Approximate percentage of employees	3.3%	Less than half of 1%		
Number of employees	56	2		
Length of Program	365 days	3 days		
Approximate cost of program as stated by their respective Human Resources Department	\$ 1 to \$2 million	Not known		

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree.

We disagree about the information presented about Muni. The table indicates that the approximate costs of the battery pay program for San Francisco Muni is \$1 to \$2 million dollars annually. As indicated in Section 2.5 above, Muni has averaged \$357,795.00 per year in battery pay over the past 3 years.

Fifty-six battery claims only represents 1.2% of all employees.

We question the usefulness of comparing Muni's battery pay plan with two agencies that have no plan and one where the costs are unknown.

The number of employees who currently receive battery pay is four.

**Finding 2.17:** The table below compares workers' compensation costs of the major local transit agencies in the San Francisco Bay Area for fiscal year 2003.

	MUNI	SamTrans	VTA	AC Transit
Approximate Incurred Cost	\$20 million	\$1 million	\$4 million	\$9 million
Open Claims	2,167	115	1,269	1,070
Total Drivers	2,400	500	1,400	1,345
Total Employees	4,400	800	2,275	2,262

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Agree.

Workers' Compensation benefits have been on the increase statewide for the past 5 years. Based on statistics provided by the Workers' Compensation Insurance Rating Bureau of California, medical costs over the past 5 years have increased an average of 17.2%, while indemnity costs have increased an average of 15% during the same period for employers.

By comparison, during the same time frame, Muni's costs have increased an average of 6.3% combined. This is a result of the strict oversight of Muni's Workers' Compensation programs.

For the past 3 fiscal years, Muni workers' compensation expenditures were \$19.4 million for FY02, \$20.7 million for FY03 and \$21.2 million for FY04. Costs increased from FY02 to FY03 by 6.5%, while costs increased only 2.7% from FY03 to FY04. It should be noted that the costs identified for the Worker's Compensation program include: benefit costs, medical costs, legal fees, and costs associated with a fraud reduction program.

Additionally, claims for Workers Compensation over the past four years are on a steep decline. The table below shows the number of new claims reported.

<b>Fiscal Year</b>	<b>Number of New Claims</b>	<b>Difference (reduction)</b>	<b>Percent Change (reduction)</b>
FY 2001	1,140	N/A	N/A
FY 2002	1,083	(57)	(5.0%)
FY 2003	960	(123)	(11%)
FY 2004	845	(115)	(12%)

Source: MTA Workers' Compensation Section

Lost days from work associated with Workers' Compensation claims over the past few fiscal years have seen a similar decline.

<b>Fiscal Year</b>	<b>Number of Lost Days</b>	<b>Difference (reduction)</b>	<b>Percent Change (reduction)</b>
FY 2001	96,102	N/A	N/A
FY 2002	89,857	(6,245)	(6%)
FY 2003	74,144	(15,713)	(17%)
FY2004	68,000	(6,144)	(8%)

It is Muni management's position that recent changes to the Workers' Compensation law will only improve these numbers.

***Recommendation 2a: Determine and Control the Cost of Its Benefits Plans and Prevent Abuses***

Management should determine and control the cost of its benefit plans and act to prevent abuses.

***Response***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Implemented.

Muni is controlling the costs of benefit plans and is actively routing out and eliminating abuse. The Municipal Railway is part of the City and County of San Francisco and strictly adheres to its established policies and procedures.

The three benefit plans mentioned in the Grand Jury report: Battery Pay, Transitional Work and Workers' Compensation, each have specific components for preventing abuse.

All claims for battery pay are investigated by a full-time staff investigator who reviews the incident report and the video tape on-board the vehicle, interviews witnesses, takes a recorded statements from battery pay applicants, reviews all medical evidence and reviews the appropriate City and County laws prior to accepting or denying a claim. As mentioned in section 2.5, there are currently 4 employees who are receiving battery pay at this time

A Transitional Work Program Coordinator as well as supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. Workers' Compensation staff conducts random spot checks. In the event that an abuse of the program is validated, the appropriate steps are taken that may include docked pay, counseling or re-assignment.

Benefit rates and increases for the Workers' Compensation program are set by the State of California. Muni's role is to monitor acceptance and denial of claims, ensure appropriate benefit distribution and insure contract compliance by our Third Party Administrator (TPA). All claims for Workers' Compensation are investigated to determine the validity of the claim. Once the validity has been established, the TPA is contractually required to review each claim every 14, 30, 60 and 90 days, depending on the type of benefit paid or the seriousness of the claim. Workers' Compensation staff reviews claims-related issues with the TPA on a daily basis.

Muni investigates allegations of fraud or abuse in cooperation with other city or regional agencies such as the San Francisco Police Department, BART, and the District Attorney. Muni also has a telephone "tip hotline" to encourage the reporting of any abuse.

***Recommendation 2b: Base Pay for the Light-Duty Plan on Hours Actually Worked***

Management should consider basing pay under the light-duty plan on hours actually worked.

***Response***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Implemented.

Muni employees in the Transitional Work Program are paid based on hours worked. In 1996, pursuant to Proposition J, the Budget Analyst performed a full management audit of the Public Transportation Department. One of his recommendations was to "discontinue the practice of paying overtime to Special Duty Operators in MUNI Headquarters, for time not actually worked". A review of the Action Plan prepared by Muni in response to the Audit shows that a policy was established in September 1996, and continues today, that Operators in the Transitional Work Program would be paid on an hourly basis and that staff would monitor compliance with this policy on an ongoing basis.

(In 1996, the terms “Special Duty” and “Light Duty” were used interchangeably. Today, the program is called the Transitional Work Program.)

***Recommendation 2c: Ensure Employees Are Eligible for Light-Duty and That They Actually Perform Assigned Tasks.***

Management must establish controls to ensure that those employees assigned to light-duty are eligible under the conditions of the plan and are actually performing their assigned tasks.

***Response***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Implemented.

A physician must diagnose all industrially injured employees in writing, before they are eligible for transitional work. A Transitional Work Program Coordinator as well as the supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. In addition, Workers’ Compensation staff conducts random spot checks. Employees assigned to the Transitional Work program are performing their assigned tasks.

***Recommendation 2d: Managers Should Be Responsible for Employees’ Performance of Light-Duty Assignments.***

The managers of the departments to which light-duty personnel are assigned should be responsible for their presence and performance.

***Response***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Implemented.

Muni agrees with this recommendation and is confident that all transitional work employees are under supervisory control. A Transitional Work Program Coordinator as well as the supervisors

and superintendents to whom transitional work employees are assigned monitors the work performed. Worker's Compensation staff also performs random checks.

***Recommendation 2e: The Controller and Budget Analyst Should Audit the Light-Duty and Battery Pay Plans and the Workers' Compensation Benefit Program.***

The Office of the Controller and the Budget Analyst's Office should conduct independent audits of the light-duty and battery pay plans and workers' compensation benefit programs to determine the actual costs of the plans and benefits and the feasibility of determining ways to reduce the overall costs of those programs.

***Responses***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Not yet Implemented

The MTA welcomes audits by any agency.

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**June 30, 2005**

We continue to welcome audits by any agency.

**Ed Harrington**  
**Controller**  
**Office of the Controller**  
**July 29, 2005**

The recommendation has not yet been implemented, but will be implemented in the City Services Auditor Division's audit plan for fiscal year 2005-06. The City Services Auditor Division will work with Muni to determine the priority for conducting audits of the light-duty and battery pay plans and workers' compensation benefit programs.

**Recommendation 2f: Examine Plans to Ensure They Do Not Duplicate Benefits.**

Compensatory plans should be examined to ensure that, although they may provide similar assistance, they do not duplicate the benefits.

**Response**

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Implemented.

Muni has examined their plans and we are not aware of any compensatory plans that duplicate benefits to injured employees. Some employees may have obtained individual long-term or short-term disability policies that may be used to supplement Workers' Compensation benefits. Those plans are entirely outside of Muni's control.

---

**Finding 3: The Municipal Railway Needs to Improve Its Training and Safety Programs**

**Finding 3.1:** MUNI eliminated the position of statistician in 2003.

**Response to Finding**

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Agree.

This position was redundant and unnecessary. Muni personnel in the following classifications possess the skills, education, and professional experience in statistical analysis, hazard analysis, and accident investigation:

6130 Safety Analysts  
6137 Industrial Hygienist  
6138 Assistant Industrial Hygienist  
9173 System Safety Inspector  
6141 Manager of Health and Safety

**Finding 3.2:** MUNI has a problem with multiple accident entries or accident duplication in its current method of tracking accidents.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Partially Agree.

While Muni did have a problem in the past, in April 2004, the Health and Safety Unit took over entry of accident/incident data into the TransitSafe computer system. Health and Safety personnel determined that misuse of the software was creating duplicate entries unintentionally. The problem no longer exists.

**Finding 3.3:** MUNI does not have a computer-based program to categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and to establish whether incidents/accidents were avoidable or unavoidable.

***Response to Finding***

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Wholly Disagree

This is not true. In 2002, Muni installed TransitSafe, an oracle-based, relational database system, categorizes each accident by type, operator, line, division, and avoidability. The City Attorney's Office uses the system to enter claims data. Health and Safety reviews each and every accident report and records data concerning cause and categorization in the system.

**Finding 3.4:** In the MUNI program, bus drivers receive 6 weeks training. Sam Trans, VTA and AC Transit bus drivers receive 8 weeks training.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree

Muni's Training Program is a minimum of 8 weeks. The Training Program is consistent with other transit properties and exceeds most in Northern California. Our most recent operator training was completed in 42 business days, which equals 8 weeks of training. Additional training is also provided depending upon the division (mode) to which the operator is assigned.

**Finding 3.5:** MUNI employees claim that the current training is inadequate. An improved training program could lead to a reduction of incidents/accidents.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Partially Disagree

Muni's New Operator Training Program follows industry best practices as well as state and federal guidelines. The Training Managers and staff consistently review, and when appropriate, improve and update the training program. The Deputy General Manager of Transportation, and the Training and Safety Managers work jointly to develop approaches that will improve safety and reduce accidents on an ongoing basis.

Under Proposition E service standards, the training goal set for FY03 was to provide 50,000 hours of operator training. Muni provided a total of 82,099 training hours, including new operator training, accident retraining, refresher courses, passenger relations and conflict training.

In addition, Muni conducts accident retraining, annual Verification of Transit Training, and recertification programs for its operators. Muni operational and safety managers regard training as only one avenue to reduction of accidents. They improve safety through reengineering of unsafe conditions, changes in policy, and discipline of unsafe employees in addition to training.

**Finding 3.6:** MUNI employees claim that safety standards have been relaxed in order to meet operating schedules.

***Response to Finding***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Wholly Disagree

Muni has not relaxed its safety standards and has never trained operators to sacrifice safety to meet the schedules. Our goal/motto has always been “Safety First”.

The most recent Triennial Review conducted in 2001 by the Federal Transit Administration reviewed our safety and security practices and found no deficiencies.

Reference: Operator Bulletins

***Recommendation 3a: Establish a Program to Record and Analyze All Incidents and Accidents***

MUNI should establish a program to record and analyze the causes of all incidents/accidents. The system would categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and whether avoidable or unavoidable. The system should be designed to prevent multiple accident entries. The data should be readily available so that it can be used to establish procedures to reduce claims and their associated costs.

***Response***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Implemented.

Muni has already done so.

***Recommendation 3b: Evaluate the Effectiveness of Its Training Program.***

MUNI should evaluate the effectiveness of the current training program with an emphasis on accident prevention.

***Response***

**Cleopatra Vaughns  
Chair  
Board of Directors  
Municipal Transportation Agency**

**Michael T. Burns  
Executive Director of Transportation  
Municipal Transportation Agency  
August 25, 2004**

Implemented.

This is done on an ongoing basis. The Executive Director of the MTA reviews all accidents/incidents daily and meets weekly to review employee accident records and retraining steps taken.

## **General Responses**

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**August 12, 2004**

The following is a report on the 2003-2004 Civil Grand Jury Report regarding the Municipal Transportation Agency in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' City Services Committee held a hearing today on the Civil Grand Jury Report, On-Time Performance and Service Goals Remain a Fiction: MUNI's Mismanagement and Worker Problems. Representatives from the Civil Grand Jury addressed their findings and recommendations, and the Municipal Transportation Agency addressed certain disagreements with the Civil Grand Jury Report. Per Michael Burns, Executive Director, Municipal Transportation Agency, a formal written response to the Civil Grand Jury will be submitted within the required deadlines.

**Cleopatra Vaughns**  
**Chair**  
**Board of Directors**  
**Municipal Transportation Agency**  
**August 23, 2004**

On behalf of the Municipal Transportation Agency Board of Directors, I am responding to a Civil Grand Jury report released in June 2004. We fully concur with the response to the recommendations and findings as provided to you by the Executive Director of Transportation.

While the report appears to have taken a superficial look at three areas, we wish to focus on comments made by the Civil Grand Jury relative to management performance, in particular, the claim that the organization lacks leadership.

We take exception to the claim that a strong leadership presence is non-existent. The remarkable turn around of this Agency over the past five years is proof positive of the strong leadership provided by Mr. Burns and his leadership team.

Prior to Mr. Burns' arrival, Muni was in a serious condition, having experienced over a decade of systematic defunding, a demoralized staff and factions throughout the organization who were working contrary to the best interests of the organization. Since his arrival in 1999:

- Muni has had five consecutive years of balanced budgets.
- Muni has initiated major construction projects, such as the Third Street Light Rail Project and the Ocean Avenue Reconstruction Project.
- Muni has completed many projects on time and within budget, such as the Ocean Avenue Reconstruction project.
- There has been continuous improvement in service, from 48% on-time performance to 71.5% today.
- Muni has received public acknowledgement, on many occasions, for providing reliable service to major events. Most notably the opening of SBC Park and the World Series.
- Muni has passed every California Highway Patrol inspection and has had positive audits by the California Public Utilities Commission, Federal Transit Administration, and the Metropolitan Transportation Commission.

- Muni has a Mission, Vision, Values statement that reflects the deep commitment of its employees to provide a transit agency that is internationally recognized for excellence.

Mr. Burns has had to make many difficult decisions over the past few years but none so difficult as raising Muni fares for the first time in eleven years and in light of a continued economic downturn, the unpleasant task of laying off employees. Mr. Burns has earned national recognition and many accolades from the public sector and has received numerous national, regional and state awards including: The Metropolitan Transportation Commission Grand Award in 2002; California Transportation Foundation “Tranny” Award for Top Manager in 2003 and the Clean Air Champion Award from the Bay Area Air Quality Management District in 2002.

The report also alleges that Mr. Burns and his staff have no plans to achieve an 85% on-time performance delivery. Mr. Burns and the MTA Board have had numerous discussions regarding staff's efforts and strategic plans to attain the goal of 85% on-time performance. Those plans have been presented and discussed with the MTA Board of Directors at meetings, which are open to the public. We are disappointed that the Civil Grand Jury concluded that no plans exist when a quick review of our meeting minutes, readily available on Muni's website, provides evidence to the contrary.

The MTA Board of Directors and the City and County of San Francisco are proud to have an experienced, effective, and nationally recognized leader at the helm of the Municipal Transportation Agency. We find that this report is in no way an accurate reflection of the Agency nor its leadership.

**Michael T. Burns**  
**Executive Director of Transportation**  
**Municipal Transportation Agency**  
**August 25, 2004**

Attached are the responses to the June 2004 Civil Grand Jury Report as required by California Penal Code Sections 933 and 933.05. In addition to my responses to their recommendations and findings, I have also included the response of the Agency's governing body, the Municipal Transportation Agency Board of Directors.

While the MTA appreciates the effort by the volunteers serving on the Civil Grand Jury, we are dismayed with their apparent lack of in-depth research and review of the numerous documents that detail our plans and efforts to improve the service we provide to the public. We are concerned about the inaccuracies contained in the report and have attached additional reports for your information and review. Please note that most of this information is publicly and readily available on our website, [www.sfmuni.com](http://www.sfmuni.com).

We take exception to conclusions about “management's lack of effective leadership-by not making the necessary changes and failing to develop new plans to meet goals, either through lack of competence or lack of will to do so”. Muni's on-time performance has improved from a low of 48% in 1999 to 71.5% as of March 31, 2004, representing a 23.5% increase. This achievement is the direct result of careful planning and hard work and is a clear indication of effective and proactive leadership.

Muni is an organization that is going through a difficult change process. The goal of this process is to bring our employees together to make Muni more responsive to our customers, provide better service and improve overall effectiveness. This has not been an easy process and has been

made more difficult due to significant budget deficits; layoffs and a 7.5% reduction in take home pay for many employees. As with any organization in the midst of change, we have encountered resistance from certain segments within the organization. Many of the statements made in the report are the same, almost verbatim, to those we have heard from individuals who are opposed to the changes.

Muni staff spent countless hours in interviews, preparing and providing information to the Civil Grand Jury. It is unfortunate that the Civil Grand Jury chose to disregard factual information and based their report on hearsay and opinion. We question how any professional review of Muni's operation could determine that the subjective and biased opinion of a handful of individuals interviewed could result in a broad-based finding that seems to indicate concurrence by all 4,300 employees of the Municipal Railway.

Muni employees work hard to provide quality transit service to our customers. While we face many challenges within the organization, we remain committed to continuing the pattern of improvement that has been established over the past several years.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' City Services Committee held a hearing on August 12, 2004 on the Civil Grand Jury Report, On-Time Performance and Service Goals Remain a Fiction: MUNI's Mismanagement and Worker Problems. Representatives from the Civil Grand Jury addressed their findings and recommendations, and the Municipal Transportation Agency addressed certain disagreements with the Civil Grand Jury Report. Per Michael Burns, Executive Director, Municipal Transportation Agency, a formal written response to the Civil Grand Jury will be submitted within the required deadlines.

## **TERMS**

AC Transit -Alameda-Contra Costa Transit District that serves most of the East Bay communities in Alameda and Contra Costa County.

Accident -Usually an unexpected undesirable event or collision resulting in damage to person(s) or property.

Battery pay -San Francisco Civil Service Commission Rule 20.15 and Administrative Code Section 16.170 provide that an employee injured as the result of a criminal act of violence while on duty is eligible to receive full pay for a period of up to twelve months.

Incident -An event which is considered a minor occurrence or disruption.

Light-duty -Also known as Transitional Work or Transitional Work Program. A work plan that allows employees injured on the job to work reduced hours and/or in assignments requiring reduced physical activity while still receiving full pay for a period of up to 180 days. An employee can be on light duty as often as every other year. AC Transit has a similar program (limited to three days); it is referred to as the modified work program.

Light-duty job assignments -Tasks that can be performed by light-duty workers include: “reduced hours driving, loader, receiver, passenger service clerk, service quality teams, training department clerk, central control clerk, yard starter, expediter, finance department assistant, auto attendant, station operations assistant, discount I.D clerk, Pac Bell (sic) park revenue collection and cable car turn-table assistant.”

MUNI CAC -Citizens' Advisory Council formed by Proposition E.

Municipal Railway (MUNI) -The San Francisco public transportation system.

Municipal Transportation Agency (MTA) -The governing body responsible for the management of Municipal Railway (MUNI) and the Department of Parking and Traffic (DPT).

Proposition E -Passed by San Francisco voters in 1999 to incorporate MUNI and DPT into the MTA [Proposition E, Section 8A.1 03(c)] and to establish the following service standards:

1. On-time performance: of at least 85% of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and
2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

In this report the above referred to as “on-time performance” and “service delivery”

Sam Trans -Part of the San Mateo Transit Authority that serves all of San Mateo County.

Statistician -A mathematician specializing in data analysis.

Third Party Administrator (TPA) -A person who processes claims and provides administrative services.

Valley Transit Authority (VTA) -VTA serves all of Santa Clara County.

<b>Civil Grand Jury Recommendations and Department Reponses</b>		San Francisco Municipal Transportation Agency Board of Directors	San Francisco Municipal Railway	Office of the Controller
1a	MUNI management should prepare detailed plans to attain the on-time performance of 85% and service delivery of 98.5% mandated by Proposition E.	Implemented		
1b	The Executive Director of MTA, the General Manager of MUNI, and other senior management personnel should adopt proactive and highly visible leadership roles, establish accountability at all levels of management, ensure that all policies are enforced, and inform all employees of policies and the consequences of failing to adhere to them. In order to enhance morale and job satisfaction, the administration should encourage open communication between workers and management.	Implemented		
1c	Management should determine where MUNI ranks, <i>vis-a-vis</i> other agencies, in terms of the cost/benefits of its light-duty and battery-pay plans and workers' compensation benefits.	Implemented		
1d	Management should ensure that MUNI's training and accident prevention programs are consistent with current industry standards.	Implemented		
1e	Management should consider employee comments and recommendations at all levels. Such action can lead to improved working conditions and morale and, ultimately, to improved service.	Implemented		
2a	Management should determine and control the cost of its benefit plans and act to prevent abuses.	Implemented		
2b	Management should consider basing pay under the light-duty plan on hours actually worked.	Implemented		
2c	Management must establish controls to ensure that those employees assigned to light-duty are eligible under the conditions of the plan and are actually performing their assigned tasks.	Implemented		
2d	The managers of the departments to which light-duty personnel are assigned should be responsible for their presence and performance.	Implemented		

<b>Civil Grand Jury Recommendations and Department Responses</b>		San Francisco Municipal Transportation Agency Board of Directors	San Francisco Municipal Railway	Office of the Controller
2e	The Office of the Controller and the Budget Analyst's Office should conduct independent audits of the light-duty and battery pay plans and workers' compensation benefit programs to determine the actual costs of the plans and benefits and the feasibility of determining ways to reduce the overall costs of those programs.	Not Yet Implemented		Not Yet Implemented
2f	Compensatory plans should be examined to ensure that, although they may provide similar assistance, they do not duplicate the benefits.	Implemented		
3a	MUNI should establish a program to record and analyze the causes of all incidents/accidents. The system would categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and whether avoidable or unavoidable. The system should be designed to prevent multiple accident entries. The data should be readily available so that it can be used to establish procedures to reduce claims and their associated costs.	Implemented		
3b	MUNI should evaluate the effectiveness of the current training program with an emphasis on accident prevention.	Implemented		

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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**CHAPTER 3**  
**THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME:  
THE CITY AND COUNTY OF SAN FRANCISCO AND THE SAN FRANCISCO  
UNIFIED SCHOOL DISTRICT ARE FAILING TO ADDRESS THE  
EDUCATIONAL NEEDS OF THE BAYVIEW HUNTERS POINT COMMUNITY**

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**BACKGROUND**

The 2003-04 Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district (BVHP).<sup>8</sup> The mission of the San Francisco Unified School District (SFUSD) is to provide each student with an equal opportunity to succeed by promoting intellectual growth, creativity, self-discipline, cultural and linguistic sensitivity, democratic responsibility, economic competence, and physical and mental health so that each student can achieve his or her maximum potential.

The Civil Grand Jury found that SFUSD and the City of San Francisco do not “provide each student with an equal opportunity” in Bayview Hunters Point, largely due to the lack of basic educational infrastructure in this community.

Historically, BVHP has been the largest African-American neighborhood in San Francisco; its children have been subjected to busing in order to achieve educational diversity in city schools. In 1954, the Supreme Court ruled unanimously, in *Brown vs. Board of Education*, that the doctrine of "separate but equal" education for blacks and whites was unconstitutional. The decision triggered much resistance in the South but marked the beginning of a civil rights movement that led to racial protections in public schools, accommodations, voting rights, housing, and employment.

**RESULTS**

The Civil Grand Jury made four recommendations and required responses from the following:

Board of Education  
San Francisco Redevelopment Agency  
San Francisco Unified School District

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>8</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

## **Finding 1: The San Francisco Unified School District and the City and County of San Francisco Do Not Provide Educational Resources and Opportunities for Bayview Hunters Point Students**

**Finding 1.1:** At present there is only one high school, Thurgood Marshall, in BVHP, and it is designated as an open-enrollment school available to students from all city districts. Of the 1005 seats available in Thurgood Marshall, 335 students are from BVHP.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Agree that Thurgood Marshall is currently the only high school located in the BVHP area. However, beginning in fall 2004, Gloria R. Davis College Preparatory High School will begin operation as the Dream School Initiative's Secondary Collegiate Academic campus for grades 7-12. In 2004-2005, Gloria R. Davis will begin serving seventh and eighth graders, and will add a grade each year until it is serving grades seven through twelve.

The District's current student assignment system is mandated by the federal Consent Decree issued in the cases cited above. This assignment system permits each student to select any school(s) within the District as their school of choice. Each student is permitted to select several school options, in order of preference. Students are assigned to schools according to their choices, based on space available and the diversity added to the requested site. The Diversity Index is the measure used to calculate the diversity that each student adds to a particular site, and considers factors such as socioeconomic status, the student's academic achievement status, mother's educational background, the child's language status, the language spoken in the child's home, and the academic performance of the student's sending school.

In order to promote diversity and student choice, students who live in the BVHP area (or anywhere else in the city) may select any high school within the District, and are not limited to selecting Thurgood Marshall Academic High School.

The general education instructional capacity for Thurgood Marshall is 1050 seats, and 385 of these seats are occupied by students that reside within the 94124 zip code. The remaining students are from other neighborhoods within San Francisco. Based on the 2003 CBEDS count, there are a total of 1486 comprehensive high school students that reside in 94124. For the 2004-2005 school year, 94 students from the 94124 zip code area requested Thurgood Marshall as their first choice high school through the student assignment process. As of August 2004, there remains excess capacity at Thurgood Marshall Academic High School.

**Finding 1.2:** As of September 2003, 1523, or 79.8%, of high school students in this neighborhood travel to get an education; 34% travel more than 2 to 3 hours. This community is unique in that almost its entire high school population must leave the neighborhood to attend school, with the result that travel times compromise students' ability to participate in after-school activities, reduce time for sleep and homework, and limit parent involvement in their children's schools.

An April 2003 Harris Poll indicates that a great number of high school students already suffer from poor grades due to lack of sleep. Adding a long commute to a student's day only serves to exacerbate the problem. According to the Harris poll:

Most high school students get less than eight hours of sleep on school nights, and one-third get less than seven. Those who get enough sleep do better in school, and vice-versa. Students who get less sleep are not only much more likely to fall asleep or daydream in class and to have difficulty paying attention, they are also much more likely to get poor grades and to consider dropping out of school.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree that students “must” leave their neighborhood in order to attend school. As described above, the student assignment process mandated by Consent Decree permits students to select the school(s) that they would like to attend. Therefore, students from the BVHP area have the right to select and attend a school outside of their neighborhood. This student assignment process encourages student and family choice, and was designed to promote diversity within the District. Students from the BVHP area who wish to attend high school within the BVHP area have the option to do so.

District-wide, many SFUSD students choose to attend schools other than their attendance area school. For 2004-2005, only about 28% of SFUSD students listed their attendance area schools as their first choice. At the kindergarten level, only 22% of students listed their attendance area school as their first choice. Forty percent of kindergarten students instead chose another attendance area school as their first choice, and another 38% listed an alternative magnet school as their first choice.

A similar pattern exists at the middle and high school levels. Only 32% of sixth graders listed their attendance area school as their first choice, whereas 68% selected another school. Likewise, among ninth graders only 26% chose their attendance area school as their first choice. The exceptions to this overall pattern are Lincoln and Washington High Schools. These schools are very popular and draw about 70% and 45% of their respective enrollments from their attendance areas.

Seventy-eight percent of students from the 94124 zip code area received their first or second choice school through the student assignment process, and 84% received one of their choices. Based on the 2003 CBEDS count, 74% of comprehensive high school students that reside in the 94124 zip code area attend high school in a school located in a different zip code area. For the 2004-2005 school year, 94 students from the 94124 zip code area requested Thurgood Marshall as their first choice high school through the student assignment process. As of August 2004, there remains excess capacity at Thurgood Marshall Academic High School.

It is unclear how the grand jury concluded that 34% of students from 94124 travel more than 2-3 hours each day. In order to analyze this conclusion, the District obtained data from 511.org “Trip Planner” and assumed the following parameters: quickest route, excluding BART transfers, a maximum of a 1/8 mile walking distance, and destination arrival by 8 a.m. The two 94124 start points assumed were the Palou and Keith intersection and the 3<sup>rd</sup> Street and Innes intersection.

The travel times from Palou and Keith to each high school in SFUSD ranged from 18 minutes (to Thurgood Marshall) to 68 minutes (to Washington High School). The estimated travel times from 3<sup>rd</sup> Street and Innes and each high school in SFUSD ranged from 23 minutes (to Thurgood Marshall) to 65 minutes (to Raul Wallenberg High School).

The Harris poll quotation discusses a correlation between poor grades and lack of sleep. However, the quotation does not draw any connection between student commute times and poor grades or lack of sleep. Moreover, there are multiple factors other than lack of sleep that affect student grades. As noted above, students have the right to select and attend a school in another neighborhood under the District's student assignment process. Students who do not wish to attend high school in another neighborhood have the option to attend high school within BVHP.

**Finding 1.3:** 38% of high school students in BVHP drop out of school before senior year.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Clarity is needed to determine how the grand jury defined "high school students in BVHP," how they defined "before senior year," and the relevant subject time period.

The data used for the SFUSD End of Year Dropout Report, 8/15/03 to 6/9/04 was disaggregated by the 94124 zip code. Of the 1,710 students residing in this zip code at the time of this report, 333 students withdrew. Of the 333 withdrawn, 46 (2.3%) were identified as dropouts. A dropout is defined as a student who has withdrawn and has been classified in one of the following categories: (1) moved, district tried to find; (2) the student left for pregnancy, (3) runaway student; (4) transitional status; (5) confirmed dropout, (6) no show in September. The remaining withdrawn students do so through legitimate transfers to other schools outside our District. The District-wide high school dropout rate is 1.6%, 328 dropouts of 2,522 withdrawn with 18,404 total enrollment, and the county community dropout rate is 11.4%, 215 dropouts out of 538 withdrawn with 1,348 total enrollment. The formula used to calculate the dropout percent is dropout total divided by total enrollment plus total withdrawn.

If the "high school students in BVHP" is defined by the Grand Jury as being students enrolled at Thurgood Marshall High School, then their total dropouts for the 2003-2004 school year was 0.2%, 2 students out of 82 withdrawn with total enrolment of 973.

**Finding 1.4:** The Bayview Hunters Point region has the lowest ratio of school seats to student population of any San Francisco school district.

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Disagree. This statement does not acknowledge that pursuant to the student assignment process mandated by Consent Decree, students in the BVHP region (as well as students in the rest of the city) have access to seats in any school within the District through the student assignment process. Students are not limited to the available school seats within their own neighborhood or "region."

**Finding 1.5:** Of the total 2004 K-12 population of BVHP, which amounts to 6116 students, 75%, or 4570 children, commute to school in another neighborhood. In no other District are so many K-8 grade children are required to travel as far for a quality education. The foregoing is based on May 2004 statistics provided by SFUSD.

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Disagree. SFUSD students are not required to attend school outside of their own neighborhood. Pursuant to the student assignment process mandated by Consent Decree, students in San Francisco are entitled to request any school within the city. The purpose of the Consent Decree is to encourage diversity and student and family choice. Students are not required to attend schools in another neighborhood, but they are entitled to and often choose to do so. [See sections 1.1, 1.2 above].

Pursuant to the Consent Decree, students who reside in the area of Bayview/Hunters Point are given the option of attending other SFUSD schools with District-provided transportation. For example, during the 2003-2004 school year, SFUSD provided transportation from Bayview/Hunters Point to 37 different schools in 13 different areas of the District. Moreover, if a parent from Bayview/Hunters Point needs new or modified transportation services, the Transportation Services Office adds new stops or routes to accommodate those requests. For example, the District recently added a new stop on an existing bus route for Hoover Middle School at the request of a Bayview/Hunters Point parent.

SFUSD also provides transportation from other areas to schools in Bayview/Hunters Point to accommodate parental choice in student assignment. For example, during the 2003-2004 school year, the District provided transportation to Bayview/Hunters Point schools for students from 12 different areas of SFUSD, and it will continue to provide those transportation services in the 2004-2005 school year.

**Finding 1.6:** Within the boundaries of Bayview Hunters Point there are 4080 children in K-8, but only 1,124 attend schools in the district. In other words, 2956, or 72%, are bused to schools outside their neighborhood. The foregoing is based on May 2004 statistics provided by SFUSD.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Pursuant to the student assignment process mandated by Consent Decree, students in San Francisco are entitled to request any school within the city. The purpose of the consent decree is to encourage diversity and student and family choice. Students are not required to attend schools in another neighborhood, but they are entitled to and often choose to do so. [See sections 1.1, 1.2 above].

Pursuant to the Consent Decree, students who reside in the area of Bayview/Hunters Point are given the option of attending other SFUSD schools with District-provided transportation. For example, during the 2003-2004 school year, SFUSD provided transportation from Bayview/Hunters Point to 37 different schools in 13 different areas of the District. Moreover, if a parent from Bayview/Hunters Point needs new or modified transportation services, the Transportation Services Office adds new stops or routes to accommodate those requests. For example, the District recently added a new stop on an existing bus route for Hoover Middle School at the request of a Bayview/Hunters Point parent.

**Finding 1.7:** African-American students account for 14.7% of the SFUSD population, but they make up 38.9% of enrollment in the County Schools, the placement for SFUSD's most troubled and difficult students.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The California Basic Educational Data System (CBEDS) 2003 report shows that on the CBEDS information day, October 1, 2003, African American students represented 14.5 % of the total District school site enrollment. Also, African American students represented 38.9 % of the total enrollment for the County Schools.

County community schools serve students that have not been successful in the traditional school setting, and provide an alternative nontraditional format that offers flexible scheduling, alternative programming, more individualized instruction, and more collaboration with outside agencies. Students are placed in county community schools through the SFUSD Dropout Prevention Office to address truancy issues; through the Student Placement Committee to address disciplinary issues; to allow students to pick up credits for high school; or to provide a more flexible schedule for working students.

**Finding 1.8:** Bayview Hunters Point high school students' average GPA of 1.84 is the lowest of any group in the SFUSD.

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Clarity is needed about the definition of “BVHP high school students,” the manner in which the GPA is calculated, the time period used, and the source of the information. The Fall semester 2003 Grade Point Average (GPA) with Physical Education (PE) and Spring semester 2004 GPA with PE for high school students who reside in the 94124 zip code is the same, 2.1GPA.

**Finding 1.9:** The 1988 National Education Longitudinal Study found that middle-income parents were four times more likely than low-income parents to belong to the PTA and twice as likely to contact their children's schools on academic matters.

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

This is a description of a conclusion made in a study, and not a factual finding that can be confirmed or denied by SFUSD. The District does not have knowledge regarding the accuracy of this study.

### ***Recommendation 1: Provide the Bayview Hunters Point District With Neighborhood Schools***

SFUSD should provide the Bayview Hunters Point district with neighborhood schools commensurate to its population of eligible local students.

### ***Response***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

This recommendation does not acknowledge the existence of the SFUSD student assignment system mandated by Consent Decree, which provides students with the right to select schools from any neighborhood within the District. Therefore, students are not limited to available seats in the schools within their own neighborhood. This student assignment system may only be changed by agreement of the parties or by an order of the Court. Currently, there is adequate capacity within the schools in BVHP for students who opt to attend those schools.

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: “The 10-year enrollment projections, in

conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan.”

As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

However, in order to maximize the quality of the schools located within the BVHP area, SFUSD has initiated the Dream Schools Initiative, and has participated in the STAR Intervention Program and the Secondary School Redesign Initiative.

### Dream Schools

The first three Dream Schools are all located in Bayview/Hunters Point. These schools will provide a pre-kindergarten to grade 12 continuum housed on three campuses: Charles Drew, Twenty-First Century, and Gloria R. Davis. The pre-kindergarten to third grade campus at Charles Drew will be focused on early learning and literacy. The fourth to sixth grade campus at Twenty-first Century will focus on academic development in the upper elementary and middle grades, and the seventh to 12<sup>th</sup> grade campus at Gloria R. Davis will be focused on academic attainment and college and career preparation.

These Dream Schools will be based in part on the Frederick Douglass Academy in Central Harlem, New York started by Dr. Lorraine Monroe. Each of the Dream Schools will incorporate seven core components:

- (1) Academic Achievement,
- (2) Varied Learning Opportunities,
- (3) Parent Empowerment and Support,
- (4) Alternate Learning Models,
- (5) College Connections,
- (6) Career Preparation, and
- (7) Safe and Friendly Learning Environments.

In particular, each of these Dream Schools will provide additional assistance and resources to students and parents to improve academic achievement and transform previously under-performing schools into models for other schools in the District. For example, these Dream Schools will use a longer school day, which will run approximately from 8 a.m. to 5 p.m., and will incorporate after-school tutoring and enrichment programs to help students who need mentoring in particular areas and to provide different kinds of learning experiences to students and families who might not otherwise have them.

A wide range of extracurricular activities – including several kinds of dance, drama, employment development, chorus, and sports – will be offered to students attending these Dream Schools at all grade levels. In addition, these Dream Schools will offer various personal development programs, including through partnerships with community organizations such as the Career Resource Development Center, Enterprise for High School Students, Job Corps, and others, to assist students with career and college planning. These Dream Schools will provide students experiential learning opportunities as well – such as internships, job shadowing, and other off-site programs.

Each of these Dream Schools also will provide additional resources and activities to encourage parental involvement and build parents' capacity to support student learning. For example, the pre-kindergarten curriculum at Charles Drew will be delivered through home visits and group

meetings that facilitate parent education and development. Parents will be trained by means of sample activities and role-playing, and will be paid to deliver services to other parents through weekly home visits or group meetings. In addition, these schools will offer Saturday sessions that will include family programs that emphasize parental empowerment to permit parents to participate actively in their child's education. Parents at these Dream Schools may also be able to participate in General Educational Development ("GED") test preparation, computer training, job skills and employment search skills programs.

Faculty members and other administrators at these Dream Schools will be held to the highest standards. For example, all faculty members will be required to participate in designated development activities, including the "Dream School Institute" and an intensive academic professional development training program. Each faculty member also will be expected to sponsor or supervise an after-school activity, communicate with parents extensively, including through at least two parent conferences per year, and participate in schoolwide and community activities.

### STAR Intervention Program

The central goal of the STAR Intervention Program is to increase student achievement at currently underperforming schools. SFUSD provides three categories of targeted interventions – site personnel, District support, and additional resources – to improve student achievement. Each school in the STAR program receives additional site personnel, including an instructional reform facilitator, parent liaison, and volunteer tutors/mentors, to support instructional improvement. In addition, the STAR program provides additional resources to establish new parent centers at each school, transportation services to increase the accessibility of after-school programs, and extended learning packets for distribution to parents and families. Several BVHP schools have participated in the STAR Initiative, including schools such as Charles Drew Elementary, 21<sup>st</sup> Century Elementary, Hillcrest Elementary, Malcolm X Elementary, Gloria R. Davis Middle School, Martin Luther King Middle School, and Thurgood Marshall Academic High School.

### Secondary School Resdesign Initiative

Finally, Gloria R. Davis has been selected to be part of the Secondary School Redesign Initiative next year, which utilizes funding from the Bill and Melinda Gates Foundation in order to provide small, personalized learning communities, rigorous academic curriculum, opportunities for applied learning, and access to qualified teachers.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the District's original response, the recommendation does not acknowledge the existence of the SFUSD student assignment system mandated by Consent Decree, which provides students with the right to select schools from any neighborhood within the District. Therefore, students are not limited to available seats in the schools within their own neighborhood. This student assignment system may only be changed by agreement of the parties or by an order of the Court. Currently, there is adequate capacity within the schools in BVHP for students who opt to attend those schools. The District continues to be subject to the Consent Decree.

The District continues to provide additional support and resources to the Bayview Hunters Point community through the provision of Dream Schools, the STAR Initiative and the Secondary

School Redesign Initiative, as described in the original response. Despite severe budget limitations, the District has offered summer school for all elementary students in BVHP Dream Schools, while elementary schools in the rest of the city only had the option to provide summer school for the 5<sup>th</sup> grade.

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## **Finding 2: The Bayview Hunters Point Has the Lowest Ratio of School Seats to Student Population of Any San Francisco School District**

The Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district and found that BVHP has lowest ratio of school seats to student population of any San Francisco school district. Additionally, the need for schools in this region is increasing, especially with the upcoming housing development being planned for an area that was the Hunters Point Shipyard.

**Finding 2.1:** The Development of Parcel A of Hunters Point Shipyard should commence in the Fall of 2004. The developer, Lennar/BVHP, plans to build 1600 housing units.

### ***Responses to Finding***

**Marcia Rosen**  
**Executive Director**  
**San Francisco Redevelopment Agency**  
**August 25, 2004**

Agency Update and Clarifications to Findings 2.1 and 2.2

Hunters Point Shipyard (“Shipyard”) is currently owned by the federal government. The bulk of the Shipyard remains on the National Priorities List and is undergoing environmental remediation by the Navy. Delays in the Navy’s cleanup and transfer process have caused the Agency and Lennar/BVHP, the Shipyard’s primary developer, to revise the redevelopment project schedule several times over the past years. The Navy and the Agency recently entered into an agreement that establishes the mechanism for the Navy to offer remediated parcels of the Shipyard (which has been divided into six parcels designated A through F) to the Agency. Because it is anticipated that the Navy will tender an offer for Parcel A of the Shipyard to the Agency sometime in October or November 2004, the development schedule will likely be amended to show commencement of infrastructure construction in early 2005, land sales to developers beginning in the fall of 2006, construction of residential units and other structures beginning in mid-2007 and occupancy of housing units in 2008.

One additional clarification to the findings in the Report relates to the number of residential units projected to be constructed on Parcel A. While the first phase of development at the Shipyard is projected to contain approximately 1,600 residential units, development of these units is configured to cover portions of both Parcel A and Parcel B. It is not anticipated that Parcel B will be offered to the Agency until sometime in 2007, at the earliest, with actual occupancy of those units some years after that. The total number of residential units planned for Parcel A is projected to be 1,238. The remaining 362 residential units are planned for Parcel B.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

SFUSD does not have direct knowledge about the start date or scope of the work described above. However, it is SFUSD's understanding that this project has been delayed and therefore construction will not commence in Fall 2004. Additionally, it is SFUSD's understanding that there will be 1,238 residential units in Parcel A, and not 1,600.

**Marcia Rosen**  
**Executive Director**  
**San Francisco Redevelopment Agency**  
**June 22, 2005**

On December 4, 2004, the Navy transferred Parcel A, an approximately 75 acre parcel of land at the Hunters Point Shipyard (the "Shipyard"), to the Agency. Subsequently, on April 5, 2005, the Agency transferred approximately 38 acres of that land to Lennar/BVHP ("Lennar"), the Shipyard's primary developer, for the development of approximately 1,238 residential units. According to the current development schedule, commencement of infrastructure construction is slated for late 2005, land sales to developers in spring 2006, construction of residential units and other structures in mid-2007 and occupancy of housing units in 2008. The approximately 37 acres of land retained by the Agency will consist of existing streets, infrastructure and industrial buildings and future open space. We are also engaged in a community planning process for the development of 6 acres of community facilities during this first phase.

**Finding 2.2:** Housing units are scheduled to open in 2006. These additional units will house families with children. The CGJ could not find that SFUSD and the Redevelopment Agency currently has plans to address an increased demand for schools in this district.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

SFUSD does not have direct knowledge about the opening date for the housing units described above. However, it is SFUSD's understanding that the housing units will not be open in 2006.

**Finding 2.3:** According to the 2002 report, "Demographic Analyses and Enrollment Forecasts for SFUSD," an additional 1,037 students will come to reside in BVHP between 2006-2010, yet no recommendation for additional local schools has been made, and it appears that these additional children will also be bused to existing out-of- area facilities.

## ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: "The 10-year enrollment projections, in conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan." As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

### ***Recommendation 2: Build Additional Schools in the Bayview Hunters Point District.***

SFUSD and the Redevelopment Agency should forge a plan to build additional schools in the Bayview Hunters Point region in order to address projected needs arising from development of new housing.

## ***Responses***

**Marcia Rosen**  
**Executive Director**  
**San Francisco Redevelopment Agency**  
**August 25, 2004**

The Agency acknowledges that a key point being made in Recommendation 2 of the Report is the need for the Agency to work more closely with the SFUSD as the implementation of the Hunters Point Shipyard Redevelopment Plan moves closer to realization. The Agency, however, does not believe additional schools will be required as a result of housing to be developed on Parcel A and Parcel B of the Shipyard.

The Agency has recently commissioned a fiscal and economic impact analysis with San Francisco-based Seifel Consulting Inc. ("SCI") for Phase I of the Shipyard. The report is currently in draft form and is being reviewed by Agency staff. The study includes an analysis of the SFUSD's June 2003 Facilities Master Plan. The SFUSD projections assume that new housing will be built at Hunters Point Shipyard, including 360 affordable housing units. As the proposed number of affordable housing units is different than projected in 2002 by SFUSD, SCI consulted with SFUSD regarding how to project student enrollment from the Shipyard based on the latest Phase I development projections.

At the direction of Myong Leigh, Chief of Policy and Planning for SFUSD, SCI utilized the same methodology described in the 2002 SFUSD demographic forecast to project SFUSD student enrollment from Phase I. Based on this methodology, the SFUSD student generation is projected to be greater from the affordable, non-age restricted, housing units than the market rate housing units. Approximately 288 students are projected to be generated by the 411 affordable housing units that are not restricted to occupancy by age, based on the SFUSD forecast of 0.7 students per

affordable housing unit. No SFUSD students are projected from the 102 age-restricted, senior affordable housing units.

SFUSD does not make a separate effort to estimate the student generation from market rate housing, since a regular level of enrollment growth from new housing is already included in the historical student grade progression. To account for the total impact from Phase I, the student yield from market rate housing units is projected based on the citywide student yield rate of 0.19 students per housing unit according to SFUSD forecasts. Thus, approximately 206 SFUSD students are projected from the 1087 market rate units. At the build-out of Phase I, 494 SFUSD students are projected from Phase I, or an average yield of 0.31 students per housing unit. The Agency relies on SFUSD's experience and expertise in assessing the capacity of its facilities and notes that the draft SCI report also states:

San Francisco public school enrollment has been steady over the past two decades, but declines in the elementary level have been observed during the past few years and are anticipated to continue as the number of births continues to drop in the city. By 2011, total public school enrollment is projected to decrease by between 9 and 13 percent from its current enrollment of 60,900. Thus, the anticipated 494 students from Phase I development at the Shipyard will not trigger a need for new school facilities.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: "The 10-year enrollment projections, in conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan." SFUSD will cooperate with the Redevelopment Agency in order to remain informed about its plans for development and its impact on District schools.

As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

**Marcia Rosen**  
**Executive Director**  
**San Francisco Redevelopment Agency**  
**June 22, 2005**

In 2004, the Agency hired Seifel Consulting Inc. ("SCI") to conduct a fiscal and economic impact analysis for Phase I of the Shipyard. Included in the study is an analysis of the SFUSD's June 2003 Facilities Master Plan. Additionally, SCI consulted with SFUSD regarding how to project student enrollment for the Phase I development at the Shipyard. Based upon SCI's analysis, approximately 494 SFUSD students are projected from Phase I. Additionally, by the year 2011, total public school enrollment in the SFUSD is projected to decrease by between 9 and 13 percent from its current enrollment of 60,900.

Based on the aforementioned facts and data, SFUSD has not determined that additional schools will be required as a result of housing to be developed during Phase I of the Shipyard. If in the future, SFUSD determines that additional schools are necessary in the Bayview Hunters Point region as a result of future development at the Shipyard, the Agency will cooperate with the school district to address the need for additional educational facilities.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the District's original response, the Master Facilities Plan did not identify a short-term need to develop new schools. Moreover, the Redevelopment Agency's economic impact analysis similarly did not project a short term need for new schools based on the development of the Hunters Point Shipyard. Finally, the Consent Decree includes a plan for Bayview Hunters Point, and therefore the issue of opening new schools would have to be vetted with the parties to the lawsuit and be approved by the federal Court.

However, the District will cooperate with the Redevelopment Agency in order to remain informed about its mid and long term plans for development and the impact on District schools, and will continually re-evaluate the need for new schools based on changing circumstances in the District.

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### **Finding 3: The School District's New Educational Program for Bayview Hunters Point May Not Include the Most Challenged Students**

SFUSD has implemented a new educational program, Dream Schools, modeled after the successful Harlem, New York, plan. The District will implement this program in three poorly performing schools in BVHP-the first school to open in Fall 2004. These new schools have hand-picked, motivated teachers and principals; and students who attend them must have signed parental-support contracts, guaranteeing parental involvement. Many children in BVHP do not have traditional parental support.

**Finding 3.1:** The 2003- 2004 Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district. Over the course of eight months, the CGJ visited over 20 SFUSD schools and facilities, interviewing SFUSD staff as well as teachers and students from BVHP.

#### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The District does not have knowledge about the scope of activities of the Civil Grand Jury.

**Finding 3.2:** In January 2004, SFUSD announced a new program to improve academic achievement in three poorly performing BVHP schools; the new program, named Dream Schools, is described on the SFUSD website as (emphasis added):

Three Bayview-Hunter's Point schools--Dr. Charles R. Drew, Gloria R. Davis and Twenty-First Century Academy--will mark the first of several sites for cutting-edge learning meant to boost students' academic potential.

Dubbed "Dream Schools," the rigorous, pre-school to college program is meant to accelerate the academic growth of students with high expectations, individualized academic plans, staff development and meaningful parental and community involvement.

The high-achieving schools are built around comprehensive instruction tied to standards and safe, structured learning environments, uniforms and nightly homework. The schools are modeled on the successful Frederick Douglass Academy created by Dr. Lorraine Monroe and featured on CBS's *60 Minutes*. Monroe took a Harlem, N. Y. school infamous for violence, low achievement and poor attendance and turned it into a scholastic powerhouse.

The San Francisco Dream Schools are rooted in the district's strategic plan, "Excellence for All," which is focused on creating excellent and equitable opportunities for all students throughout the city. The first three schools are expected to open in August 2004.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Agree that the SFUSD website provides this description of Dream Schools. However, the Dream School Initiative is only partially modeled on the Frederick Douglas Academy created by Dr. Lorraine Monroe.

**Finding 3.3:** The CGJ found that in BVHP's existing elementary and middle schools, as many as 80% of the children qualified for free or reduced-cost lunch programs. For example 86.8% at Gloria R. Davis qualify, but staff has identified that as many as 20-30% of their eligible students (equally true for other BVHP schools) do not return appropriate documentation and, therefore, are denied free or reduced-cost lunches, lack of parental support being cited in most cases. These students also are most likely to be low-performing students.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. The District also does not agree with the generalization that students who do not return the free and reduced lunch documentation are the lowest performing students.

**Finding 3.4:** Children in these target Dream Schools have to have a "signed parental participation contract" in order to attend the converted Dream Schools next fall.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. Children are not required to have a signed parental participation contract as a prerequisite to enroll in a Dream School. However, parent or guardian participation is a required component of the Dream Schools model, because it encourages and supports student academic success. The parent participation contract is a tool that will be used to educate parents about their responsibilities to support their child's success, and to encourage their participation in their child's education.<sup>9</sup> On August 21, 2004, SFUSD held parent orientation meetings at the three Dream Schools, each of which had a standing room only crowd of parents in attendance. The orientation meetings included signing ceremonies where parents signed and returned their parent participation contract. SFUSD will continue to conduct outreach to any parents that did not attend and take part in this ceremony. Students will not be excluded from enrollment or attendance due to their parent's failure to sign the contract.

The Dream Schools Initiative provides parents with support that will build their capacity to participate in their child's education. For example, the pre-kindergarten curriculum at Charles Drew will be delivered through home visits and group meetings that facilitate parent education and development. Parents will be trained by means of sample activities and role-playing, and will be paid to deliver services to other parents through weekly home visits or group meetings. In addition, these schools will offer Saturday sessions that will include family programs that emphasize parental empowerment to permit parents to participate actively in their child's education. Parents at these Dream Schools may also be able to participate in General Educational Development ("GED") test preparation, computer training, job skills and employment search skills programs.

**Finding 3.5:** CGJ interviews with staff in these schools produced information that the same 20-30% of the children who's parents aren't signing up for free/reduced cost lunches are also not doing the paperwork necessary to enroll their children in the new Dream Schools. These are the children who will be left behind-the ones who most need a Dream School.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

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<sup>9</sup> The types of participation listed on the contract include: attending parent meetings; providing a quiet study place; reducing the number of hours the child watches television; checking the child's homework; sending their child to the Dream School's after-school program daily; and assisting their child's efforts to attend college by filing the necessary college forms in a timely fashion, paying application fees or applying for waivers, and checking over college applications.

**Finding 3.6:** According to staff interviews, this 20-30% of BVHP students often come from the most troubled and dysfunctional families. A number of parents are incarcerated or are drug users. These children do not have the family support structure that allows for "a signed parental participation contract". Hence, most of these children will not be attending the newly converted Dream School but will, in fact, be assigned or reassigned to other unenriched schools. The CGJ could find no specific plan for relocation of these children.

***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

The District disagrees with the statement that the 20-30% of BVHP students who allegedly do not return paperwork come from troubled and dysfunctional families, have parents that are incarcerated or drug users, and do not have a family support structure. These assumptions are purportedly based on "staff interviews," and could be interpreted to be stereotypical generalizations about an entire neighborhood. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

**Finding 3.7:** While the CGJ finds that Dream Schools offer a marked improvement over existing programs in present BVHP schools, the CGJ has great concern about the estimated 20-30% of children that will not be able to attend even their current schools. The CGJ realizes that it is most likely that test scores for these schools will greatly improve, but accomplishing improvement by replacing lower performing students only improves the SFUSD's overall test scores and fails to address the needs of children most in want.

***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Disagree. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

**Finding 3.8:** Staff interviews in BVHP schools found that there is little outreach, via mail, telephone or home visits, to insure that students' caretakers understand Dream Schools and can make enlightened decisions as to whether or not to enroll their children. Being transferred out of their schools due to a lack of custodial response is hardly fair to the children.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. In order to inform parents, guardians and community members about the Dream School Initiative, SFUSD did the following outreach:

- The Educational Placement Center mailed home letters to students who attended the schools that would be converted into Dream Schools. These letters described the Dream School Initiative, and permitted parents to opt out of assignment to a Dream School. If the District did not receive any response to the letter, the student was assigned to the Dream School;
- Teachers in the schools that would be converted into Dream Schools wrote and called the students in their classrooms to discuss Dream Schools;
- Parent liaisons went out on home visits to inform parents and guardians about the Dream Schools;
- Each reorganized school held an assembly that provided information about Dream Schools;
- Between January 2004 and May 2004, SFUSD held 10 parent and community meetings and fairs in BVHP schools and locations (such as Bayview Opera House) to publicize the Dream School Initiative, with an estimated attendance of 400 people;
- SFUSD held parent orientation meetings on August 21, 2004;
- SFUSD created an Advisory Board with BVHP community members to discuss the Dream Schools Initiative. Between 12/03 and 7/04, SFUSD held 9 Community Advisory meetings with a total attendance of 70 people.
- Between December 2003 & June 2004, 8-12 letters and flyers were mailed to parents and the community regarding Dream School meetings & events.
- In February and March 2004, over 100 parents & community members attended biweekly SFUSD board meetings to publicly speak in favor of the Dream Schools initiative.

As noted above, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

**Finding 3.9:** The CGJ holds the opinion that repurposing an existing BVHP school into a Dream School has little effect on the lack of educational resources in the BVHP region. The Dream Schools plan does not change the fact that Bayview Hunters Point will continue to have the lowest ratio of school seats to student population of any San Francisco school district.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. The Dream Schools Initiative will bring a wealth of new resources to improve the quality of education provided in BVHP, as described on pages 6-7 above. Moreover, this statement does not acknowledge that pursuant to the SFUSD Consent Decree, students in the BVHP region (as well as students in the rest of the city) have access to seats in any school within

the District through the student assignment process. Students are not limited to the available school seats within their own neighborhood or “region.” Therefore, the number of “seats” available in BVHP is not relevant in determining the quality of education that is accessible to students in BVHP.

**Recommendation 3: Undertake Greater Outreach to Ensure Eligible Students Are Enrolled in Dream Schools.**

SFUSD should undertake greater outreach in order to insure that eligible students get enrolled in Dream Schools and that students not eligible are given every opportunity to attend their current school next year with equal or improved resources.

**Responses**

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation has already been implemented, as described in Section 3.8, above. Over 280 new students have been assigned to the Dream Schools, and there is a wait list for the entering kindergarten class. The District will continue its efforts to inform families and students about the Dream Schools Initiative.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the District’s original response, the District took detailed and thorough action to ensure that students were aware of their opportunities and choices within the District, including the opportunity to attend a Dream School. Students who were attending a school that was converted to a Dream School were assigned to remain at that site unless they affirmatively chose to transfer to another school. There were no eligibility requirements to enroll in a Dream School.

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**Finding 4: Many Students in the Bayview Hunters Point Schools Do Not Receive Available Free or Low-Cost Lunches**

BVHP schools have the highest percentage of children who qualify for free or reduced-fee lunch programs. A large portion of these children-- SFUSD staff estimate up to 30%--do not return the required paperwork, and there is very little outreach to assist them and their families.

*[The Civil Grand Jury Report did not list a finding numbered 4.1]*

**Finding 4.2:** In BVHP's existing elementary and middle schools, as many as 80% of the children qualify for free or reduced-cost lunch programs. For example, 86.8% at Gloria R. Davis qualify, but staff has identified that as many as 20-30% of the eligible students do not return appropriate documentation and, therefore, are denied free or reduced-cost lunches. In most cases, lack of parental support is cited as the root of the problem. These students also are most likely to be low- performing students.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. The District is unable to agree or disagree with the statement that 20-30% of eligible students do not return appropriate documentation. The report provides no basis for this conclusion that is drawn by an unidentified staff person. The District also does not agree with the generalization that students who do not return the free and reduced lunch documentation are the lowest performing students. The grand jury report provides no basis for this conclusion.

**Finding 4.3:** Staff interviews gave the impression that there is little outreach, via mail, telephone or home visits, to insure that students' caretakers or guardians are returning the very simple forms requesting free or reduced lunches.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. SFUSD has undertaken the following steps to encourage parents to return free and reduced price forms:

- SFUSD established a Meal Application Sub-Committee in June that includes the Department of Public Health, SFUSD Student Nutrition, and parent organizations to advocate for the meal application process.
- The Educational Placement Center now hands out these forms when parents come in to enroll their children in the District.
- Parents for Public Schools are partnering with the District to hold fairs and talk to parents about the importance of filling out the forms.
- The Housing Authority is partnering with the District to encourage residents to fill out the forms.
- SFUSD Student Nutrition has presented information about the importance of filling out the meals forms in schools, parent groups, and for all administrators at the Superintendent's Institute.
- Development of a parent letter and FAQ (frequently asked questions) that has been translated into three languages.
- Beginning in November 2004, Student Nutrition will send each school a monthly "no meal application on file" report so that Student Nutrition may conduct a second wave of outreach for these families.
- The Meal Application Sub-Committee has targeted 10 schools for focused outreach to increase the school meal application return rate.

- SFUSD Student Nutrition teamed up with SF Health Plan District Medical Revenue Unit and Bringing Up Healthy Kids Organization to conduct outreach to families regarding health coverage, and have included meal applications with the health coverage forms.
- All students were provided with postage paid envelopes to allow families to return forms directly to Student Nutrition if they were concerned about protecting their privacy.
- Meal forms and the SFUSD nutrition policy are now accessible by website ([www.sfusd\\_foods.tripod.com](http://www.sfusd_foods.tripod.com)).

Moreover, SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student.

***Recommendation 4: Undertake Greater Outreach to Ensure Eligible Students Receive Free or Low-Cost Lunches.***

SFUSD should undertake greater outreach in order to insure that students who are eligible for free or low-cost lunches are receiving them.

***Responses***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation has already been implemented, as described in Section 4.3, above.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the District's original response, the District took detailed and thorough action to ensure that parents and guardians filled out free and reduced lunch applications. Additionally, the District explained that SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. In the fall, the free and reduced cost lunch program application will be included in the August welcome packet sent home to all students. The forms in this packet all must be filled out and returned at the beginning of the school year, and are stapled together to ensure that parents understand that all of the enclosed forms must be filled out and returned.

## **General Responses**

**Dan Kelly, M.D.**  
**President**  
**Board of Education**  
**August 30, 2004**

After receiving the Civil Grand Jury reports on the School District's programs in the Bayview Hunter Point and in the County Community Schools, I requested the Superintendent of Schools and her staff to review the Civil Grand Jury's findings and prepare the required responses. I greatly appreciated the Civil Grand Jury's interest in the education of the children of San Francisco and in particular in these two critical and important areas of our work.

Having reviewed the Civil Grand Jury reports and the staffs responses, I am confident that you and the Civil Grand Jury will be reassured about the integrity and quality of the District's services both in the County Community Schools and in the Bayview Hunter's Point programs. As the responses we are submitting indicate, the District shares and even anticipates many of the concerns expressed by the Civil Grand Jury and is taking steps to address those concerns. In other areas, however, the Civil Grand Jury's expressed concerns did not represent accurate portrayals of the District's efforts or the community's desires.

On the whole, the Civil Grand Jury has been a helpful exercise for us and the community in drawing attention to the importance that we place on the education of every child in San Francisco.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The issues raised in the Civil Grand Jury Report are subject to active, ongoing federal court jurisdiction in the cases of *SFNAACP v. SFUSD* and *Ho v. SFUSD*. A Consent Decree was entered in the former case in 1983, and was amended as a result of settlements reached in the latter case in 1999 and most recently in 2001. The Consent Decree addresses a wide range of issues related to student assignment and educational equity. The District's current student assignment system is mandated by the Consent Decree, as amended in 2001, and can only be changed by agreement of the parties or by order of the Court. The case is under the active supervision of Judge William Alsup of the United States District Court for the Northern District of California.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**October 25, 2004**

The following is a follow-up report on the 2003-2004 Civil Grand Jury Report *The More Things Change, The More They Stay The Same: The City and County of San Francisco and The San Francisco Unified School District Are Failing to Address the Educational Needs of the Bayview Hunters Point Community*.

The Board of Supervisors' City Services Committee held a hearing on Thursday, October 21, 2004 on the Civil Grand Jury Report. The hearing was continued to the call of the Chair to be held at a time to allow for the attendance and participation of Supervisor Maxwell, parents and students.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**December 6, 2004**

The following is a follow-up to the 2003-2004 Civil Grand Jury Report *The More Things Change, The More They Stay The Same: The City and County of San Francisco and The San Francisco Unified School District Are Failing to Address the Educational Needs of the Bayview Hunters Point Community.*

The Board of Supervisors' City Services Committee held a hearing on Thursday, December 2, 2004 on the Civil Grand Jury Report. Representatives from the San Francisco Unified School District responded to all the recommendations by the Civil Grand Jury. Parents and members of the community were heard during public comment and the matter was filed at the conclusion of the hearing.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' City Services Committee held a hearing on Thursday, December 2, 2004. Representatives from the SFUSD responded to all the recommendations by the Civil Grand Jury. Parents and members of the community were heard during public comment and the matter was filed at the conclusion of the hearing.

**TERMS**

SFUSD -San Francisco Unified School District

BVHP -Bayview Hunters Point

HP -Hunters Point

CGJ -Civil Grand Jury

<b>Civil Grand Jury Recommendations and Department Responses</b>		<b>Board of Education</b>	<b>SFUSD</b>	<b>San Francisco Redevelopment Agency</b>
1	SFUSD should provide the Bayview Hunters Point district with neighborhood schools commensurate to its population of eligible local students.	Students have right to select schools from any neighborhood within the District. (Disagree)		
2	SFUSD and the Redevelopment Agency should forge a plan to build additional schools in the Bayview Hunters Point region in order to address projected needs arising from development of new housing.	The SFUSD Master Facilities Plan projects excess capacity at the District.		Based on consultant data, SFUSD has not determined that additional schools will be required.
3	SFUSD should undertake greater outreach in order to insure that eligible students get enrolled in Dream Schools and that students not eligible are given every opportunity to attend their current school next year with equal or improved resources.		Implemented	
4	SFUSD should undertake greater outreach in order to insure that students who are eligible for free or low-cost lunches are receiving them.		Implemented	

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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## CHAPTER 4

# COUNTY COMMUNITY SCHOOLS: POOR STEPCHILDREN OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT

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### BACKGROUND

The 2003-04 Civil Grand Jury investigated the San Francisco Unified School District's (SFUSD) administration of the County Community Schools (CCS).<sup>10</sup> The California Education Code mandates that all children, except those who are legally excused, between 6 and 18 attend school full time. When students' special needs are not met by District Schools within a county, it becomes the responsibility of the County Offices of Education to provide educational programs for them. Programs are offered for children with exceptional needs, homeless students, pregnant minors, and youths detained in homes and camps. They include County Community Schools, vocation programs, and Community Day Schools. The funding for San Francisco's County Community Schools is \$93 million.

San Francisco's County Community Schools have the same oversight as the SFUSD schools, though technically, they are separate systems. The Superintendent and School Board of SFUSD are also the administrators of the county schools. The Civil Grand Jury found the duality of jurisdiction can be confusing, especially in the sorting out of budgetary allotments. The Civil Grand Jury found it nearly impossible to determine exactly how the CCS funds are allotted and why there appears to be a significant discrepancy in the per student amounts apportioned for CCS students and the amounts actually used. The Civil Grand Jury also discovered that San Francisco County could apply for a more rigorous alternative, Community Day Schools, a state program that requires a longer school day, has more classes, gives vocational training, and offers more services.

### RESULTS

The Civil Grand Jury made 14 recommendations and required responses from the following:

Superintendent of Schools  
Board of Supervisors  
Board of Education  
Mayor

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>10</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

## **Finding 1: The San Francisco Unified School District Does Not Provide Safe Learning Environments for all of the County Community Schools**

**Finding 1.1:** When the Grand Jury arrived at 1950 Mission Street, the County Community Schools' Phoenix Campus, for its first interview, committee members were disconcerted by what they saw. The neighborhood, with a crime rate second only to San Francisco's Tenderloin, is disreputable. It is obvious to even the most unenlightened observer that drug use and prostitution are thriving here with impunity. In addition to an apparent lack of safety, the twelve outdated and obsolete brown bungalows, the asphalt schoolyard, and the one broken basketball backstop loon as an indication of the District's lack of interest in the CCS students' welfare. The school is surrounded by a very necessary chain-link fence, which promotes safety, but hardly a positive learning environment. It does not help that the school day ends at 1:30 PM, when "business" is brisk. A police officer told committee members that, at the local police station, this school has the nickname of "Heroin High."

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Agree that the Phoenix campus is located at 1950 Mission Street.

**Finding 1.2:** On another school visit, CGJ interviewers noted that one of the one-room county schools (Community Youth Center) is located on the second floor of a building that houses a strip joint on the first floor. While the school's access is on a different street, the area would be deemed unsuitable for a city public school, as it should also be for CCS. As in the case of the Phoenix campus, SFUSD again ignores one of its stated goals (<http://portal.sfusd.edu>): "Maintain school environments that are *safe, secure and attractive.*" (Emphasis added.)

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Agree that the Community Youth Center is located at 1693 Polk Street.

**Finding 1.3:** One-room schools may soon become unfeasible-due to the change in the state's credentialing of new teachers.

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Agree.

***Recommendation 1a: Study the Availability of Other Suitable School Sites to Relocate the Phoenix Campus***

SFUSD owns properties that are not presently being used for city schools. The Board and Administration should study the availability of suitable sites for relocation of Phoenix.

***Responses***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation requires further analysis. Within the next six months, SFUSD will analyze whether there are other available and appropriate sites for Phoenix High School. However, it should be noted that SFUSD attempted to relocate Phoenix High School to a new location on Evans Street during the 2002-2003 school year, and the students and staff from the school vigorously opposed the move before the Board. Therefore, the Board opted to retain the school's location at 1950 Mission in recognition of the articulated wishes of Phoenix High School students and staff.

In addition to going through SFUSD's Program Placement Committee, any program or site change must comply with Board Resolution 46-8A10 ("Resolution to Increase Public Input in Program and School Placement"), which requires opportunities for community input into proposed site changes.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

In February 2005, the Director of County Community Schools re-evaluated whether an SFUSD facility located on Evans Street in San Francisco would be a suitable location to relocate Phoenix High School. The location was found to be unsuitable because the facility's classrooms are located around a machine shop that is operated by a Junior College during the school day. The noise generated from the machine shop would be distracting and would interfere with classroom instruction.

District staff also investigated whether it would be possible to relocate Phoenix High to one of the school sites that were closed during the school year to help address the District's budget deficit. One of the main criteria for school closures was the underutilization of the school site due to low enrollment numbers. In order to fully utilize facility space and to satisfy legal obligations to the District's charter schools under Proposition 39, these sites will house a combination of several District and/or charter schools. It is not feasible for Phoenix High to share space in this manner, because it would require the District to commingle students in comprehensive programs with students who have been expelled for a serious violation of District rules.<sup>11</sup>

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<sup>11</sup> In the context of Community Day Schools (which also serve students who have been expelled), the Education Code acknowledges the problem of commingling students in comprehensive schools with students who have been expelled. Cal. Educ. Code Section 48661(a).

### ***Recommendation 1b: Relocate Immediately the Phoenix Campus***

SFUSD should move immediately to relocate the CCS Phoenix School campus.

#### ***Responses***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation requires further analysis, as described above.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted above, the District determined that relocation of the Phoenix High School site is not currently feasible. However, the Director of County Community Schools has taken action to improve the physical quality of the facility located at 1950 Mission. The entire facility has been cleaned, reorganized and enhanced to increase the physical resources available to Phoenix High School students.

The facility has been updated to include a computer lab with an LCD screen that is used for classroom instruction, online courses (such as Drivers Education) and Cooperative Vocational Education. The site also has a new library, and a multipurpose room that houses health and wellness information, as well as information about community resources for students, parents and guardians. This room is also used to house a social worker that works directly with students and also refers them to outside community resources. The room is used to hold girls counseling groups, and will be used as a recreational area with a ping pong table and other games for students. The site also includes space that is used for parent group meetings.

The site includes offices for a secretary, counselors, and an office for a parent liaison assigned to county community schools. Two curriculum specialists will be hired for the 2005-2006 school year to support teachers in the county community schools, a Program Administrator to oversee English Language Learner programs in county schools, and an English Language Development teacher will be hired as well. As part of the reorganization, the Director distributed new textbooks that were located at this site to all county community schools, and created a textbook room to store extra copies of these resources.

The external areas of the facility have been improved to provide a tented eating and gathering area, a basketball court and a volleyball court, and flower boxes have been added around classrooms. During the summer of 2005, the entire outdoor area of the school will be re-surfaced. The Director has also worked with San Francisco Police Department Captain Goldberg to arrange for officers to closely patrol the areas surrounding the schools, and the school has posted prominent signs that warn of enhanced penalties for drug activity within a school zone.

***Recommendation 1c: The New Phoenix Campus Should Be Ready by the 2004-2005 school year.***

Ideally, a new Phoenix School campus would be ready for the 2004-2005 school year.

***Responses***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

This recommendation requires further analysis, as described above.

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
June 30, 2005**

As noted above, the District determined that relocation of the Phoenix High School site is not currently feasible. The physical improvements made to the Phoenix High School site are described above.

***Recommendation 1d: Relocate the Community Youth Center From Polk Street***

A secondary priority is the relocation of the Community Youth Center's one- room school from its location on Polk Street, above a strip joint.

***Responses***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

This recommendation is in the process of implementation. CYC is currently in the process of negotiating a new lease for their site to be relocated to Van Ness and Sutter.

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
June 30, 2005**

The Community Youth Center one-room school that was located on Polk Street has been closed, and in the 2004-2005 school year students were relocated to a new site.

***Recommendation 1e: Prepare to Replace All One-Room Schools in the County System***

The five-year plan should include preparations to replace all one-room schools in the county system.

## **Responses**

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation is currently in the process of implementation. The District agrees that single site classes should be eliminated and is in the process of evaluating those sites for relocation. In addition to taking steps to move CYC to a new location, the Potrero Hill Neighborhood Center school site has been moved to the Principal's Center Collaborative Campus.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

The District has closed all county community single room schools, and has consolidated these small schools into four main campuses that are able to provide more comprehensive support and resources. The single room schools that were closed include Community Youth Center, Potrero Hill Neighborhood Center, and Ella Hill Hutch. Under this new reorganization, each campus delivers comprehensive core curriculum with a strong academic focus. The four campuses are listed below:

- Phoenix Campus: Provides core 9-12 curriculum, Special Day Class, Resource Specialist, English Language Learner support, and a middle school component.
- Principal Center Collaborative: This collaboration between SFUSD and Juvenile Probation provides core 9-12 curriculum, Special Day Class, Resource Specialist, and English Language Learner support. The campus holds three programs including: Project Impact, Youth Treatment Education Court (education and youth substance abuse treatment), SF Girls and Boys Group Home (Bay High). The site also holds a new Youth Guidance Transition Center, which provides a transition program for students who are re-entering the District after being confined to the Youth Guidance Center for a short period of time.
- Community Scholars of Success: Provides core 9-12 curriculum, Resource Specialist, English Language Learner support.
- Sunshine Campus: Provides core 9-12 curriculum, Special Day Class (Hilltop), Resource Specialist, English Language Learner support. This site houses the Real Alternatives High School and the Hilltop School (for pregnant minors).

The county programs have partnered with Pupil Services to develop an Intake Center located at the School of the Arts. This three week program offers assessment, counseling, school review, case management and enrollment options. This program was created to support appropriate academic placement, and to ease the student's return to school after being referred to Pupil Services due to habitual truancy or behavioral issues. Students obtain 5 credits for successful completion of the Intake program.

Next year, county teachers will receive more curricular support through the county's newly developed instructional reform model. The model's design has each site administrator assigned to a specific academic department. Each administrator, in conjunction with two new curriculum specialists, is responsible for conducting monthly meetings to align all county programs to standardized instruction. The curriculum will be mapped to core assessments that will be used to measure what students have learned, and to track teaching strategies employed by the teachers. All county teachers have obtained CLAD certification.

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## **Finding 2: The San Francisco Unified School District Should Ensure That County Community Schools Per-Student Allotments Are Being Used for Intended Purposes**

**Finding 2.1:** It was only after repeated requests to various administrators that this CGJ committee was able to obtain budget print outs for SFUSD. The committee found it almost impossible to sort out the columns of figures in order to determine sources of funding for city schools and funding for county schools. The committee was able to ascertain that the 2003/2004 funding for CCS is approximately \$93 million, and the budget for County Community Schools, not including court schools or locked facilities, is almost \$4.5 million, a discrepancy that is unexplained in documents or by administration. What is of additional interest is per-student allotments:

- In the city of San Francisco's secondary schools, per-student amounts range from a low of \$3976.68 at Lincoln High School to a high of \$6497.53 at Balboa High School.
- The per-student allotment *for* CCS should be approximately \$8,000, but CGJ members could only verify a per capita expenditure of approximately \$1250. (Figures derived from information submitted to CGJ by SFUSD's Chief Business Officer.)

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. The revenue specifically generated for County / Community Schools totaled approximately \$3.7 million for school year 2003-2004. However, this amount is also supplemented by other funding sources that provide CCS with a total budget of \$7.1 million. CCS students that are on probation or are in the Youth Guidance Center are allocated approximately \$8,049 per average daily attendance (ADA). Pregnant minors are allocated approximately \$7,955 per ADA, and all other county youth are allocated \$4,761 per ADA.

Preliminary average daily attendance reports for these schools show an average attendance of 555 students per day. It is important to note that while as many as 1,200 students may be in County/ Community programs at some point in the year, the average daily attendance – on which revenue is based – is substantially lower due to the interim nature of many of the placements.

The total revenue for the County School Service Fund (CSSF) is approximately \$93 million. While County/ Community Schools are included in the CSSF, the bulk of the CSSF dollars are generated by and dedicated to special education programs.

The District does not have a uniform per-student allotment that is determined by school site. The District uses the Weighted Student Formula in order to allocate funds to each comprehensive

school. Pursuant to the Weighted Student Formula, there is a uniform base amount of funding that is allocated for each high school student. However, this amount is adjusted to address the special needs of each individual student at a particular school. For example, additional funding is added to the base amount if the student receives free and reduced lunch, participates in the Special Education program, or is bilingual. Therefore, students with special needs bring additional funding to their school so that the school can address those needs. Each student will bring the same amount of funding with them (based on special needs or absence thereof) regardless of which site they attend. (CCS does not utilize the Weighted Student Formula, but Lincoln and Balboa High School are allocated funds through WSF).

**Finding 2.2:** Although the Superintendent and the Board of Education members function separately for the city schools and for the county schools, it is not apparent that two separate budgets are maintained. Since the schools function independently and since funding sources are not the same, it would be reasonable to keep separate budgets to insure that each entity gets and uses all the money to which it is entitled.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. The District's financial accounting is maintained in accordance with the Standardized Account Code Structure (SACS) as required by California Education Code. As such, the District tracks all revenue, budgets, and expenditures by fund, resource, goal, function, object and organization code. In this structure, County funds are designated as Fund 05. Furthermore, County / Community Schools, Log Cabin, Woodside Learning Center, and the Hilltop Program have separate organization codes that allow for tracking of budgets and expenditures within each organization code.

### ***Recommendation 2a: Make Budgets Available for Authorized Agencies***

SFUSD should make its budget readily available for inspection by authorized agencies, in particular, the Civil Grand Jury.

### ***Responses***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The Grand Jury Report acknowledges that the Civil Grand Jury has obtained budget print outs for SFUSD. With regard to other agencies, SFUSD will implement this recommendation through its compliance with the applicable provisions of the Public Records Act, California Government Code Section 6250 et seq.

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
June 30, 2005**

SFUSD continues to comply with the provisions of the Public Records Act, California Government Code Section 6250 et seq.

***Recommendation 2b: Present Clear Budget Information***

Budget information should be presented clearly, if possible, with explanatory summaries.

***Responses***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

SFUSD will implement this recommendation to the extent that it is consistent with the applicable provisions of the Public Records Act, California Government Code Section 6250 et seq.

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
June 30, 2005**

SFUSD continues to comply with the provisions of the Public Records Act, California Government Code Section 6250 et seq.

***Recommendation 2c: Keep Separate Budgets for the Two School Systems***

To insure the equitable distribution of funds and to avoid co-mingling of assets, two separate budgets should be kept for the separate school systems of city and county.

***Responses***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

This recommendation is unnecessary because the District current budget system separately tracks county community funds. The District's financial accounting is maintained in accordance with the Standardized Account Code Structure (SACS) as required by California Education Code. As such, the District tracks all revenue, budgets, and expenditures by fund, resource, goal, function, object and organization code. In this structure, County funds are designated as Fund 05. Furthermore, County / Community Schools, Log Cabin, Woodside Learning Center, and the Hilltop Program have separate organization codes that allow for tracking of budgets and expenditures within each organization code.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the original response, this recommendation is unnecessary because the District current budget system separately tracks county community funds.

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**Finding 3: The San Francisco Unified School District Does Not Fulfill Its Promise of Excellence for All**

**Finding 3.1:** In spite of its per capita allotment of approximately \$8,000, County Community Schools offer the minimum schooling and services required by California law- a 240-minute instructional day, minimum services, no libraries or librarians, no physical education or coaches, no music or art, no vocational training or community service--"bare bones" services.

***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Partially disagree. The County Community School (CCS) system was not intended to function as a comprehensive school system. Instead, students were intended to enter county community schools for a short period of time, and then return to the comprehensive school system.

Notwithstanding this fact, SFUSD began taking steps two years ago to improve the quality of county community education, and to make CCS more like the comprehensive school system.

In 2004-2005 all county community schools will provide at least 280 minutes of instruction each day. Additionally, SFUSD has added various services to the county school programs, including hiring a parent liaison, a county nurse, a social worker, a truancy officer, establishment of an intake center, and purchase of on-line courses. The four main county community sites will have libraries, and the District has also purchased new computers. SFUSD is working with the YMCA in order to obtain physical education support.

The District is also working with the California Department of Education and has assigned a full time special education content specialist to county community schools to provide professional development and intensive monitoring of all special education programs in our county community schools. The District has increased the Resource Specialist allocation to four .6 Full Time Employment (FTE) teachers as compared to two 1.0 FTE teachers last year.

The District purchased new texts for all county community programs including reading and math interventions, as well as the new middle school language arts adoption. Specific trainings and professional development were provided for all county community teachers for the use of these new academic programs.

The District is working collaboratively with the Juvenile Probation Department to expand Project Impact (a court school) by allocating a special education teacher and paraprofessional. The YTEC

program was also selected by the SFUSD Secondary Redesign Initiative to become a community day school in fall 2004. Finally, the District will open Get Out And Learn (GOAL), a new outdoor experiential county program, in fall 2004.

The District will be continuing this two year process of restructuring its county community schools. During this process, school locations, teacher allocations, and funding will be analyzed. The District is committed to providing excellent education to all public school students.

**Finding 3.2:** The County of San Francisco is eligible to apply to the California Department of Education to become part of the enriched Community Day Schools Program. By so doing, SFUSD would increase funding for county schools, upgrade the curriculum, acquire additional services, and keep at-risk students in the classroom for a full school day.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation requires further analysis over the next six months to determine whether the development of more Community Day Schools would be appropriate and effective within the District. However, the District has already increased the school day for county community students, and has increased support to these students, as described above in section 3.1. It is unclear whether the Community Day School system is the most effective way to provide increased service to county community students.

### ***Recommendation 3a: Replace County Community Schools with Community Day Schools***

Replace the minimum-service County Community Schools with the more challenging Community Day Schools.

### ***Responses***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation requires further analysis over the next six months to determine whether the development of more Community Day Schools would be appropriate and effective within the District. However, the District has already increased the school day for county community students, and has increased support to these students, as described above in section 3.1. It is unclear whether the Community Day School system is the most effective way to provide increased service to county community students.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

The Director of County Community Schools and three of the CCS site administrators attended a conference in Sacramento to learn more about Community Day Schools. In May 2005, the CCS Director and the four CCS administrators made a presentation to the SFUSD Board of Education Curriculum Committee regarding the programs and services provided by county community schools.

Among the topics discussed was the possibility of developing Community Day Schools in the District. Daniel Sackheim, the Community Day Schools consultant for the California Department of Education, made a presentation on this topic and distributed detailed information about the benefits and requirements associated with Community Day Schools.

CCS staff determined that developing Community Day Schools was not necessary, because the District has already taken action to provide many of the enhanced resources available through Community Day Schools. For example, the District has extended the instructional minutes provided in CCS, has provided a low pupil-teacher ratio, school counselors, individualized instruction, and specified services for youth on probation.

The District has also provided enhanced support and resources such as a social worker, parent liaison, and attendance liaison. Additionally, the District is planning to hire two curriculum specialists, a Program Administrator to oversee English Language Learner programs in county schools and an English Language Development teacher for the 2005-2006 school year. Finally, the District already receives enhanced per-student apportionments for students on probation, many of whom are in county community schools.

***Recommendation 3b: Use All Available Funding to Upgrade to Community Day Schools***

Use all available funding for county schools by upgrading and making the necessary commitment to Community Day Schools.

***Responses***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation requires further analysis over the next six months to determine whether the development of more Community Day Schools would be appropriate and effective within the District. However, the District has already increased the school day for county community students, and has increased support to these students, as described above in section 3.1. It is unclear whether the Community Day School system is the most effective way to provide increased service to county community students.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

See update to 3a, above.

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#### **Finding 4: The San Francisco Unified School District Needs to Provide Information on the Success of the County Community Schools**

**Finding 4.1:** On its website, the School District has a section entitled, "About SFUSD." While it is not specifically addressing the County Community Schools, the clear implication is that the article addresses *all schools* under its jurisdiction. These are some points that are made:

- [San Francisco's comprehensive plan for improvement is] a commitment to providing an *excellent* education to all public school students.
- We have established *rigorous* academic standards indicating what all students are expected to know and be able to do.
- If we are to achieve our vision of an excellent education for all students, we must provide more intensive help to struggling schools and students.
- Additional funds are provided to schools for each English Language Learner, each Special Education student, and each student living in poverty. These students are recognized as having greater educational needs.
- Our comprehensive, five-year plan, Excellence for All, identifies several needed task forces to address important issues facing SFUSD, including high school and middle school reorganization. . . . [Emphasis added.]

Notwithstanding its good intentions, SFUSD has made no mention of its dual role as city *and* county administrations. A reasonable inference to be drawn is that this five-year plan applies only to the district's city schools and does not provide for excellence in the CCS.

#### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Disagree. Excellence for All applies to all SFUSD schools, including both comprehensive and county community schools. County community schools utilize the same curriculum and are expected to meet the same academic standards as comprehensive schools. County community schools also receive additional intensive support such as reading and math interventions, truancy liaisons, parent liaisons, a nurse, and a social worker. Beginning in the 2004-2005 school year, SFUSD teams will provide county community schools with instructional walkthroughs and feedback on their instructional programs. Finally, county community students receive the same additional funding that is provided for students who are English Language Learners, participants in Special Education, or who are low income students.

**Finding 4.2:** Civil Grand Jury members spoke to an assistant administrator of Phoenix. The person did not know that there is no information on the District's website about County Schools. S/he could not recommend any publications with information and said, "Call the district." S/he was even unaware of the handout CGJ members had received on which are listed the eighteen schools and their teachers and/or contacts.

### ***Response to Finding***

**Arlene Ackerman  
Superintendent of Schools  
San Francisco Unified School District  
August 30, 2004**

Unable to agree or disagree. This is a description of a conversation and not a factual finding.

**Finding 4.3:** Several telephone conferences were conducted with teachers and/or directors. Most were followed up with school tours by CGJ members. The results are as follows:

- A representative of RAP/Hilltop Campus and RAP High School, said that there are actually two separate schools—one for pregnant teenagers, designed to meet their special needs; and RAP High School for students who are suspended, expelled or have dropped out. The representative is very enthusiastic about the good job they are doing at RAP with 75-80 students yearly. Approximately 25% of the students graduate with a regular SFUSD diploma. The school day is 8:30 AM-2: 30 PM, and the campus is located in a safe neighborhood. The person encouraged the CGJ to "drop by for a visit" and gave the committee copies of handouts that are distributed to incoming students.
- A representative of Community Scholars of Success Campus has been a part of County Schools since their inception in 1988. This person said that the program began with 18-20 youths in a single location and has grown to over 1300 children at eighteen locations. 72 students are currently enrolled at Community Scholars of Success Campus, and 10-15 earn diplomas each year. Wrap-around services (mental health, social workers, medical care) are available on campus. The representative agreed with CGJ members' impression that the work of these dedicated teachers is pretty much ignored, and the achievements of graduating seniors are not celebrated.
- Community Youth Center has 19-20 students, from grades 6-12. Achievements are a source of pride—especially the graduation of 18 students in 2003. A teacher will be retiring in June of 2004, and worries about whom the District will find as a replacement. Before coming to CYC, the instructor taught at Phoenix High School for two frustrating years, hating the location and the drug trading and prostitution that were carried on openly in the area. This person found the students to be very distracted (and, in some cases, corrupted) by the environs. By comparison, the Chinatown location of CYC "is ideal." The interviewee would like to see the school better supplied, especially since probation students bring more money to the district than do students who are not part of the Juvenile Justice System.
- A Walden House Schools employee discussed the basic difference between locked facility schools and the other County Day Schools. Boys and girls attend separate schools. Almost all of the students have criminal records, and most have serious mental health problems. The school is frustrated in attempting to get appropriate IEPs (Individual Education Plans) for students; the District is dilatory and resistant. The representative described the situation of one student who

needed an IEP that would provide a resource specialist for him. It took nearly six months to get that IEP, and the resource specialist who was assigned is so burdened that she rarely makes an appearance. (Instead of 2 schools, she is assigned to 8). Nevertheless, teachers are proud of Walden's achievements; 12-13 seniors graduate every year. Four alumni are enrolled in college. CGJ members were warmly thanked for their interest in County Day Schools and members were assured that all CCS teachers and principals will be grateful for any light this committee can shine on their genuine needs and their unheralded achievements.

- At Ella Hutch Community Center, there are 30 students, grades 9-12, aged 15-18. Conditions are crowded, but the area is safer than Phoenix's, and CGJ visitors were told, "We got all new textbooks just this year." For the first time ever, County Day Schools will soon be getting a school nurse and a truancy officer—one of each to serve all eighteen schools. The interviewee said that students respond to a nurturing approach; for some, school is the only place where someone is kind or caring. Last year, six students earned SFUSD diplomas. Each year, there are good reports from alums who have gone on to colleges and vocational schools. They want to share their progress and achievements.
- A teacher at Bay High School for some time laments that there are no physical education classes, no drivers' education, no music or art classes. The school is really a group of schools, including Impact High School (a Juvenile Hall school) and a group of students from group homes. Teachers and students find the lack of resources enormously discouraging. The location of the school is safe and only a few blocks from the ocean. Even though a number of students have a 1 1/2 hour commute, they enjoy the safe and attractive location.
- At County Community Schools Middle School Academy the mood is enthusiastic and upbeat. Middle schoolers usually are there for the better part of a semester, then return to their former schools or are given a new placement. There was disappointment when district officials nixed an idea for a mural and some planting projects. One teacher said the biggest problem with the district is that they seem to regard the County Day Schools as *punitive*. The teacher believes it would be more correct to regard them as *therapeutic*. "These are not throw-away children." Many are disappointed that there is no vocational training for the students who do not want to go on to college but who aspire to learn a trade. It was suggested that training children how to fix and maintain bicycles could teach mechanical skills; at the same time children could be learning about protecting environmental resources.

### ***Response to Finding***

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

Unable to agree or disagree. These are various subjective descriptions of conversations held between grand jury members and unidentified individuals, and are not focused factual findings with which the District can agree or disagree.

### ***Recommendation 4a: Add Information About County Community Schools to the School District's Website***

Add comprehensive information about CCS to the SFUSD website and printed materials.

## **Responses**

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

This recommendation requires further analysis over the next six months. The District will consider creating a website for County Community schools that will contain more information about these schools.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

In January 2004, the District created an area on the SFUSD website that specifically provides information about county community schools, and this website was publicized on KALW FM radio 91.7, in the program entitled "Looking at Education." This website can be found at: [http://portal.sfusd.edu/template/default.cfm?page=school\\_info.county](http://portal.sfusd.edu/template/default.cfm?page=school_info.county).

### ***Recommendation 4b: Develop a Five-Year Plan for County Schools and to Consider Upgrading to Community Day Schools***

Devise a separate five-year plan for county schools-with special consideration to upgrading to Community Day Schools--and publicize it.

## **Responses**

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The District will not create a separate educational plan for county community schools because Excellence for All applies to county community students.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the original response, the District will not create a separate educational plan for county community schools because Excellence for All applies to county community students.

### ***Recommendation 4c: Educate District Personnel About County Community Schools***

Educate district personnel about County Community Schools and familiarize them with descriptive publications and websites.

## **Responses**

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The District already provides opportunities for comprehensive and county community school educators to exchange information about their programs, as suggested by this recommendation. County community administrators meet twice a month with comprehensive school principals, and may exchange information about their programs in these meetings. Additionally, county community and comprehensive school assistant principals also meet regularly.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the original response, the District already provides opportunities for comprehensive and county community school educators to exchange information about their programs. Teachers and staff now have the additional resource of the SFUSD website that includes new detailed information about county community schools.

## ***Recommendation 4d: Celebrate the Dedication of Staff and Students in the County System***

Celebrate the dedication and hard work of administrators, teachers and students in the county system. Give them the supplies they desperately need. "Nothing succeeds like success," but even the most dedicated laborers will burn out if their efforts are not recognized.

## **Responses**

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**August 30, 2004**

The District recognizes the achievements and success of all of its county community and comprehensive school teachers and administrators. These teachers and administrators are all recognized as District staff, and are not treated as separate from each other. All celebrations, meetings, parties, and learning institutes are attended by both county community and comprehensive school teachers and/or administrators. The District administration overseeing county community schools will ensure that county community schools have the resources and support that they need.

**Arlene Ackerman**  
**Superintendent of Schools**  
**San Francisco Unified School District**  
**June 30, 2005**

As noted in the original response, the District recognizes the achievements and success of all of its county community and comprehensive school teachers and administrators. These teachers and administrators are all recognized as District staff, and are not treated as separate from each other.

## **General Responses**

**Gavin Newsom  
Mayor  
Office of the Mayor  
August 30, 2004**

I am pleased to present my response to the 2003-2004 Civil Grand Jury report on County Community Schools in the San Francisco Unified School District. This letter should underscore my continued commitment to work with the San Francisco Unified School District to provide the most productive learning environment for the students of County Community Schools.

In April 2004, I was proud to appoint Cedric Yap to be the Mayor's Advisor on Education. Mr. Yap has been integral in facilitating and maintaining a good relationship between the City and the School District. Mr. Yap will help the Mayor's Office work with the School District to conduct the necessary analysis of the Civil Grand Jury's recommendations and swiftly implement any change.

As Mayor, I am dedicated to providing an "excellence for all" education for every San Francisco student. In March 2004, I supported Proposition H, which will provide \$60 million for San Francisco schools. Additionally, this year the City has invested \$11 million in schools, which represents the largest City investment in years.

My focus has always been on those students most at risk. The Mayor's Office has been dedicated to creating an effective combination of city departments and community based agencies targeted at specific school sites. The City contracts with community based organizations to work with students who attend county schools.

For instance, Impact Community High School serves 25 county students who are involved in the juvenile justice system and have mental health needs. The City funds the Performing Arts Workshop to provide an arts curriculum that will keep students developing their talents at school. The Family Service Agency, another city-funded community based organization, provides mental health services to students and families as part of the extended school day.

Additionally, in conjunction with my workforce development initiative, part of the City's investment in the School District this year has been allocated to increase alternative career pathways for students who are not focused on higher education for various reasons. This effort should have a positive impact on a number of the students attending county community schools.

The Mayor's Office continues to seek out partnerships that make a real difference in the lives of young people, particularly those with special needs. I remain fully committed to supporting School District policies and procedures that will produce a more accountable and effective county schools system.

In conclusion, I offer my thanks to the 2003-2004 Civil Grand Jury for their service to the City and County of San Francisco, and commend their commitment to improving the effectiveness of City government.

**Dan Kelly, M.D.**  
**President**  
**Board of Education**  
**August 30, 2004**

After receiving the Civil Grand Jury reports on the School District's programs in the Bayview Hunter Point and in the County Community Schools, I requested the Superintendent of Schools and her staff to review the Civil Grand Jury's findings and prepare the required responses. I greatly appreciated the Civil Grand Jury's interest in the education of the children of San Francisco and in particular in these two critical and important areas of our work.

Having reviewed the Civil Grand Jury reports and the staffs responses, I am confident that you and the Civil Grand Jury will be reassured about the integrity and quality of the District's services both in the County Community Schools and in the Bayview Hunter's Point programs. As the responses we are submitting indicate, the District shares and even anticipates many of the concerns expressed by the Civil Grand Jury and is taking steps to address those concerns. In other areas, however, the Civil Grand Jury's expressed concerns did not represent accurate portrayals of the District's efforts or the community's desires.

On the whole, the Civil Grand Jury has been a helpful exercise for us and the community in drawing attention to the importance that we place on the education of every child in San Francisco.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**October 25, 2004**

The following is a follow-up report on the 2003-2004 Civil Grand Jury Report, County Community Schools: Poor Stepchildren of the San Francisco Unified School District.

The Board of Supervisors' City Services Committee held a hearing on Thursday, October 21, 2004 on the Civil Grand Jury Report. The San Francisco Unified School District representatives discussed new programs and changes implemented since July 2004, which include addition of information on County Community Schools on its web site and an intake center to evaluate students to properly place them in the right school. Public comment was heard and the matter was filed.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' City Services Committee held a hearing on Thursday, October 21, 2004. The San Francisco Unified School District representatives discussed new programs and changes implemented since July 2004, which include addition of information on County Community Schools on its web site and an intake center to evaluate students to properly place them in the right school. Public comment was heard and the matter was filed.

**TERMS**

SFUSD -San Francisco Unified School District

CCS -County Community Schools (County's current program)

CDS -Community Day Schools (proposed upgraded program for county schools)

CGJ- Civil Grand Jury

wrap-around services -Provided by community-based health and social service agencies to continue and/or enhance SFUSD's services.

<b>Civil Grand Jury Recommendations and Department Responses</b>		Superintendent of Schools	Board of Education
1a	SFUSD owns properties that are not presently being used for city schools. The Board and Administration should study the availability of suitable sites for relocation of Phoenix.	Not Currently Feasible	
1b	SFUSD should move immediately to relocate the CCS Phoenix School campus.	Not Currently Feasible	
1c	Ideally, a new Phoenix School campus would be ready for the 2004- 2005 school year.	Not Currently Feasible	
1d	A secondary priority is the relocation of the Community Youth Center's one- room school from its location on Polk Street, above a strip joint.	Implemented	
1e	The five-year plan should include preparations to replace all one-room schools in the county system.	Implemented	
2a	SFUSD should make its budget readily available for inspection by authorized agencies, in particular, the Civil Grand Jury.	SFUSD will comply w/ CA Public Records Act	
2b	Budget information should be presented clearly, if possible, with explanatory summaries.	SFUSD will comply w/ CA Public Records Act	
2c	To insure the equitable distribution of funds and to avoid co-mingling of assets, two separate budgets should be kept for the separate school systems of city and county.	Disagree, Unnecessary	
3a	Replace the minimum-service County Community Schools with the more challenging Community Day Schools.	CCS staff determined that developing Community Day Schools was not necessary	
3b	Use all available funding for county schools by upgrading and making the necessary commitment to Community Day Schools.	CCS staff determined that developing Community Day Schools was not necessary	
4a	Add comprehensive information about CCS to the SFUSD website and printed materials.	Implemented	
4b	Devise a separate five-year plan for county schools-with special consideration to upgrading to Community Day Schools--and publicize it.	Disagree	
4c	Educate district personnel about County Community Schools and familiarize them with descriptive publications and websites.	District already provides opportunities for educators to exchange information about their programs.	
4d	Celebrate the dedication and hard work of administrators, teachers and students in the county system. Give them the supplies they desperately need. "Nothing succeeds like success," but even the most dedicated laborers will burn out if their efforts are not recognized.	District recognizes the achievements and success of its staff.	

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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## CHAPTER 5

### THE SAN FRANCISCO SHERIFF'S DEPARTMENT GRIEVANCES: A SOLUTION

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#### BACKGROUND

The 2003-04 Civil Grand Jury is charged with inspecting the county jails annually.<sup>12</sup> The Civil Grand Jury, during the course of the inspection, spoke with the Sheriff, inmates, deputies and supervisory staff. The inmates had numerous complaints about the facility, treatment by some deputies and the grievance procedure. They said the grievance procedure is not always followed and, as a result, sometimes does not resolve their complaints. As a result, the Civil Grand Jury focused on the grievance procedure, how it works (or does not) and what steps can be taken to improve it. Investigation included interviews with the San Francisco Sheriff, senior staff, deputies, the former ombudsman and inmates. Policies and grievance forms for both San Francisco and Alameda counties were reviewed.

#### RESULTS

The Civil Grand Jury made seven recommendations and required responses from the following:

Sheriff  
Board of Supervisors

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>12</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

## **Finding 1: The Sheriff's Department Needs to Improve Its Inmate Grievance Process and Procedures**

**Finding 1.1:** The Policy and Procedure manual in San Francisco is not uniformly followed. As a result, inmate issues may be overlooked or lost.

**Finding 1.2:** The Department does not have an automated system to track grievances.

**Finding 1.3:** The Department previously employed an ombudsman to handle grievances. This did not prove satisfactory for a number of reasons. For example, allegations of deputy abuse (either physical or psychological) should be handled by department hierarchy, because it has authority over uniformed staff. There was also the suspicion that internal politics made successful execution of the ombudsman's duties difficult and sometimes ineffectual.

**Finding 1.4:** Software is available to develop an automated program.

**Finding 1.5:** Grievances are kept in each jail facility rather than at a central location. Facility commanders are responsible for maintaining the records in their facilities.

**Finding 1.6:** There does not any designated individual responsible for tracking grievances throughout the numerous jails. An inmate or deputy can move to another facility without the staff in the new facility having knowledge of any prior complaints against them by an inmate or any alleged deputy misconduct.

**Finding 1.7:** The grievance form is overly complex, leaving insufficient space for the grievant to express concerns.

### ***Recommendation 1a: Review and Amend Current Policy and Procedures Manual***

The Department should review and amend, if needed, the current "Policy and Procedure" manual.

#### ***Response***

**Michael Hennessey  
Sheriff  
Office of the Sheriff  
July 28, 2005**

The Sheriff's Department has reviewed and rewritten, where appropriate, the Policy and Procedures Manual regarding grievances, to reduce the possibility of prisoner issues being overlooked.

### ***Recommendation 1b: Purchase or Develop Software to Automate the Grievance Procedure***

The Department should purchase/develop software to automate the grievance procedure.

**Response**

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

The Sheriff's Department is in the process of implementing a new jail management system which will automate many aspects of jail operation. Where applicable within that system, it will be used to track grievances.

**Recommendation 1c: Assign a Full-Time Employee to Track Grievances and Assign a Senior Officer to Oversee the Program**

The Department should assign a full-time employee to input data. A senior officer should be assigned to oversee the program and provide periodic reports to designated senior staff.

**Response**

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

We disagree with the recommendation that one deputy be assigned full time to input grievances into a database because it is not a practical use of scarce resources. However, the Undersheriff does monitor grievances and provides periodic reports to the Sheriff and to appropriate department staff.

**Recommendation 1d: Respond to Grievants Within 10 Days of Filing a Complaint**

Every grievant should receive a written response to a complaint within ten (10) days of the date of filing.

**Response**

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

We disagree with this recommendation because it will lengthen response time to many easily resolved grievances. Therefore, we have no plan to implement it.

**Recommendation 1e: Make Available Grievance Forms to Inmates**

Grievance forms should be placed by the inmate in a locked box or other secure location.

***Response***

**Michael Hennessey  
Sheriff  
Office of the Sheriff  
July 28, 2005**

We disagree with this recommendation because there is no place in the jails where prisoners could access a locked grievance box. Further, in my view, the more interactive the process between prisoners and staff, the greater likelihood of grievances being resolved quickly and fairly. Therefore, we have no plan to implement it.

***Recommendation 1f: Maintain a History of Grievances Against Each Deputy***

A history of grievances against a deputy should be maintained and forwarded when the deputy moves to another facility.

***Response***

**Michael Hennessey  
Sheriff  
Office of the Sheriff  
July 28, 2005**

We disagree with this recommendation because it is violative of City procedures and state law regarding employee discipline.

***Recommendation 1g: Simplify the Grievance Form***

The grievance form should be simplified.

***Response***

**Michael Hennessey  
Sheriff  
Office of the Sheriff  
July 28, 2005**

This recommendation has been implemented.

## **General Responses**

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**September 24, 2004**

The following is a response to the 2003-2004 Civil Grand Jury Report, San Francisco Sheriff's Department Grievances: A Solution, in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' City Services Committee held a hearing on Thursday, September 23, 2004 on the Civil Grand Jury Report. Representatives from both the Civil Grand Jury and the Sheriff's Department were present at the hearing. The Sheriff's Department agreed with most of the findings and recommendations. The matter was continued until Thursday, October 21, 2004 to hear a progress report from the Sheriff's Department.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**October 26, 2004**

The following is a progress report to the 2003-2004 Civil Grand Jury Report, San Francisco Sheriff's Department Grievances: A Solution, in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' City Services Committee continued the hearing on Thursday, October 21, 2004 to hear a progress report from the Sheriff's Department. The Department reported it is modeling a policy similar to Alameda County in order to track grievances, responses and corrective action taken. It will modify the grievance form and procedures, which will simplify the process for both the inmates and staff. What remains unresolved is the accessibility of a locked box where inmates drop off grievances. The Department is exploring alternatives to provide inmates confidential submission of grievances and the assurance of directing grievances to the appropriate individual(s). Target date for the completion of a revised policy and procedure is December 31, 2004.

The Committee was satisfied with the progress report and the matter was filed.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' City Services Committee continued the hearing on Thursday, October 21, 2004 to hear a progress report from the Sheriff's Department. The Department reported it is modeling a policy similar to Alameda County in order to track grievances, responses and corrective action taken. It will modify the grievance form and procedures, which will simplify the process for both the inmates and staff. What remains unresolved is the accessibility of a locked box where inmates drop off grievances. The Department is exploring alternatives to provide inmates confidential submission of grievances and the assurance of directing grievances to the

appropriate individual(s). Target date for the completion of a revised policy and procedure is December 31, 2004.

The Committee was satisfied with the progress report and the matter was filed.

**TERMS**

Grievance- a complaint made by an inmate against an employee of the Sheriffs Department.

Grievant- an inmate who makes a complaint.

Ombudsman -a person employed by an institution to investigate complaints against that institution.

<b>Civil Grand Jury Recommendations and Department Responses</b>		Sheriff
1a	The Department should review and amend, if needed, the current "Policy and Procedure" manual.	Implemented
1b	The Department should purchase/develop software to automate the grievance procedure.	In Process
1c	The Department should assign a full-time employee to input data. A senior officer should be assigned to oversee the program and provide periodic reports to designated senior staff.	Disagree
1d	Every grievant should receive a written response to a complaint within ten (10) days of the date of filing.	Disagree
1e	Grievance forms should be placed by the inmate in a locked box or other secure location.	Disagree
1f	A history of grievances against a deputy should be maintained and forwarded when the deputy moves to another facility.	Disagree
1g	The grievance form should be simplified.	Implemented

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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## CHAPTER 6 INCARCERATION AND BEYOND: WHERE DO WE GO FROM HERE?

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### BACKGROUND

The 2003-04 Civil Grand Jury investigated programs provided by the Sheriff's Department for individuals incarcerated in the county jails.<sup>13</sup> These programs are: Roads to Recovery, SISTER Program, RSVP (Resolve to Stop the Violence Project) and the 5 Keys Charter School. The Sheriff's Department has kept statistics on recidivism rates for these programs. The Jury also investigated a number of community-based services designed to serve the homeless.

Roads to Recovery is an in-custody drug treatment program that includes acupuncture, academic classes, life skills, relapse prevention, 12-step groups, anger management, family issues, community planning and recovery process groups. The 2000 recidivism study indicates that 55% of the non-treatment control group recidivated; while 44.8% of program graduates relapsed. Significantly the recidivism rate for program graduates who were transitioned into residential programs was only 35.7%.

The SISTER program, the only one for women in the jails, collaborates with the Walden House Drug treatment program to provide a substance abuse course similar to Roads to Recovery. The recidivism rate for women inmates who completed the program was 40%, and 55% for the control group.

RSVP is the first violence prevention program of its kind in the nation. Participants are held accountable for their violence as well as for refocusing and restructuring their attitudes, beliefs and behaviors. A 2002 study of recidivism, subsequent to release, for this group found the following:

- 2 months or more in the program: a 42.4% reduction in re-arrest for violent crimes;
- 3 months or more: a 50.7% reduction
- 4 months or more: a 79.7% reduction (Attachment 3).

The Sheriff's Department received \$1,352,491 for these programs in 2003- 2004.

### RESULTS

The Civil Grand Jury made six recommendations and required responses from the following:

Sheriff  
Office of the Controller  
Mayor  
Board of Supervisors

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>13</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

## **Finding 1: The Sheriff's Department's In-Custody Programs Are Beneficial to Inmates and the Programs Should be Retained**

**Finding 1.1:** In-custody programs administered by the Sheriff's Department are beneficial to the inmates and should be retained. Inmates participating in these programs are low- risk, non-violent offenders, most of whom are incarcerated for alcohol and drug offenses.

**Finding 1.2:** The 5 Keys Charter School, although in operation for less than a year, holds great promise. Students enrolled in the school are enthusiastic about this program, respond well to the teachers and are eager to learn and achieve. They report a renewed sense of accomplishment and self-esteem.

### ***Recommendation 1a: Fund In-Custody Programs at Current or Higher Levels***

The Mayor and Board of Supervisors should fund in-custody programs at current or higher levels.

#### ***Responses***

**Gavin Newsom**  
**Mayor**  
**Office of the Mayor**  
**September 7, 2004**

I agree with the importance of funding in-custody programs at appropriate levels, as best possible during this current difficult budget climate. I also believe in the importance of looking for measurable results from that funding.

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

This recommendation is directed at the Mayor and the Board of Supervisors; however, I agree that in-custody programs should be funded at higher levels. In September 2004, we opened the Five Keys Charter High School in the jails, which allowed us to access state charter school funding for in-custody and post-release education programs.

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## **Finding 2: Community-Based Programs Are Not Beneficial**

**Finding 2.1:** The Sheriff's Department does not have the staff or budget to develop community-based programs to serve released individuals, nor is it their responsibility.

**Finding 2.2:** Programs in existence are frequently difficult to locate, confusing to access, limited in capacity and often inadequate to the needs of this population.

### ***Recommendation 2a: Effective Programs Need to Be Formulated***

The Mayor's office should determine the needs of individuals exiting the jails to assist in formulating effective programs

## **Responses**

**Gavin Newsom**  
**Mayor**  
**Office of the Mayor**  
**September 7, 2004**

I am committed to finding innovative and effective ways to address the needs of persons released from custody, especially as it relates to preventing recidivism and homelessness. I am pleased to have assisted the Justice Tracking Information System (JUSTIS) advance their project to improve data sharing among local law enforcement agencies, through my legislation that created the Governing Council to oversee JUSTIS. I look forward to the implementation of that program next year. I am also proud of the recent Innovations in Government award received by the Sheriff's Department from the Kennedy School of Government for their Resolve to Stop the Violence Program. I will look for opportunities to further improve coordination with the Departments of Public Health and Human Services to address mental and physical health issues faced by persons leaving custody.

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

This recommendation is directed at the Mayor; however, I agree that it is beneficial to determine the needs of individuals exiting the jails. Prisoners who participate in our post-release programs, specifically Five Keys Charter High School and Resolve to Stop the Violence, are queried and referred to appropriate social services.

### ***Recommendation 2b: Develop a Computer Program to Track Recidivism***

Develop a computer program to track recidivism of individuals entering and exiting the county jail system.

## **Response**

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

I agree with the recommendation that a computer system should be devised to track recidivism, however, I have concluded that until a national body, like the federal Department of Justice's National Institute of Corrections, provides direction and standards, the considerable investment of time and information technology expertise required to produce such a program would not be justified by the limited local use of the results. It is hoped that the jail management system currently being implemented will provide some useful recidivism information.

### **Recommendation 2c: Prioritize Services for Individuals Released From Jail**

Prioritize services needed by individuals released from the county jails when planning for the homeless.

#### **Response**

**Michael Hennessey**  
**Sheriff**  
**Office of the Sheriff**  
**July 28, 2005**

I agree with this recommendation and support the Department of Public Health's discharge planning efforts aimed at the homeless jail population.

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### **Finding 3: Community-Based Programs Can Reduce Homelessness**

**Finding 3.1:** The cost to the taxpayers of San Francisco as a result of the negative effects of homelessness is great.

**Finding 3.2:** It is estimated that 40% -60% of the homeless are individuals who have been in the county jails at least once, and frequently numerous times.

**Finding 3.3:** Determining the needs of this population and addressing those needs can reduce the number of homeless people.

**Finding 3.4:** Providing permanent, safe and sober, clean housing is a priority for these individuals. Without an address and at least a message telephone, seeking and obtaining employment is nearly impossible.

**Finding 3.5:** The current shelter system is unreliable and inadequate. Roaming the streets during the day, hoping for a shelter bed each night, is discouraging and demoralizing.

**Finding 3.6:** There is no accurate data available to track people entering and exiting the jails. Identifying this population would allow proper planning for their needs.

**Finding 3.7:** These individuals need short-term assistance upon release from custody to help them navigate the "system". Only the most determined are able to persevere in finding programs suited to their needs.

**Finding 3.8:** Most inmates expressed a desire for assistance from a mentor/sponsor for a short period.

**Finding 3.9:** Existing agencies frequently provide similar or identical services, rather than specializing in one service. As a result, most programs are spread too thinly and can only provide limited assistance.

**Finding 3.10:** There does not appear to be significant oversight of agencies receiving public dollars. The quality of services varies greatly.

***Recommendation 3a: Create a Mentor Program to Assist Recently Released Inmates***

A mentor/sponsor program should be created to assist this population for a limited period after they return to the community from the jails.

***Responses***

**Gavin Newsom  
Mayor  
Office of the Mayor  
September 7, 2004**

As recommended by the Grand Jury, I welcome a review of best practices and other research that could be provided on the efficacy of mentorship or sponsorship programs for persons returning the community after leaving custody. The 10-Year Plan for Ending Chronic Homeless, commissioned by my Administration and released on June 30, 2004, includes a lengthy segment on reducing homelessness among persons released from custody. The plan calls for creating more supportive housing services for formerly incarcerated homeless San Franciscans, as well as increased SSI advocacy.

**Michael Hennessey  
Sheriff  
Office of the Sheriff  
July 28, 2005**

I agree with the recommendation and would support and participate in a combined effort of the several City departments that deal with services to the homeless population. While the Sheriff's Department is currently funded to provide some mentoring services, such an effort specifically targeting homeless ex-offenders is not, to my knowledge, under discussion at this time.

***Recommendation 3b: Audit Agencies Providing Services to the Homeless***

An audit of all agencies currently charged with providing services to the homeless should be undertaken.

***Responses***

**Michael Hennessey  
Sheriff  
Office of the Sheriff  
July 28, 2005**

This recommendation is not directed at the Sheriff's Department.

**Ed Harrington  
Controller  
Office of the Controller  
July 29, 2005**

The recommendation has been implemented in part. In May 2002, this office issued a comprehensive performance audit of the City's system for delivering services to the homeless and

recommended how the City can improve its system for planning, delivering, and evaluating homeless services in San Francisco. As part of the City Services Auditor Division's audit plan, we will be conducting audits of organizations that receive funds from the City to provide various services. Agencies providing services to the homeless will be included as those subject to audit. The recommendation will require further analysis to identify the number of agencies specifically providing homeless services and identifying the priority for conducting these specific audits.

## **General Responses**

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**September 24, 2004**

The following is a report on the 2003-2004 Civil Grand Jury Report, San Francisco Sheriff's Department: Incarceration and Beyond, in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' Rules Committee held a hearing on Wednesday, September 22, 2004 on the Civil Grand Jury Report. Representatives from the Civil Grand Jury and the Sheriff's Department were present for the hearing. Per Jack McNulty, Civil Grand Jury Foreperson, a written response from the Sheriff's Department had not been received and requested to continue the matter. The hearing is continued until October 6, 2004.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**October 25, 2004**

The following is a follow-up report on the 2003-2004 Civil Grand Jury Report, San Francisco Sheriff's Department: Incarceration and Beyond.

The Board of Supervisors' Rules Committee continued the hearing on Wednesday, October 6, 2004 on the Civil Grand Jury Report. Sheriff Mike Hennessey commended the Civil Grand Jury for its findings and recommendations. The Sheriff discussed the Five Keys Program High School for incarcerated juveniles, which is a Charter High School in county jails, and several of the programs that they have in jails that could be a resource after release. Sheriff Hennessey also pointed out due to budget reductions they are faced with a 15% reduction in jail programs. Public comment was heard and the matter was filed.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' Rules Committee held a hearing on Wednesday, September 22, 2004. Per Jack McNulty, Civil Grand Jury Foreperson, a written response from the Sheriff's Department had not been received and requested to continue the matter. The hearing was continued to October 6, 2004.

The Board of Supervisors' Rules Committee continued the hearing on Wednesday, October 6, 2004. Sheriff Mike Hennessey discussed the Five Keys Program High School for incarcerated juveniles, which is a Charter High School in county jails, and several of the programs that they have in jails that could be a resource after release. Sheriff Hennessey also pointed out due to budget reductions they are faced with a 15% reduction in jail programs. Public comment was heard and the matter was filed.

**TERMS**

Recidivism - habitual or chronic relapse, especially into crime or antisocial behavior

Misdemeanant - an individual found to have committed a misdemeanor

RSVP- Resolve to Stop the Violence Project

Roads to Recovery - an in-custody drug treatment for men

SISTER - an in-custody drug treatment for women

<b>Civil Grand Jury Recommendations and Department Responses</b>		Sheriff	Mayor	Office of the Controller
1a	The Mayor and Board of Supervisors should find in-custody programs at current or higher levels.	Agree	Agree	
2a	The Mayor's office should determine the needs of individuals exiting the jails to assist in formulating effective programs	Agree	Agree	
2b	Develop a computer program to track recidivism of individuals entering and exiting the county jail system.	Agree		
2c	Prioritize services needed by individuals released from the county jails when planning for the homeless.	Agree		
3a	A mentor/sponsor program should be created to assist this population for a limited period after they return to the community from the jails.	Agree	Agree	
3b	An audit of all agencies currently charged with providing services to the homeless should be undertaken.	Not Directed by Sheriff		Implemented in Part.

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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## CHAPTER 7

### SAN FRANCISCO DEPARTMENT OF CHILD SUPPORT SERVICES: PUTTING THE CHILDREN FIRST

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#### BACKGROUND

Because of child support complaints from parents, custodial and non-custodial, the 2003-04 Civil Grand Jury investigated the Department of Child Support Services (DCSS).<sup>14</sup> The Civil Grand Jury concluded that DCSS is such a successful and smooth-running operation that it has few suggestions for improvement. However, after touring another facility and after learning about the activities of other DCSS agencies in California, the Civil Grand Jury recommended some changes. The Civil Grand Jury's consensus is that providing even better accessibility would result in even better service to the city/county of San Francisco.

#### RESULTS

The Civil Grand Jury made nine recommendations and required responses from the following:

Board of Supervisors  
Department of Child Support Services  
Mayor

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

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<sup>14</sup> The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

## **Finding 1: The Department of Child Support Services Needs to Improve Its Communications About Its Role and Processes**

**Finding 1.1:** There is confusion about whom DCSS represents and what is its role. There is a persistent misconception that DCSS and the Family Court represent the custodial parent. Though untrue, that notion encourages unintended adversarial relationship (or worse, escalates an already bad relationship) between the parents.

**Finding 1.2:** DCSS sometimes fails to explain completely the agency's systems and paperwork. It is possible that the client is unable to ask the question that would provide necessary information.

**Finding 1.3:** Although the agency has a wealth of informative literature describing what parents will encounter within the system, it isn't always readily available. Even when it is, some parents are just unwilling or unable to read it or to file it away for future reference

**Finding 1.4:** Several interviewed parents did not seem to understand the process even though they were in the middle of it.

**Finding 1.5:** With community assistance and in collaboration with local radio and television stations, Monterey County DCSS broadcasts informational 30-second advertisements in English and Spanish.

**Finding 1.6:** Contra Costa County has, with volunteer dollars and expertise, produced several videos that explain DCSS, the process of obtaining child support, and many ancillary services. These teaching videos are shown in translation when appropriate) on local television stations and at outreach gatherings.

### ***General Responses to Findings***

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

#### Non-Custodial Parent Outreach

Although the majority of requests for the department's services come from custodial parents (CP) and not non-custodial parents (NP), it is a well-known misconception that the department is "custodial parent driven" and are only here to support the CP. The child support program at the federal, state and local level are working hard to reach out to NP's and change the minds about the program. Specifically, the child support program in San Francisco has initiated new procedures designed to improve customer service to NP's:

The NP no longer has to pay to file an Answer for Genetic Testing but may sign an Agreement in our office for free testing;

The NP no longer has to pay to file a Motion to Modify an Order; if the DCSS caseworker discovers the NP is in prison or on aid, the caseworker will automatically send a Stipulation modifying the order to the NP (without the need for the NP to file a Motion in court);

The NP may open a case against himself in order to begin paying child support;  
We provide early notification to the NP advising him/her of our actions in order to eliminate the embarrassment of service of documents at the NP's home/place of business;

The state has implemented the Paternity Opportunity Program (POP) wherein the NP signs a form, which becomes a legal document that adjudicates parentage;

SF DCSS implemented the Non-Custodial Education and Training (NET) program designed to provide comprehensive with partnering programs to support NP's as they become job ready;

SF DCSS is partnering with the Family Law Facilitator to provide onsite assistance to our NPs with child support, visitation, and custody issues;

And finally SF DCSS continues to provide consistent outreach to all the communities of San Francisco as well as local correctional facilities in an effort to help increase understanding of the child support process through education and respond to NP concerns and frustrations with existing cases.

### Radio and Television Advertisements

The department understands that pamphlets and handouts, though extremely important as a reference tool, should not be the only form of communication to our clients. San Francisco residents have a right to information through multi-media channels that takes into consideration language, culture, and dialect. The San Francisco Department of Child Support Services understands that and has implemented an aggressive plan to promote program information through multi-media sources. We are in our second year and well on our way. Here are some events coming up:

#### Television Infomercials

Thirty-second PSA infomercials carried on the following television stations: KPIX TV 5, UPN KBHK 44, Cable TV 12/Digital 8, KTSF TV 26, and ABC KGO TV 7, with a total viewers of over 5,000,000 in the Bay Area.

#### Video

San Francisco has, BETA & DVD, VHS tapes that cover in English & Spanish KTSF TV 26 taped one ½ hour forum show on child support services (Chinese)

#### Radio Shows

Spanish Question and Answers of child support services on AM/FM Radio, La Grande Radio Show, Monday to Fridays, from 2:00 to 4:00 pm  
Chinese Radio FM 91.7 & Sing Tao Radio Am 1400, on child support services  
Samoan Community Media collaboration is in the works

#### Collaborations in Printed Medias

Spanish magazine, Avance Magazine has a monthly child support article  
Board of Supervisors Outreach Medias – (Afro-Am, Chinese, Spanish, Gay-lesbian) Asian Week, Bay Area Reporter, Chinese Press, Chinese Times, El Latino, El Mensajero, El Reportero, New Bayview News, and World Journal  
Neighborhood News: Richmond Times, Sunset Beacon, Sun Reporter

#### Present and Future Collaborations

Muni Bus Stop Ad set for further review pending budget ability  
 Posters, fliers, etc with libraries, churches, schools, community or city agencies  
 Community based organizations - partnerships with many.

It should also be noted that an Internet Website will be available shortly for SFDCSS customers to access the latest information regarding their case status (e.g. billing/account information, latest payment, etc.)

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

The Department of Child Support Services (Department) respectfully submits its update on all recommendations described and delivered by the Civil Grand Jury as of July 7, 2004 in a report to the then Director Milton M. Hyams. The Department has taken all necessary and appropriate steps to implement the Civil Grand Jury recommendations based on the following findings and associated recommendations:

Findings	1.1	1.2	1.3	1.4	1.5	1.6
Recommendations	1a	1b	1c			
Findings	2.1	2.2	2.3			
Recommendations	2a	2b				
Findings	3.1	3.2	3.3	3.4	3.5	3.6
Recommendations	3a	3b	3c			

The Department has implemented new strategies in customer service to improve the participation of non-custodial parents (NCPs) in the child support program. The overall intent of the Enhanced Non-custodial Parent Involvement (EPIC) project has been to increase NCP participation in the support order establishment process. This program has specifically focused on the issues of notice to NCP's and the educational, cultural, and economic barriers that prevent or deter NCP's from participating in this process. In addition, the Department has expanded its collaboration with the San Francisco Unified Family Court and its Family Law Facilitator to assist in the employment of alternative measures that include increased outreach and client support that have encouraged low-income NCP's to actively participate in the process of establishing paternity and child support obligations.

1. The Department has developed new flyers, posters and scripts designed to inform and convince obligors to participate in their cases. These written materials use 7<sup>th</sup> grade English to foster better communication and have been translated into Spanish. Listed below are the written materials currently in use by the EPIC Project that were developed specifically for the NCP that is in 7<sup>th</sup> grade English or Spanish that is less formal and therefore less intimidating.

#### **Flowchart**

Clearly outlines the steps necessary to handle regular actions such as opening a case, paternity establishment, modifying an order, stipulation agreements, and closing a case.

### **“Come and Get It” Letter**

The letter that is mailed to the NCP before service of process is attempted and is available in the Spanish language version.

### **Service Flyer**

The flyer the EPIC staff is sending out with the Summons and Complaint and is available in the Spanish language version.

### **Status Conference Notice**

This notice provides the NCP with another opportunity to participate in the establishment process, reminding the NCP of his right to genetic testing, and of the Department’s need for current financial information.

### **Post Default Letter**

The Post-Default letter, which accompanies the copy of the Default Judgment mailed to the NCP.

The Department initiated proactive use of telephone outreach that promotes the early participation of NCPs in the establishment process. The NCP, from the privacy of their own home, are able to obtain important information about establishment procedures, the right to genetic testing, the guidelines used to calculate child support and the enforcement tools used by the Department for collection.

To establish the initial contact with the NCP staff also contacted various people such as the NCPs family members, the Custodial Party (CP) and the CPs attorneys e.g. Dependency Court appointed and private counsel. Telephone contact provides the NCP with clarification of all documents and identified the person calling as their specific contact throughout the process thereby establishing a relationship.

The EPIC collaborative partners (San Francisco Superior Court, Family Law Facilitator and SFDCSS) have agreed to schedule Child Support Default Status Conference Calendars on Tuesday afternoons. NCPs who have chosen not to contact the EPIC team to resolve the default because of anxiety or concerns are persuaded with written and personal contact to attend the Default Status Calendar session. EPIC Team staff will explain that the sessions are not binding and will reassure the NCP of an opportunity to participate in a more informative and less intimidating environment.

The project has proven very successful. Lessons learned will become new business practices for FY2006.

### ***Recommendation 1a: Provide written materials explaining its in-take process.***

Written materials (in translation when appropriate) to be presented and explained at in-take should include a flow chart outlining the process to be undertaken from start to finish. Specifics should describe all of the players in the process and their roles-especially including DCSS, their computer and phone systems, and all its divisions: in-take, DSOs, attorneys and the ombudsperson.

## **Responses**

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department plans to develop a flow chart that clearly outlines the steps necessary to handle regular actions such as opening a case, paternity establishment, modifying an order, stipulation agreements, and closing a case. The flow chart will be translated into Spanish and Cantonese for improved understanding. The Department has also increased its request of outreach materials for FY2005 solely provided by the California Department of Child Support. The department is required to use only state-approved materials for outreach and reprints state documents at its own expense.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department developed several flow charts that clearly outline the steps necessary to handle regular actions such as opening a case, paternity establishment, modifying an order, stipulation agreements, and closing a case. The flow charts will be translated into Spanish and Cantonese for improved understanding by the end of the August, 2005. The Department has also increased its request of outreach materials for FY2005 solely provided by the California Department of Child Support. The department is required to use only state-approved materials for outreach and reprints state documents at its own expense.

### ***Recommendation 1b: Explain How the Family Court and Family Law Facilitator Can Be Used by Parents.***

The role of the court and the Family Law Facilitator and how they can be accessed should be explained- especially if it appears that the parents will be unwilling or unable to stipulate a plan for child support.

## **Responses**

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department plans to collaborate with the Family Law Facilitator to develop a pamphlet to be distributed through all branch offices.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department is collaborating with the Family Law Facilitator through the Enhanced Parental Involvement Collaborative (EPIC) and has developed several

informational fliers which have been translated into Spanish and is distributed through all branch offices and the Family Court to non-custodial parents.

**Recommendation 1c: Distribute Information to Community Agencies**

Packet information should be reinforced by the use and distribution of posters, flyers and videos made available in libraries, churches, shops, hospitals and community agencies.

**Responses**

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department plans to produce posters, flyers, and videos based on existing state-approved materials to be made available to libraries, hospitals, community residents and community agencies where appropriate.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department has produced plans to produce posters, flyers, and videos based on existing state-approved materials to be made available to libraries, hospitals, community residents and community agencies where appropriate.

**Recommendation 1d: Produce Multilingual Educational Videos and Advertisements**

SFDCSS should add to its long-range plan the production of multilingual educational videos and television and radio advertisements. By collaborating with other agencies and by accessing volunteer time, talent and dollars, DCSS can expand its services to clientele.

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**Finding 2: The Department of Child Support Services Does Not Prominently Display Printed Information**

**Finding 2.1:** DCSS does not display leaflets prominently at in-take points and court offices.

**Response to Finding**

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Availability of Outreach Materials

The San Francisco Department of Child Support Services (SFDCSS) is required to use State produced and approved materials such the *START* Handbook only. State-produced materials have

been on back order. In the meantime, the department has sufficient resources to provide additional materials to clients through our branch offices, the Family Law Facilitator, and to our Child Support Officer stationed at the court for this very reason.

**Finding 2.2:** Some information (The *START Book*) is not always available to clients, the court, or the facilitator.

**Finding 2.3:** The presence of metal-detectors and armed deputies at the front door of the main DCSS facility give the agency a very uninviting and forbidding aspect.

### ***Response to Findings***

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

#### Security at the Main Office

San Francisco is a highly diverse and compacted urban environment in comparison with Contra Costa. The socio-economic structure as well as the demographics varies in comparison. In addition, the Department's caseload has higher levels of domestic violence flagged cases than that of Contra Costa County. Many custodial parents fear retaliation from non-custodial parents when seeking services or visiting our offices. Staff concerns regarding safety have been raised in an effort to curtail possible issues from occurring the department provides security guard service with guards who mirror and are sensitive to the diversity of our clients. They act as the initial reception to the Department and are trained to be courteous, professional and supportive to all the Department visitors. The Department's use of the metal detectors is in line with security precautions taken by many City and County of San Francisco, as well as other State/Federal offices.

### ***Recommendation 2a: Display Written Materials at All Offices***

In an attractive and efficient manner. DCSS should set up, monitor and stock regularly display racks of written materials and handouts at all DCSS offices, law facilitators' offices and courtrooms.

### ***Responses***

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department has purchased and installed display racks in its main office, BVHP office, and Mission Office to be regularly stocked by the in-take supervisor. The Department plans to provide handout material to the law facilitators' office and the court for distribution through their offices. The Department's legal supervisor will be responsible for the regular distribution and re-ordering current materials.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department has purchased and installed display racks in its main office, BVHP office, and Mission Office to be regularly stocked by the in-take supervisor. The Department plans to provide handout material to the law facilitators' office and the court for distribution through their offices. The Department's legal supervisor will be responsible for the regular distribution and re-ordering current materials.

***Recommendation 2b: Improve the Appearance of Its Main Office***

Re-arrange the main-office entry so that DCSS looks more like a sanctuary than a jail. {Pattern reception area after that of the Contra Costa County DCSS.}

***Responses***

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department has begun minor work through a work order with DPW to paint the lobby area install new magazine and pamphlet racks and purchased new furniture. In addition, the Department plans to renovate the children's play area to include educational books, games and toys.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department has completed minor work through a work order with DPW who painted the lobby area, installed new carpeting, and installed new magazine and pamphlet racks. The Department also purchased new furniture.

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**Finding 3: The Department of Child Support Services Should Improve Its Case Management Procedures**

**Finding 3.1:** Although DCSS staff maintains that calls are handled personally and promptly, parents insist that this is not the case.

**Finding 3.2:** More than 50 calls made to DCSS by members of this committee on every day of the week and at various times of the day were not answered in person.

## ***Response to Finding***

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

### Fifty Calls Unanswered

In addition to twelve (12) CSO's assigned to phone calls every day for a caseload of 27,000, the Department has an Interactive Voice Response (IVR) System that handles overflow calls. If both CSO's assigned to phone duty that day are on the line, the system paths callers to an interactive menu that allows the caller to automatically access information such as latest payment, current billing status, office hours/location, etc. In addition, the caller is allowed to leave a voicemail message for the Team handling his/her case. It is the Department policy that voicemails left before 2:00 PM will be answered by close of business the same day. Voicemails left after 2:00 PM will be answered by noon of the next business day.

Of the 22 customer service complaints regarding lack of response or slow response:

- 3 complaints were regarding customers not receiving a response to their phone calls on the same day.
- 2 complaints were regarding a delay in the return of tax intercepts.
- 3 complaints were from customers from other counties complaining about lack of response or action from their own jurisdiction.
- 1 complaint was about the LCSA not promptly serving a Notice to Withhold on the employer upon receipt of the information.
- 2 complaints were from another county regarding their request for documentation not being promptly responded to.
- 1 complaint was from a custodial party that wanted LCSA to collect child support from an unemployed non-custodial parent.
- 2 complaints were about the time that it took to calendar cases to be heard in court
- 3 complaints were about the time that it took to process and receive a court order after the hearing was held
- 2 complaints were about the delay in billing the child support account after the reopening of the case.
- 1 complaint was about LCSA's slow response in crediting a payment to a customer's account. (This was ordered by another county's court during a custody hearing).
- 1 complaint was about the LCSA's slow in petitioning another state for child support.
- 1 complaint was about the LCSA's slow response to a customer's request in sending information to her EW.

### CONCLUSION:

3 out of 22 complaints were related the LCSA not returning the customer's call on the same day. The response to the customer depended on a 3rd party contact.

**Finding 3.3:** Of 179 complaints filed with the ombudsperson in 2003, lack of response to phone calls or slow response numbered 22. A visit to Contra Costa and observation of their full-time phone team of 8 or more operators gave the CGJ insight into how an efficient phone system could work for SFDCSS.

**Finding 3.4:** Parents assume that DCSS and the court will handle their paperwork safely and with dispatch.

**Finding 3.5:** Members of this committee, sitting in on several procedures in the courtroom, observed that paper work was lost by DCSS or the court.

**Finding 3.6:** DCSS should make every effort to reconcile cross complaints by both parents and eliminate the need for a court appearance.

***Recommendation 3a: Use a Full-Time Phone Team to Answer Calls***

SFDCSS should plan for installation of a full-time phone team trained to deal with ordinary questions and problems of clients. CGJ recommends that it be patterned after that of the Contra Costa County DCSS. Otherwise, teams and the ombudsperson should make every effort to follow DCSS policy and answer phones in person as often as possible.

***Responses***

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Disagree: The Department believes that does, in fact, have staff operating as a Phone Call Center. As stated in our overview presentation to the CGJ in November 2003, the Department has six (6) Operational Teams that handle a caseload of approximately 27,000 cases. On each business day, each Operational Team assigns two (2) Child Support Officers (CSO's) to answer phone calls from the public.

This means that on every business day, there is twelve (12) CSO's assigned to answer phones. This compares more favorably than the Phone Team that the CGJ viewed in Contra Costa County. According to the CGJ finding, the eight (8) people Phone Team in Contra Costa County answers all phone calls. It should be noted that Contra Costa County DCSS has a caseload of approximately 42,000 cases or 5,250 cases per operator. Department allocates twelve (12) CSO's to answer all phone calls for a caseload of approximately 27,000 cases or 2,250 cases per CSO.

On a daily basis, Department assigns twelve (12) fully trained and experienced CSO's to answer phones. It should be noted that some counties use clerical staff or lower classifications to answer phone calls. This results in information being forwarded to another staff person, usually an experienced CSO for follow-up action adding to delayed responses.

Department assigned to answer phone calls are fully trained and experienced CSO's who can handle the call when taken. There are no referrals to other staff or units for follow-up. Whoever answers the phone that day is assigned the task/problem presented by that phone call. This results in quicker and more efficient activity.

In the last Fiscal Year, Department staff logged in 61,234 phone calls. This translates to an average of 5,103 phone calls per month; an average of 306 calls per business day.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Partially Implemented: It is the intention of the California Department of Child Support Services to implement a statewide call-center beginning the fall of 2006. This system will have regionalized offices that provide initial customer call responses for all 58 counties. The counties have been advised by the state and are preparing integrate its current services into the new system.

In the meantime, the Department does have staff operating as a Phone Call Center. The Department currently has full time case workers responding to and resolving customer complaints and concerns every business day between the hours of 8:00am and 5:00pm. The Department has five (5) Operational Teams that handle a caseload of approximately 27,000 cases. On each business day, each Operational Team assigns two (2) Child Support Officers (CSO's) to answer phone calls from the public.

In the last Fiscal Year, Department staff logged in 61,234 phone calls. This translates to an average of 5,103 phone calls per month; an average of 306 calls per business day.

According to the CGJ finding, the eight (8) people Phone Team in Contra Costa County answers all phone calls for a caseload of approximately 42,000 cases. That means the San Francisco has more staff dedicated to phone support than Contra Costa and that the support provided is by professional Child Support Officers that can respond immediately to concerns and avoid unnecessary delays for our clients.

This means that on every business day, there are ten (10) CSO's assigned to answer phones. This compares more favorably than the Phone Team that the CGJ viewed in Contra Costa County.

It should be noted that Contra Costa County DCSS operates as the emergency response unit for the County. The funding required to develop and implement Contra Costa's call center was provided by the County directly and had an estimated cost of approximately \$1.0 million and includes hardware, software, plasma screens, staffing, etc.

The Department is working to develop a cost-effective version of the Contra Costa center by centralizing the existing staff and providing additional training to Child Support Officers' to improve their customer service performance.

It should be noted that some counties use clerical staff or lower classifications to answer phone calls. This results in information being forwarded to another staff person, usually an experienced CSO for follow-up action adding to delayed responses.

***Recommendation 3b: Parents Keep Copies of all Paperwork and Back-up Its Information on Computers***

CSOs and/or attorneys should advise parents to keep back-up copies of all paperwork and bring it with them to court. The committee recommends that DCSS arrange to store all back-up information on computer so that information will not be lost.

## **Responses**

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department has an existing regulation that requires Department staff to remind all parties to a case that they are advised to keep back-up copies of all relevant documents and bring them to court. On all cases that go to court hearing, the assigned Department attorney is responsible for maintaining a hardcopy litigation file folder that contains all the required documents/information. In addition, each party submits all documents required by the Court to the Court file.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department has an existing regulation that requires Department staff to remind all parties to a case that they are advised to keep back-up copies of all relevant documents and bring them to court. On all cases that go to court hearing, the assigned Department attorney is responsible for maintaining a hardcopy litigation file folder that contains all the required documents/information. In addition, each party submits all documents required by the Court to the Court file.

### ***Recommendation 3c: Reconcile Cross-Complaints by Parents and Eliminate Costly Court Appearances***

DCSS should make every effort to reconcile cross-complaints by both parents and eliminate the need for a costly court appearance. However, when the court procedure is necessary, each parent should be given formal and timely notice.

## **Responses**

**Karen M. Roye**  
**Assistant Director**  
**Department of Child Support Services**  
**July 23, 2004**

Agree: The Department recognizes the cost benefits of settling cases before and/or without going to court. This is stressed in our training and procedures. At every step in the process, the other party is offered the option of agreeing or stipulating to a settlement without going to court. However, it is not possible to settle all issues without going to court. For example, disputes between the parties as to actual income, actual childcare costs, actual hours of custody/visitation, etc. are issues that can only be decided by the Court.

It is the practice of our Court and our legal staff that prior to every court calendar session, CSO's assigned to assist our attorneys will meet with all appearing parties to review the issues and to see if any agreement or stipulation is possible before the matter is called before the Court. Any such settlements/agreements reduce the time and demand of the Court and our attorneys.

**Karen M. Roye**  
**Director**  
**Department of Child Support Services**  
**June 27, 2005**

Agree/Implemented: The Department recognizes the cost benefits of settling cases before and/or without going to court. This is stressed in our training and procedures. At every step in the process, the other party is offered the option of agreeing or stipulating to a settlement without going to court. However, it is not possible to settle all issues without going to court. For example, disputes between the parties as to actual income, actual childcare costs, actual hours of custody/visitation, etc. are issues that can only be decided by the Court.

It is the practice of our Court and our legal staff that prior to every court calendar session, CSO's assigned to assist our attorneys will meet with all appearing parties to review the issues and to see if any agreement or stipulation is possible before the matter is called before the Court. Any such settlements/agreements reduce the time and demand of the Court and our attorneys.

In addition, the Department has implemented its Enhanced Parental Involvement Collaborative in order to increase participation of non-custodial parents (NCP) and reduce the number of default orders that adversely impact the NCP. This program includes higher levels of customer service and outreach, bilingual support, case management by specific case workers, and increased initiation of communication by caseworkers. The results have been better than anticipated with 95% participation by NCPs in the process of stipulations rather than default orders.

## **General Responses**

**Gavin Newsom  
Mayor  
Office of the Mayor  
September 7, 2004**

I am pleased to present my response to the 2003-2004 Civil Grand Jury report on the Department of Child Support Services (DCSS). This letter underscores my continued commitment to work with DCSS to facilitate and implement changes that will help the Department better serve the citizens of San Francisco.

I have carefully considered the findings and recommendations of the Civil Grand Jury, as well as the Department's response. The Department has demonstrated thoughtful analysis and a strong commitment to implement the necessary changes. Thus, it is with full confidence that I concur with the Department's response to the Civil Grand Jury report.

I submit the following responses to the specific Civil Grand Jury recommendations:

### **I. IN-TAKE PROCESS**

I commend the steps that DCSS has already taken to help facilitate the in-take process for parents in need of free services, especially with regard to cultural sensitivity. In order to make the in-take process more transparent, DCSS has done the following:

- Begun to develop a flow chart, in multiple languages, that outlines the entire process,
- Increased the number of outreach materials,
- Produced posters, flyers and videos that will be available at libraries, hospitals, and community agencies,
- Initiated development of a website where customers can access case status,
- Collaborated with the Family Law Facilitator to develop a pamphlet to be distributed at all branch offices.

### **II. PRINTED INFORMATION**

I commend the Department's efforts to quickly implement change in regards to the Civil Grand Jury recommendations on printed materials. The Department has done the following in order to provide a more accessible and welcoming office environment:

- Purchased and installed display racks for increased accessibility to printed information,
- Will provide printed material for the law facilitator's offices and courts,
- Begun work with Department of Public Works to renovate the office and create a more welcoming environment.

### **III. CASE MANAGEMENT**

I am pleased that DCSS has taken a proactive response to the issue of back-up materials and reconciling cross-complaints by parents, thereby eliminating the need for costly court appearances. DCSS has made it clear that they advise parents on both issues, in order to best serve their customers.

In conclusion, I offer my thanks to the 2003-2004 Civil Grand Jury for their service to the City and County of San Francisco, and applaud their commitment to improving the effectiveness of City government.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**September 24, 2004**

The following is a response to the 2003-2004 Civil Grand Jury Report, San Francisco Department of Child Support Services: Putting the Children First, in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' City Services Committee held a hearing on Thursday, September 23, 2004 on the Civil Grand Jury Report. Representatives from both the Civil Grand Jury and the Department of Child Support Services were present at the hearing. Child Support Services agreed to all but 1 of 9 recommendations by the Civil Grand Jury and may be willing to revisit this recommendation providing funding is available. Some of the recommendations have also been implemented. The City Services Committee has filed the matter.

The Board of Supervisors' City Services Committee held a hearing on September 23, 2004. Child Support Services agreed to all but 1 of 9 recommendations by the Civil Grand Jury and may be willing to revisit this recommendation providing funding is available. Some of the recommendations have also been implemented. The City Services Committee has filed the matter.

**Adele Destro**  
**Assistant Clerk of the Board**  
**Board of Supervisors**  
**June 29, 2005**

The Board of Supervisors' City Services Committee held a hearing on September 23, 2004. Child Support Services agreed to all but 1 of 9 recommendations by the Civil Grand Jury and may be willing to revisit this recommendation providing funding is available. Some of the recommendations have also been implemented. The City Services Committee has filed the matter.

**TERMS**

DCSS -Department of Child Support Services (county, state, federal)

CGJ- Civil Grand Jury

CSO -Child Support Officer

CALWORKS -California Work Opportunity and Responsibility to Kids

MEDICAID -Source of government funding for medical- and health-related services for people with limited income.

FOSTER CARE -Social Services Department's paid placement of a child with foster caregivers instead of with birth family.

WICSEC -Western Interstate Child Support Enforcement Council

SACSS -State Automated Child Support System

<b>Civil Grand Jury Recommendations and Department Responses</b>		Department of Child Support Services
1a	Written materials (in translation when appropriate) to be presented and explained at in-take should include a flow chart outlining the process to be undertaken from start to finish. Specifics should describe all of the players in the process and their roles-especially including DCSS, their computer and phone systems, and all its divisions: in-take, DSOs, attorneys and the ombudsperson.	Agree/ Implemented
1b	The role of the court and the Family Law Facilitator and how they can be accessed should be explained-especially if it appears that the parents will be unwilling or unable to stipulate a plan for child support.	Agree/ Implemented
1c	Packet information should be reinforced by the use and distribution of posters, flyers and videos made available in libraries, churches, shops, hospitals and community agencies.	Agree/ Implemented
1d	SFDCSS should add to its long-range plan the production of multilingual educational videos and television and radio advertisements. By collaborating with other agencies and by accessing volunteer time, talent and dollars, DCSS can expand its services to clientele.	
2a	In an attractive and efficient manner. DCSS should set up, monitor and stock regularly display racks of written materials and handouts at all DCSS offices, law facilitators offices and courtrooms.	Agree/ Implemented
2b	Re-arrange the main-office entry so that DCSS looks more like a sanctuary than a jail. {Pattern reception area after that of the Contra Costa County DCSS.}	Agree/ Implemented
3a	SFDCSS should plan for installation of a full-time phone team trained to deal with ordinary questions and problems of clients. CGJ recommends that it be patterned after that of the Contra Costa County DCSS. Otherwise, teams and the ombudsperson should make every effort to follow DCSS policy and answer phones in person as often as possible.	Agree/ Partially Implemented
3b	CSOs and/or attorneys should advise parents to keep back-up copies of all paperwork and bring it with them to court. The committee recommends that DCSS arrange to store all back-up information on computer so that information will not be lost.	Agree/ Implemented
3c	DCSS should make every effort to reconcile cross-complaints by both parents and eliminate the need for a costly court appearance. However, when the court procedure is necessary, each parent should be given formal and timely notice.	Agree/ Implemented

*For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.*

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## **CHAPTER 8 CONTINUITY REPORT**

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### **BACKGROUND**

The 2003-04 Civil Grand Jury noted that each year the Civil Grand Jury selects various entities of city or county government that it chooses to investigate. Additionally, the Civil Grand Jury determines whether to pursue any issues raised or recommended by previous juries. The 2003-04 identified several issues for the 2004-05 to pursue.

### **THE STATE OF SAN FRANCISCO'S EMERGENCY PLANNING**

The 2002-2003 Grand Jury was highly-critical of the state of emergency planning for San Francisco, and it recommended that the Office of Emergency Services address the inadequacy of its emergency resources in areas of communication and technology.

Additionally, it recommended that the City should improve its methods of budgeting for emergency response. The Jury report elicited a scathing rebuttal by the then Mayor Willie Brown, who denied that there were any deficiencies in the City's emergency planning and subsequently demanded that the Grand Jury be abolished. Despite the Mayor's public histrionics, the Jury stood by the integrity of its report.

On his first full day as Mayor, Gavin Newsom convened the San Francisco Disaster Council and directed municipal departments to update their preparedness plans for earthquakes, terrorist acts and other emergencies. He gave departments until the end of March to update their response plans and ordered the Department of Emergency Services to create a new citywide operations plan by the end of June. Within the same week, the Director of Emergency Services resigned. The position has since been filled.

Presently, the Office of Emergency Services is located in the northeast quadrant of San Francisco and operates from the Emergency Operations Center which handles 911 calls for police, fire and medical emergency dispatching. The Center is undergoing a transition which will civilianize practically all its staff. Additionally, there is an on-going review of its triage protocols which are used to assess incoming emergency calls and to dispatch first responders.

Because of the vital nature of both the Office of Emergency Services and the Emergency Operations Center, it is suggested that their activities be considered as a matter of interest for the 2004-2005 Grand Jury.

## **FIRE SAFETY IN LOCAL DETENTION FACILITIES**

The Jury recommended that the San Francisco Police Department discontinue use of detention cells at Northern, Richmond and Ingleside district stations because the cells do not comply with state and local fire codes. However, detention cells in those stations continue to be used notwithstanding safety and fire deficiencies noted by the State Board of Corrections and the lack of clearance from the San Francisco Fire Department.

Each year since 1997, the Police Department has made requests for funds to bring the holding cells into compliance with state and local fire codes in its capital improvements budget. However, the City's Capital Improvement Assessment Committee and the Mayor's Budget Office have denied funding because refitting the stations to meet safety and fire standards was not considered high priority.

Since October 1997, the station commanders have been under orders to implement an alternate means of protection -a fire watch-in the cell area every 30 minutes to check on the safety of any prisoner incarcerated there. Inspectors from the San Francisco Fire Department's Fire Prevention and Inspection Division do not consider the fire watch to be a permanent or satisfactory remedy; it was allowed only as a temporary measure, in 1997, in anticipation of refitting the stations within a reasonable time. As a result, the inspection service will not issue a fire clearance pending correction of physical safety and fire deficiencies which have existed for seven years.

The 2003-2004 Civil Grand Jury suggests that the 2004-2005 Civil Grand Jury consider whether funding is again allocated for the correction office and safety deficiencies at the three stations or whether the Police Department discontinues use of the facilities.

## **THE LACK OF COOPERATION BY THE SAN FRANCISCO POLICE DEPARTMENT WITH THE OFFICE OF CIVILIAN COMPLAINTS**

During its inquiry into how the San Francisco Police Department related with the OCC (Office of Civilian Complaints ), the Jury noted a distinct and palpable lack of cooperation and coordination between the two entities. The disunity between the two departments has caused the dismissal of many meritorious citizen complaints which affected the due process of the citizens complaining and of the officers being investigated. Record keeping of complaints and investigative files were slipshod; necessary documents were not shared in a timely way, and the Police Commission omitted the necessary management oversight to keep the complaint investigative process operating effectively and efficiently. The Jury's report called attention to the obvious lack of cooperation between the Police Department and the OCC and offered several remedial recommendations to the two departments.

During the past few months, a number of remedies to the complaint investigative process have been implemented. New leadership, which bodes well, was instituted: a new head of the OCC was hired; a new police chief was appointed and a new Police Commission was sworn in. Additionally, an ordinance was enacted (Chapter 96 of the San Francisco Administrative Code) which codified responsibilities and duties of the Police Department, the Police Commission and the OCC in the timely handling and reporting by citizens of police misconduct. The ordinance requires that the status and disposition of sustained complaints be made public and that instruction on the OCC's processes and procedures for investigating citizen complaints be required for officers and police commissioners.

Because the new leadership has been in office for a short time, it is suggested that the 2004-2005 Civil Grand Jury, midway through their term of office, consider, as a matter of interest, how the revised process for handling citizen's complaints against police is working.

## **THE MANAGEMENT OF THE DEPARTMENT OF BUILDING INSPECTION**

In its inquiry into the management of the Department of Building Inspection, the Jury found that preferential treatment was being afforded to certain Department of Building Inspection (DBI) customers. It recommended quality control procedures in both the Plan Check and Inspection Services divisions. Additionally, it recommended that DBI comply with state law by determining the actual costs of providing services. Lastly, there is a need to improve management and leadership skills of those in DBI positions of responsibility. The report of the Jury's inquiry and its recommendations brought public condemnation of the Jury by certain members of the Department who demanded that the names of the persons who cooperated with the Jury be revealed. The Jury refused to identify the individuals interviewed, pursuant to California Penal Code Section 929, and it stood behind the allegations made in its report.

In March 2004, Mayor Gavin Newsom appointed Rudy Nothenberg, retired former Chief Administrative Officer of San Francisco, as an "unpaid advisor" to the Mayor. Nothenberg's charge was to investigate whether there is preferential treatment of certain DBI customers, as alleged in the Jury's report. Additionally, the Board of Supervisors has proposed an application-tracking process to reveal any evidence of favorable treatment by DBI employees.

Nothenberg estimated that the report of his inquiry would probably be concluded in three months and then presented to the Mayor. Since the inquiry was commissioned by the Mayor, the Mayor would determine its acceptance and manner of distribution. Nothenberg's conclusions would be a choice matter of interest for the 2004-2005 Grand Jury.

## **TRUANCY IN THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT**

Even though State law specifies the content, manner of delivery and time at which truancy notices are given to the student and to the student's parent, District schools do not follow a uniform truancy notice procedure. The 2002-2003 Grand Jury concluded that promptly-sent notices would reduce the District's truancy rate. Since the School District is entitled to State reimbursement for every first and third truancy notice it sends, the District annually collects less State monies than it could.

According to the District's Pupil Services Department, a process will be implemented shortly to ensure that the District will mail its truancy notices on time and thereby reduce its truancy rate and promptly capture the State funding to which it is entitled. Since the 2003-2004 Grand Jury did not have the opportunity to view the truancy abatement process, it is suggested that the 2004-2005 Grand Jury consider it an area of interest

## **THE CONDUCT OF THE NOVEMBER AND DECEMBER 2002 ELECTIONS**

Currently, the Department of Elections operates in and from six major facilities during an election period—a condition which can easily endanger the integrity of the election process. Therefore, the Grand Jury made a strong recommendation that the City consolidate all operations of the Department of Elections into one site. The recommendation received concurrence by management of the Department. However, to date, an appropriate site has not been located, nor have any City funds been set aside for such a consolidation.

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## APPENDIX

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### MEMBERS OF THE 2003-2004 SAN FRANCISCO CIVIL GRAND JURY

John S. Calder

Robyn Chan

Michael Creedon

Dustin L. Daza

Clement D. DeAmicis

Debra J. Hitti

Carolyn Koster

Walter Krumm

Samuel Macy

Jack L. McNulty, Foreperson

Susan B. Miller

Melinda Mills

Mary Mullen

Harriet Ross

Eugene S. Salazar

Cornelia B. Sapiro, Secretary

Nancy K. Winchell

Peg Winston

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cc: Mayor  
Board of Supervisors  
Civil Grand Jury  
Budget Analyst  
Public Library