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CHAPTER 5

THE SAN FRANCISCO SHERIFF'S DEPARTMENT GRIEVANCES: A SOLUTION

BACKGROUND

The 2003-04 Civil Grand Jury is charged with inspecting the county jails annually.¹² 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.

¹² 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.

Civil Grand Jury Recommendations and Department Responses		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?

BACKGROUND

The 2003-04 Civil Grand Jury investigated programs provided by the Sheriff's Department for individuals incarcerated in the county jails.¹³ 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.

¹³ 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.

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