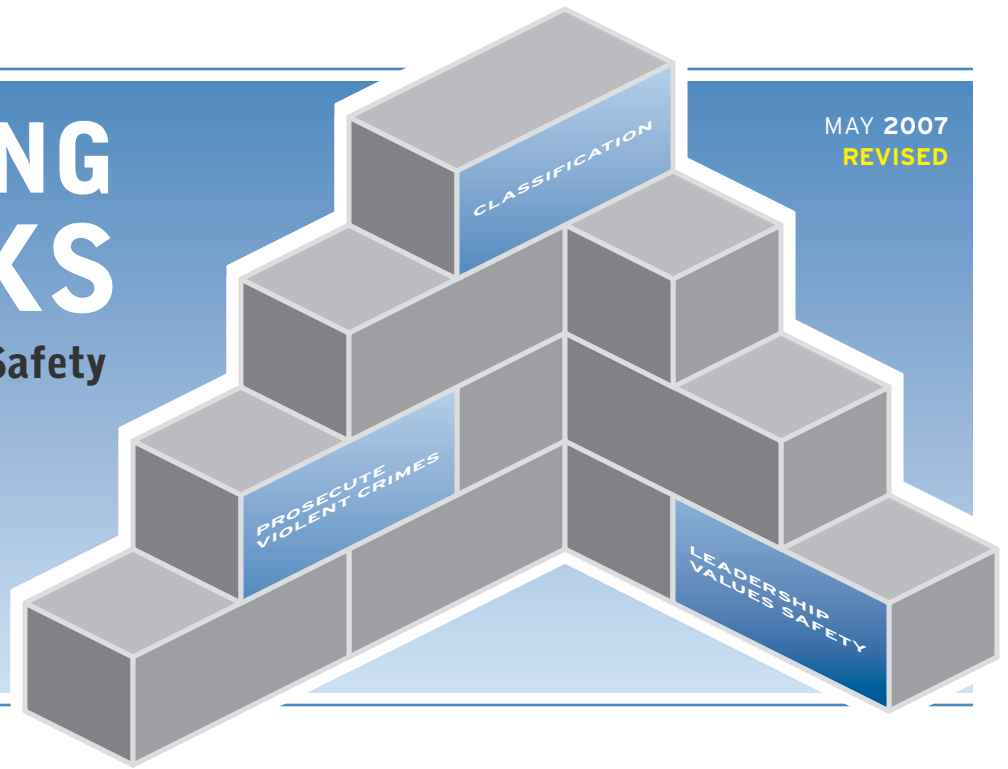


# BUILDING BLOCKS

for Institutional Safety

MAY 2007  
REVISED



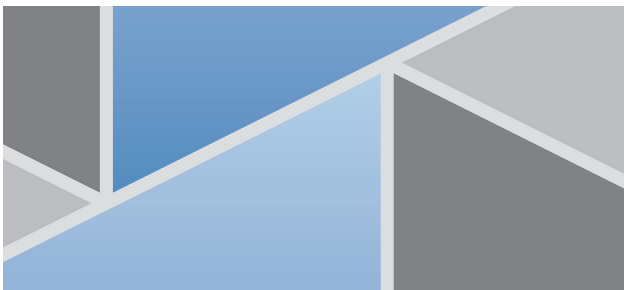
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ISSUE THREE IN A SERIES

## ► Promising practices to prevent inmate sexual assaults

*This newsletter is the third in a series on promising practices to prevent and respond to inmate-on-inmate rape in the nation's jails and juvenile correctional facilities. For an overview of the topic, see Newsletter #1, "Responding to the Prison Rape Elimination Act," available at <http://dcj.state.co.us/ors>. The newsletters are provided under grant # 2004 RP BX 0095 from the National Institute of Justice. Forthcoming newsletters will profile promising practices in other jails and juvenile facilities to prevent or respond to inmate-on-inmate sexual assault.*

*The newsletters reflect findings from our study of promising practices. We encourage facility administrators elsewhere in the nation to replicate these extraordinary efforts to prevent inmate sexual assaults.*



### The San Francisco County Jail: A model for protecting inmates

The San Francisco County Jail is recognized for operating a safe jail. With a long history of making targeted efforts to improve institutional safety, the administration's first policy to prevent prisoner sexual assaults dates back to the late 1970's. The San Francisco Sheriff's Department relies on a variety of methods to increase safety. Many of these efforts can be replicated in other institutions, some within existing resources. These include:

- 1) Consistency in leadership and a strong staff culture that values the personal safety of inmates;
- 2) Comprehensive employment screening and training for all new staff;
- 3) Staff diversity at all levels of the organization;
- 4) An objective classification system that identifies and separates vulnerable inmates from predatory inmates;
- 5) An independent incident investigation process that feeds back information with the classification system;



- 6) **Proactive cooperation with the legal and court systems to highlight abuse and obtain resources to improve housing and increase staff;**
- 7) **Use of direct supervision concepts;**
- 8) **Creative efforts to increase inmate programming; and**
- 9) **Scheduled rotation of staff.**

The San Francisco Sheriff's Department oversees approximately 2200 people every day in six jails, a hospital ward, and in home detention and day reporting programs. Approximately 45,000 people are booked into the jail every year.

On any given day, 20 to 30 percent of the jail population is serving post-conviction sentences, and many of these individuals are managed through home detention and community work programs. The jails have an average daily population of 1,800 inmates. The facilities range in size and age from older linear-style facilities to modern, direct supervision jails, including a direct supervision jail that opened in August, 2006.

Efforts undertaken by the Sheriff's Department to prevent all violent behavior, including sexual assault, are long-standing and well institutionalized into jail operations. As with any correctional institution, violence does occur in the San Francisco County Jail System, more often among the most violent offenders and in older, linear-style facilities.

## **Targeted effort 1: Consistency in leadership and vision**

Efforts to modernize the San Francisco County Sheriff's Department began in the 1970s when former Sheriff Richard Hongisto focused on building a professional organization by establishing mandates for staff orientation and ongoing training, including Peace Officer Standards and Training (POST). The Department also implemented its first sexual assault prevention policy in 1978, long before other local correctional facilities developed such policies.

Interestingly, Michael Hennessey, the current sheriff, was initially a prisoner rights advocate. He joined the Sheriff's Department in 1974, and he founded and directed the San Francisco Jail Project, a legal assistance program for prisoners. Elected as Sheriff in 1980, Hennessey is the now the longest serving sheriff in San Francisco history and the only sheriff in California who is a lawyer. His

compassion for and commitment to inmates as well as public safety have continued throughout his years of service.

## **A culture of safety and respect**

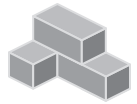
Like former Sheriff Hongisto, Sheriff Hennessey continues to prioritize training and, more important, he has fostered a staff culture that is highly attuned to the issue of inmate safety. His leadership and vision have helped the Department create a climate where violence is not tolerated. This value is deeply embedded in the culture of the Department, which places a strong emphasis on treating inmates with respect, listening carefully to them, including all their complaints.

The Sheriff initiated safety protocols, and has since empowered staff to implement and improve those protocols. Violence is not tolerated. If it is absolutely necessary to control inmates, staff use tasers or plastic plugs rather than physical force. When staff violate expectations by assaulting inmates or overlooking inmates' violent behaviors, employees are disciplined and when appropriate prosecuted.

In addition to creating a climate where violence is not tolerated, the Department uses a variety of methods to reduce tolerance of sexual assaults specifically, including sending deputies to sexual assault training from the California Peace Officer Standards and Training (POST) Commission. Officers also discuss sexual assault protocols at roll call, thereby reinforcing methods of supervision that encourage inmates to report problems without risking their safety. The message from leadership is clear, jail Chief Tom Arata tells inmates: "This is my house and I rule this house. Sexual assaults are not acceptable in my house."

***As Chief Deputy Tom Arata tells inmates: "This is my house and I rule this house. Sexual assaults are not acceptable in my house."***

Creating a staff culture in which abusive behaviors are simply not tolerated is a core building block to facility safety. This involves not only a strong and consistent message from jail administrators, but also a willingness to prosecute those who violate policies.



## Targeted effort 2: Employee hiring and training

Another component of facility safety is a commitment to recruiting and training qualified staff. Unlike most jail systems, San Francisco officials do not actively recruit individuals with prior law enforcement experience. Instead, they recruit people who want to serve the public.

*According to Mort Cohen, a lawyer who has sued the department, Sheriff Hennessey is unusual in his ability to bring on staff who make significant efforts to “stop bad things from happening.”*

### Screening

All potential employees are initially screened through a written standardized test. Following this test, the remaining candidates complete a physical agility test, a urine test, a written psychological test, and a credit history background check. Credit checks are important because the department wants to screen out individuals whose level of debt might make them susceptible to corruption. For candidates who make it this far, information from prior spouses, partners and neighbors is collected, a home visit is conducted, and the candidate participates in a polygraph test. As a result of this extensive screening process, only about 4% of those who apply are eventually hired.

*Only about 4% of those who apply to the San Francisco Sheriff’s Department are eventually hired.*

### Training

Sheriff Hennessey recognizes the value of intensive training in building a professional staff and minimizing violence in the jail system. After a candidate is hired, he or she participates in a lengthy training process. New deputies take part in California POST training that is 6 to 8 months long. Following this training, they participate for 2 to 3 weeks in training on jail operations. All new deputies must complete both training programs before working in the jail.

Once new deputies start working in the jail, formalized on-the-job training begins. They are assigned to a hand-

selected jail training deputy who had completed a 40-hour course to become a training officer. These training officers – usually senior deputies – are required to cover a defined list of subjects with every trainee. Each facility also has a jail training coordinator who works with the jail training deputies to ensure they teach the specialized subjects and skills needed for that specific facility. This program has been in place for more than 5 years.

In addition to training new staff, the Sheriff’s Department has developed systems to provide information and ongoing training to staff. Information from administration is disseminated during roll call meetings along with a training bulletin. Staff participate in additional training offered outside the Department, such as the rape treatment center at the Department of Health.

Sheriff Hennessey increased employee training by 500%. His impressive efforts have not gone unrecognized – the state honored the Department with 18 consecutive annual awards for “Excellence in Training.”

## Targeted effort 3: Staff diversity

The Sheriff views diversity in staffing as an essential element of facility safety. He places a high value on having a staff that represents the diversity of San Francisco’s population. Since most people feel more comfortable reporting concerns to someone they can relate to, a diverse jail staff results in increased communication with inmates so that problems are relayed to staff early on. The Sheriff’s efforts to recruit a diverse staff have resulted in the highest representation of women and minorities of any major law enforcement agency in the nation – more than 70% of all sworn staff. Sheriff Hennessey has won nationwide recognition for his successful recruitment of women and minorities, including gays and lesbians.

To maintain a diverse staff, the Sheriff’s Department ensures that minorities are not screened out by entry

*The San Francisco Sheriff’s Department has the highest representation of women and minorities of any major law enforcement agency in the nation – more than 70% of all sworn staff. Sheriff Hennessey has won nationwide recognition for his successful recruitment of women and minorities, including gays and lesbians.*



qualifications that emphasize high levels of education or extensive job experiences. Jail deputies must be at least 21 years old, have a high school diploma, no felony convictions, and at least one year of work experience.

Like his predecessor Richard Hongisto, Sheriff Hennessey developed nontraditional methods to increase diversity in his staff. Early in Sheriff Hennessey's tenure, the department advertised positions in newspapers, radio and TV stations that served minority communities. In addition, staff asked community leaders to distribute recruitment posters and leaflets within their neighborhoods. Advertisements were printed in Chinese, Spanish and the Philippine language of Tagalog. Other efforts included community meetings in churches and street fairs where the application process was explained to residents.

As the staff diversity increased these measures were no longer necessary to maintain diversity. More recent recruitment efforts have shifted to recruitment fairs, college visits and use of the Internet. But even today, the Sheriff keeps recruitment cards with him and hands the cards to people he encounters in his daily life, such as a store clerk who appears to be service oriented, hardworking and polite, especially if the person is employed in a low paying job.

In addition to the belief that diversity improves communication, the Sheriff believes that the presence of civilian employees also facilitates communication with inmates, and this communication, in turn, increases facility safety. As in most correctional institutions, civilians are hired to provide medical services and programs. Inmates often confide their fears and concerns to non-sworn staff, so civilian employees frequently obtain important information about threats and security risks. In this way, non-sworn staff are considered to be in an excellent position to help deter violence. The presence of a diverse staff along with civilian employees, then, is a strategic effort to maximize facility safety by increasing communication from inmates about potential problem situations.

#### **Targeted effort 4:**

## **Objective jail classification system**

### **Classification on the basis of vulnerability**

The San Francisco Sheriff's Department's objective jail classification system is an essential tool in its efforts to

prevent inmate sexual assaults. The classification system is designed to sort inmates on the basis of their potential vulnerability to attack. The comprehensive system, based on training materials developed by the National Institute of Corrections (NIC), uses a triage process at the jail's Admissions Unit to immediately identify offenders with medical or mental health problems that require special attention. The next step is an extensive classification interview that screens for risk of suicide, details of the current crime and criminal history, and determines past and potential vulnerabilities or aggression regarding violence and sexual assault. The interview focuses on prior incarcerations, whether the inmate is affiliated with a gang, and whether he or she has enemies in the jail.

Interviews with individuals who have been in the jail before may take only ten minutes: "Is there anything new since you were last here? You were suicidal—how are you now?" The jail's computer system provides information on prior classification interviews and details from prior jail incarcerations. Interviewers also have access to records from disciplinary actions, incident reports and administrative segregation placements.

Interviews with unknown offenders may last 45-60 minutes, with staff probing to obtain additional information. The interviewer will ask the inmate about time served in state prison and problems the inmate may have encountered there. Interviewers have access to state rap sheets and NCIC. When an inmate has been incarcerated in another jail, the interviewer will contact intake officers at neighboring jails to obtain information on the inmate's adjustment.

Although the interview includes standard screening questions, classification personnel are trained to ask follow-up questions in an open-ended format to maximize the information obtained. Inmates are not asked directly whether they were previously sexually victimized while incarcerated, but if they disclose this information, they are housed in a safe place while the information is verified. The jail's social work unit is notified of all sexual assaults that may have occurred prior to incarceration.

To explore the question of gang affiliation, staff assesses tattoos and asks inmates directly about potential problems since gang members often state that they cannot be housed with a certain type of person or gang member. If there are any indications of gang affiliation and inmates are reluctant to discuss it, further investigation is undertaken with Bay Area jails and the Department of Corrections. The Sheriff's Department separates gang members by placing them in different facilities.



Inmates are classified into low, medium and high risk but a critical component of the classification system is the ability to override the initial classification. The override provides the flexibility necessary to identify and manage inmates who may be perpetrators or victims of violence.

Once the initial intake process has been completed and an initial classification has been determined, the inmate is moved to a direct supervision intake unit where staff can observe inmates interacting with each other in different situations. This allows the deputies to assess the accuracy of the initial classification before inmates receive a permanent housing assignment.

Inmates with a history of victimizing other inmates are directly housed in the 154-bed administrative segregation unit. Individual facilities also have ad-seg beds. Some of the administrative segregation cells are double-bunked, but double bunking is used only if classification determines that two inmates are compatible and can safely be housed together. The classification status of inmates in administrative segregation is reviewed every seven to 14 days, depending on the facility.

The jail houses transgendered offenders in a special 14 to 16 bed unit. These inmates are housed according to their current genitalia, not based on the gender with which they identify, even if they are taking hormones. During the classification interview, deputies discuss with transgendered inmates the risks of housing them in the general population. There is ongoing monitoring in the transgendered unit since staff recognize that predators sometimes attempt to get into housing units with vulnerable inmates.

### **An ongoing process**

The classification system extends well beyond the initial intake procedures. The corrections staff record additional information regarding inmate behavior and adjustment throughout the incarceration period. This information is considered in classification updates. Housing units continue to assess gang affiliation by observing associations, graffiti and colors. To curb disputes, jail rules limit rosary bead colors to black and white to decrease their use as a display of gang colors. Preventing violence is an ongoing process and requires vigilant observation and documentation. When predators are identified, they are immediately separated from vulnerable inmates.

*Preventing violence is an ongoing process and requires vigilant observation and documentation so that when predators are identified they are immediately separated from vulnerable inmates.*

### **Selection and training of classification staff**

Classification is a discrete, centrally operated unit. Because classification is considered an elite assignment, the job is generally offered to more senior deputies. Once selected, deputies work in the unit for five years.

Deputies' first receive training on the Sheriff's Department's Objective Jail Classification Manual that is based on the NIC objective classification model. All officers working in classification also attend the basic classification training that is administered by both the National Institute of Corrections and the California Standards and Training for Corrections.

Obtaining relevant information from inmates is a key component of the jail's safety efforts; therefore classification officers are required to have excellent interviewing skills. So, apart from understanding the classification process itself, deputies also receive at least four weeks of on-the-job training from supervisors that focuses on interview skills. The deputies are then assigned to a supervisor to continue to hone their interview skills. They sometimes receive additional interview training from officers in the Investigations Service Unit. Then, on a regular basis, deputies are required to review the classification manual and the Sheriff's Department's classification policies and procedures.

### **Targeted effort 5: Investigation process**

The Sheriff's Department's Investigations Services Unit is charged with responding to reports of sexual assaults. This unit has no housing oversight responsibilities. Rather, it is independent of the day-to-day operations of the jail and plays a critical role in the safety of San Francisco's jails. Members of the unit have expertise in investigating sexual assaults and have completed POST training that includes a 6-hour sex crimes investigation module. Investigating officers receive training from the rape trauma unit of the local hospital that helps them understand victimization and learn interview techniques to use with rape victims.



Initiating an investigation, of course, requires that an assault be identified as such. For this reason, all jail deputies are trained to recognize when an event has occurred that potentially involves a sexual assault, and how to secure the crime scene. When an assault is suspected, then, housing deputies contact the watch commander and secure the crime scene. The watch commander calls in the Investigative Services Unit.

If a sexual assault is alleged or suspected, deputies contact the Investigations Unit and secure the crime scene. Typically, the victim is placed in a holding cell and all inmates in the area are isolated and instructed not to talk to each other. If one inmate starts talking to other inmates, that person is separated from the group. The fact that the inmate is nervous and wants to talk to other inmates is noted and considered suspect: Is he the perpetrator? During this time period, deputies prevent the victim and suspects from washing their hands, bathing or changing clothes.

Once the investigator arrives on the scene, the following steps are taken:

- The crime scene is secured. Everyone is taken out of the area and yellow crime scene tape is used to cordon off the area.
- All parties involved in the incident are identified and isolated.
  - o Victims are placed in a holding cell.
  - o Deputies separate all witnesses and the assailant so that investigators can interview and obtain statements as soon as possible.
- Evidence is collected.
- Investigators take the victim to the medical unit if he or she needs immediate attention; those who are sent to the jail ward at the local hospital wear their original clothes. The hospital rape treatment staff conduct a forensic medical examination and collect a rape kit.
- Investigators audiotape all interviews with suspects and victims and may video tape the accused.

More often, deputies find out about the sexual assault more than 24 hours after the event, however an investigation is still conducted.

The San Francisco Sheriff's Department's Sexual Assault Policy outlines the specific procedures to be followed in the case of a rumored, threatened or reported sexual assault (see sidebar.) Note that the jail's sexual assault policy focuses on sensitivity to victims' needs, including

removing them from the assault area immediately and placing them in a safe environment. Investigators are trained to discuss with the victim available services and the importance of getting help. When victims agree to services, the deputies are charged with making those arrangements.

When victims decline medical assistance, deputies are nevertheless required to provide notification of the incident by telephone to the San Francisco Rape Treatment Center and the jail social work unit.

***The jail's sexual assault procedures focus on sensitivity to victims' needs, including removing them from the assault area immediately and placing them in a safe environment. Deputies are trained to discuss, with the victim, the importance of getting help, the services available, and when victims agree to services, the deputies are charged with making those arrangements.***

After this immediate intervention, victims are housed in the jail's medical or psychiatric unit and eventually transitioned back into the general population when he or she has been emotionally stabilized and the environment is safe. Victims who cannot return to general population status are housed in either administrative segregation, another San Francisco jail, or a jail in another California county.

All allegations of sexual assault in the San Francisco jails are taken seriously even though about 60 percent cannot be verified. It is difficult to confirm cases because frequently too much time has elapsed between the assault and the investigation, and often witnesses and victims are unwilling to cooperate. In addition, it is common for allegations to come from inmates with psychiatric issues,<sup>1</sup> and these incidents are particularly difficult to substantiate: did the complaint surface as the result of mental instability or because the inmate was indeed more vulnerable to victimization. Rape trauma experts at the local hospital have trained the jail's investigators to

1 When compared to a general population sample of men, a community sample of seriously mentally ill men was found to be significantly more likely to have been raped or sexually assaulted within the last year. (Teplin, McClelland, Abram, & Weiner, 2005). Studies involving developmentally disabled individuals have also detected higher rates of sexual victimization than studies involving general population samples (Sobsey & Doe, 1991).



## San Francisco Sheriff's Department Sexual Assault Policy

### I. Victim identification

#### A. Jail staff may be aware of a sexual assault in any of the following ways:

1. Deputy discovers a sexual assault in progress.
2. Victim reports a sexual assault incident to a Deputy or to civilian jail staff.
3. Rumored or suspected sexual assault.

### II. Verifying suspected sexual assault

#### A. Occasionally, jail staff will hear of a prisoner being threatened with sexual assault or rumored to have been assaulted. Some victims of sexual assault may be suspected because of unexplained injuries, changes in physical behavior such as difficulty walking, or abrupt personality changes such as withdrawal and suicidal behavior.

1. Jail staff should check out a suspected victim without jeopardizing the prisoner's safety, identity and confidence.
2. Remove the suspected victim from the area for interviewing
3. Ask the suspected victim open-ended questions such as:  
*"How are you doing?", "Are you being hassled?", "Would you like to be moved to another housing area?"*
4. If there are no indications of any problems, suggest that if help is ever needed the prisoner can contact a Deputy, Jail Medical Staff or Jail Psychiatric Services.
5. If the prisoner has had problems, consider the following:
  - a. Advise the prisoner that jail staff can help him/her.
  - b. If the prisoner is scared of being labeled a "snitch" (informer), advise him/her that they do not have to identify the assailants to get help.
  - c. If he/she was sexually assaulted, mention the importance of getting help to deal with the assault and trained staff are available.
  - d. Determine together with the victim what service he/she needs.
  - e. Make arrangements for the appropriate services as agreed to.

### III. Deputized staff intervention

#### A. The following procedures apply for recent victims of sexual assault. If the prisoner was threatened with sexual assault or was sexually assaulted some time before, not all of the following steps may be appropriate.

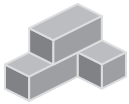
#### B. The most important steps are to notify the Watch Commander, arrange protection for the prisoner, refer him/her to medical staff and write an incident report.

#### C. Contact with victims needs to be sensitive, supportive and non-judgmental.

#### D. Remove and refer the victim for services.

1. Identify the victim(s).
2. Remove the victim from the area immediately and place him/her in a protective area until he/she can be brought to the medical area.
3. Bring the victim to the medical area of the jail for a medical evaluation as soon as possible. The medical staff will refer the victim to an emergency facility.
4. If the assault is less than 72 hours old, inform the victim not to shower, wash, drink, eat or defecate until he/she has been examined.
5. Get a brief statement of what happened. (The victim may be in shock to give details at this time. Be understanding and not forceful. Details can be gathered later.)
6. When the victim returns, arrange re-assignment to a secure area, either in protective custody or to another secure jail area. Be sure the assailant(s) and previous cellmates are not located in the same area.

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## San Francisco Sheriff's Department Sexual Assault Policy

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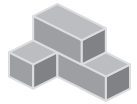
### **E. Collect evidence**

1. Collect blankets and sheets if there is semen present. Place each item in a separate paper bag. Seal and label as indicated below. If semen is present on the floor, etc., collect samples using a cotton swab or Q-tip. Place the swab in a test tube which has ½ cc. Of saline solution. JMS has these items.
2. Have the victim change into clean clothes. Place each item of clothing into a separate paper bag. Seal and label as indicated below.
3. All medical evidence will be collected by the San Francisco Rape Treatment Center.
4. Collect for evidence any objects used in the assault which served as a weapon. The evidence shall be sealed, labeled and brought to the Crime Lab on the 4th Floor of the Hall of Justice with the following labeled information.
  - a. Arrange to keep witnesses separated from the assailant. It will be necessary to interview and obtain statements from all witnesses or potential witnesses in the housing area as soon as possible.
  - b. Obtain a fuller statement from the victim and if he/she is willing to testify.
  - c. Determine whether to question the suspect, and if so as soon as possible. Before questioning, read the suspect his/her Miranda rights.
  - d. Write an incident report.
  - e. Obtain criminal records of both the suspect and the victim.
  - f. Identify the appropriate penal code violations.
  - g. If the evidence indicates, the Deputy or the Rebooking Officer will book the suspect.
  - h. The District Attorney's Office will determine if the case is to be prosecuted.

### **IV. Medical staff intervention**

- A. A victim of sexual assault may identify him/herself to JMS staff during the booking process or at any time during incarceration.**
- B. Upon identification, the victim is rendered immediate first aid by JMS staff. The facility Watch Commander is notified when any complaint of sexual assault, occurring just prior to or during incarceration, is made. JMS staff can reassure the victim that they need not make any official report of the incident or name the assailant in order to get treatment.**
- C. If serious physical injury is involved, the victim is immediately referred to San Francisco General Hospital Emergency Department (SFGHMC). The Emergency Department will notify the San Francisco Rape Treatment Center for appropriate intervention.**
- D. If the assault is less than 72 hours old and injuries are minimal, he/she is immediately referred to the San Francisco Rape Treatment Center (SFRTC) located at SFGHMC for initial intake evaluation and evidence collection. The victim should not bathe or shower prior to evidence collection. JMS staff are never to be involved in the collection of evidence in sexual assault cases nor should they ever attempt an exam to determine extent of assault. All sexual assault exams must be done by SFRTC at SFGHMC. The victim can decline referral to the S.F. Rape Treatment Center. This refusal is documented on a "Refusal of Medical Care" form with the prisoner's signature. Even if the referral is refused, a telephone notification is to be made to both SFRTC (821-3222) and the Jail Social Work Unit (863-8237).**
- E. If the victim does not consent to evidence collection or it is after 72 hours, refer to the JMS Social Work Unit as soon as possible. The JMS Social Work Unit is to be informed of all complaints of sexual assault whether the assault occurred prior to or during incarceration.**
- F. Discharge referrals to SFRTC are appropriate for follow-up when the victim is released from custody. This referral information should be given to the victim at the time of initial intervention.**





realize that individuals who claim they have been sexually assaulted often believe what they are saying even though it may not always be true. Every allegation is thoroughly investigated.

**All allegations of sexual assault are taken seriously even though about 60 percent cannot be verified.**

The investigative team recognizes the importance of building rapport with victims to help them become comfortable enough to talk about the incident. The team is culturally diverse, and investigators recognize that some inmates may feel more comfortable talking to a specific investigator. If there is no investigator who speaks a particular inmate's language, for example, they may ask a deputy who speaks the language to participate in the interview.

### Aggressive prosecution of sexual assaults

Investigators maintain positive relationships with prosecutors in the District Attorney's office. This ensures that prosecutors will take jail sexual assaults seriously and pursue prosecution when possible. An additional factor that helps in pursuing criminal charges is California Proposition 115. Proposition 115, known as the Crime Victims' Justice Reform Act, was passed by California voters in 1990. It benefits all crime victims by reducing the number of times a crime victim must testify. As a result, the inmate victim does not have to testify until after the preliminary hearing. In fact, the jail investigator can provide hearsay testimony at the preliminary hearing. When this occurs, perpetrators are more likely to participate in plea agreements.

### Improving staff reports of sexual assaults

The investigators use several methods to reinforce staff reporting of sexual assaults. Sometimes existing staff can develop an apathetic attitude towards reporting. To prevent new staff from falling into this pattern, Investigator John Ramirez strikes a compromise with old-timers. "I know you're not going to do this but let the rookie do his job and we can agree to disagree."

Aggressively pursuing criminal prosecution of sexual assault crimes by both inmates and staff results in deputies taking incidents more seriously. Investigators told researchers that deputies are more likely to document and

report incidents when they see that their efforts result in serious investigations and follow-up activities.

**Deputies receive feedback on the disposition of their reports from investigators: "Thanks for the report. We may not be able to use it for prosecution but we will send the report to his probation officer."**

Investigators provide specific feedback on the deputies' documentation efforts, including what they did well and suggestions for improvement, and sometimes invite deputies to participate in interviews so they can observe how an investigation is handled. In 2000, approximately 150 criminal cases were reported to the investigation unit each year; that number increased to 265 reports in 2004.

**Deputies are told that they can be held liable if they know an assault has occurred and they do not inform anyone or protect the victim. If investigators determine that staff knew about an incident and did nothing, they follow-up with an internal investigation.**

### Medical staff

Medical staff may be consulted by investigators regarding suspected or reported incidents. Investigators might ask medical staff, "Do you know offender X? I know he has some injuries that don't seem consistent with his story that he fell off the bunk. What do you think about that?" Medical staff can reply, "I think that you should look into that" without violating confidentiality. Also, if an investigator sees injuries on a prisoner, they can request that an inmate sign a release of information that permits investigators to talk with medical staff and examine records of the injuries.

### Targeted effort 6:

## Collaboration with the legal system

It took a series of lawsuits to bring about some badly needed changes in San Francisco's jail facilities. Despite the Sheriff's and jail administrators' commitment to institutional safety, spending money on jails and increased staffing tends to be politically unpopular. In spite of the



efforts of Sheriff Hennessey and others to address the jail systems' weaknesses, it has been difficult to get funding for improvements to the county's jails.

## **Lawsuits and attorney Mort Cohen**

Prior to becoming the Sheriff, Michael Hennessey founded Prisoner Legal Services, a non-profit funded by the Bar Association of San Francisco to assist prisoners with legal concerns unrelated to their criminal cases, and was working in the San Francisco County Jails. In the late 1970s, Hennessey contacted Golden Gate University School of Law Professor Mort Cohen who a long history of undertaking prisoner rights' cases dating back to the Attica prison riots. This contact resulted in the first significant lawsuit, *Stone v. City and County of San Francisco*, which was filed in Federal District Court in 1978. The suit focused on overcrowding, substandard medical care and inmate safety in County Jail 1.

The *Stone* lawsuit resulted in a 1982 case consent decree limiting the size of the inmate population. However, the City and County of San Francisco, including the Board of Supervisors, was found in contempt because of its inability to limit the population. Consequently, funding was provided to build two direct supervision jails, County Jails 7 and 8. County Jail 8 has become a national model for program-oriented prisoner rehabilitation. Today, approximately 400 inmates participate in G.E.D., English as a Second Language programs, alcohol and drug abuse counseling, and family reunification.

*Besk v. City and County of San Francisco* was also an important case that involved inmate rape. This case originated in the mid-1980s when an inmate raped a 19-year old inmate. The victim was a first-time offender and the perpetrator had a criminal history in another state that the Sheriff's Department was unaware of, and as a result, the victim and perpetrator were housed in the same unit.<sup>2</sup> A public defender became aware of the rape and contacted Mort Cohen. Although the inmate did not directly report the rape, the Sheriff's Department also became aware of the incident around the same time through an internal source. The Sheriff's Department worked closely with Mort Cohen throughout the case.

Although *Besk* began as an inmate rape case, it eventually became a class action suit related to crowding. Consequently,

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<sup>2</sup> The Sheriff's Department subsequently revised its classification system to include a check on criminal history in other states.

the Federal Court approved a settlement agreement between the plaintiffs and the City and County of San Francisco in which the plaintiffs agreed to dismissal of the case based on the City's promise to build a replacement for County Jail #3. In keeping with the settlement agreement, the Board of Supervisors and the Mayor approved the issuance of certificates of participation to fund a replacement jail. That jail, County Jail #5, opened in August 2006.

## **Targeted effort 7: Direct supervision**

Another important technique for institutional safety in San Francisco is the use of direct supervision facilities. Direct supervision in a correctional facility encompasses both an architectural design and a management style. In a direct supervision facility, the housing design is podular, with inmates' cells arranged around a common area. Officers are stationed in the common area with the inmates rather than in a secure control booth. The management style prioritizes officer interaction with inmates for the purpose of obtaining information and consistently managing inmate behavior. Under this system of supervision, deputies are in constant communication with inmates. As discussed earlier in this Bulletin, inmates have an easy time reporting important information on potential dangers to staff because it is routine for staff and inmates to talk to each other. This focus on interaction includes holding daily meetings with the inmates during every shift to discuss issues and behavioral expectations. Deputies are also more empowered to assign or remove privileges than in a traditional jail management approach.

***"People who are observed tend to behave differently than those who are not."***

*– Chief of Staff Eileen Hirst*

Traditional jail architecture requires officers to patrol along cells arranged in a long row (a cellblock). Direct supervision is a state-of-the-art method that promotes the safety of both jail staff and inmates. The constant presence of an officer among the inmates plays a powerful role in ensuring safety by becoming aware of problems and responding to them before they escalate. According to the National Institute of Corrections, direct supervision methods can reduce violence by 30-90 percent.<sup>3</sup>

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<sup>3</sup> See <http://www.nicic.org/pubs/1993/015527>



Direct supervision facilities may seem like an expensive option, but they actually cost the same or less than indirect supervision facilities both to build and operate. Concrete and bars can be replaced with shatterproof glass, or heavy-grade plastic, for example, thereby reducing the costs. Also, direct supervision jails have program space built into the pod since programming is an important component of direct supervision – keeping inmates constructively occupied results in fewer behavior problems.

***“You can have all the motivation to keep an old facility safe, but that is not enough to make it safe. Direct supervision is the most important component of safety.”***

*– Law Professor Mort Cohen*

## Implementing direct supervision concepts in linear jails

San Francisco operates three direct supervision facilities. The third direct supervision facility was opened in August 2006 to replace the oldest jail, which was built in 1934. The remaining jails have a traditional linear design requiring officers to walk up and down corridors to observe inmates.

Despite the architectural limitations of the linear jails, the Sheriff’s Department implements a direct supervision philosophy as much as possible in these facilities. According to Chief of Staff Eileen Hirst, “deputies are trained in positive interaction with prisoners, and are encouraged to be problem solvers to prevent pent-up frustrations from erupting.”<sup>4</sup> Communication between staff and inmates is ongoing; officers respond to complaints from inmates; and behavioral expectations are discussed and clarified when needed.

## Proven success of direct supervision

In a study of aggressive behavior conducted over a four-month period in 2005 in San Francisco’s jails, a significant difference was documented in the number of inmate-to-inmate and inmate-to-staff aggression incident reports filed in a linear versus a direct supervision jail. Aggressive acts were defined as any contact or attempt to make

physical contact with another person with intent to do harm. A total of 44 aggressive acts were reported in the two jails during the study period. Thirty (68%) of the total 44 aggressive acts were reported in the linear facility, while 14 (32%) aggressive acts were reported in the direct supervision pod, and aggressive acts in the linear facility were more likely to result in injury (Brooks, 2006).

These findings are even more impressive when considering that the direct supervision pod in this study housed new arrivals. This group is generally expected to have many incidents because new inmates are typically less stable than offenders who have had time to adjust to their situation and the jail environment. Additionally, some are detoxifying from alcohol and illegal substances, adding to the volatile nature of the incoming population.

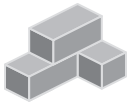
***In an incident study conducted in the San Francisco County Jail in 2005, aggressive acts were twice as frequent and more likely to result in injury in a linear jail compared to a direct supervision jail (Brooks, 2006).***

## Support from experienced staff

Along with research, staff experience further supports direct supervision as a safety measure. Chief Arata, with almost 30 years experience at the San Francisco Jail, said during an interview for this study that he initially saw no value in offender programs or direct supervision as inmate management strategies. He worked in linear facilities for years before working in a direct supervision facility. After witnessing a significant reduction in misconduct, he became convinced of the value of direct supervision. From reviewing incident reports, he estimated that direct supervision facilities have one-eighth the number of incidents in comparison to linear supervision facilities. However, he was careful to point out that there are inmates that still need administrative segregation and cannot be managed in direct supervision pods.

**Staff Rotation Plays a Role.** To prevent inmates from becoming overly familiar with offenders in the direct supervision environment, officers in these pods are limited to a 30-day assignment. This staff rotation cuts down on overly friendly behavior and other common boundary violations with inmates. It also develops staffs’ skills by providing them with experiences in different jail environments.

<sup>4</sup> National Institute of Corrections terms supervision of inmates using elements of direct supervision without the accompanying facility structure as *behavior management*. Written material and training on this topic is available for NIC. See [www.nicic.org](http://www.nicic.org) for more information.



## Targeted effort 8: Inmate programming

Sheriff Hennessey views his role as promoting public safety and believes in rehabilitation as an avenue for advancing safety. The jail has been providing rigorous programming for offenders for over 15 years. The jail system mandates program participation in about half of the jails, and programs occupy approximately one-third of the inmate population.

*Programming inmates from 9:00 in the morning to 8:00 at night reduces the amount of energy and free time inmates have to engage in criminal behaviors. These activities also motivate inmates to abide by the jail rules because they can be prohibited from program participation based on misconduct.*

Besides a GED program and a charter school where convicted inmates can obtain a high school diploma, the Sheriff’s Department provides skill development, counseling, vocational training, and drug and alcohol treatment in collaboration with community providers. Depending on where inmates are housed, they have access to a variety of progressive programs, including horticulture therapy, yoga and meditation, art therapy and drama therapy. In the past, they have also offered acupuncture detoxification to reduce drug cravings and stress.

### RSVP

The Resolve to Stop Violence Program (RSVP) is among the most noteworthy programs in the San Francisco Jail. Men with convictions of domestic or other violence are housed in an open jail dormitory and are required to participate in 16 hours a day of intensive programming that includes hearing from victims about the impact violence has had on their lives. Program graduates, hired after additional training, help to facilitate the program. The program challenges the cultural perception that male violence is acceptable.

Inmates who have graduated from the RSVP program are required to participate in community restoration activities as a condition of their probation or parole. Activities include attending male support groups and job training, presenting at schools and other community organizations,

and participating in violence prevention activities, such as theater productions and public forums in areas with high crime rates.

A 2002 study showed that 80% of men who participated in RSVP for 4 months were 80% less likely to be rearrested for violent crimes than those who had not participated.

*“RSVP shows a very promising way to help stop the cycle of violence, assist the healing of survivors, and save valuable tax dollars. It is a best practice that others should study and adapt to their own communities.”*

*– Stephen Goldsmith, Faculty Chair at the Ash Institute at Harvard’s Kennedy School<sup>5</sup>*

In 2004, RSVP was selected from among 1000 applicants for a \$100,000 grant award from the Ash Institute for Democratic Governance and Innovation at Harvard University. The program was initially funded by The Open Society but is now funded by the city.

### Alternatives to incarceration

In addition to jail programs for inmates, the Department also sponsors a number of jail alternative programs, including Behavioral Health Court, which provides alternatives to incarceration for people with mental and emotional disabilities, the Sheriff’s Work Alternative Program (SWAP) which uses home detention with day reporting, and Post Release Educational Program (PREP), in which prisoners on home detention participate in counseling, classes, and work crews.

## Recommendations

Facility administrators seeking to decrease inmate sexual assaults might want to consider the following recommendations made by Sheriff Hennessey and Attorney Mort Cohen:

- Develop a **classification system** that works. Be sure to identify gay men since they are at greater risk to be sexually assaulted.

<sup>5</sup> See <http://www.excelgov.org/displayContent.asp?NewsItemID=5460&Keyword=m2001>



- Hire a diverse staff to increase opportunities for open communication between inmates and staff. **Diversity in staffing** is important.
- Hire **non-sworn staff** to provide another avenue of communication with inmates.
- Provide **sufficient staffing ratios** in all jail facilities.
- **Solve problems with poor or obstructed sight lines** by installing cameras and replacing barrier walls with glass-clad polycarbonate.
- **Identify and remove the predators** and place them in locked facilities by themselves.
- **Implement direct supervision** to increase inmate safety. Direct supervision is the most important component of safety. The inmate knows and the officer knows that everything is observable. Direct supervision avoids the need to hire more deputies. Train all staff on direct supervision methods.

## Summary

The San Francisco Sheriff's Department administrators continually take advantage of new information and opportunities to improve their system. Many of these opportunities are available at little or no cost, such as the NIC material on objective classification and the Association of Jail Administrators training on direct supervision.

The San Francisco Sheriff's Department administrators also create collaborative relationships with other agencies, lawyers, and community leaders to accomplish the goal of public safety. The value of inmate classification and direct supervision as methods to combat sexual assaults as well as other problematic inmate behavior is continually emphasized.

But what is difficult to document is the impact of the staff culture that has been established over more than 25 years of Sheriff Hennessey's tenure. This aspect of the jail operation makes it apparent that abusive behavior by staff is not tolerated and professional behavior is promoted. The administration's value of facility safety and the role communication plays in day-to-day security, its leadership and implementation of new ideas, the careful and ongoing classification of inmates and direct supervision are program elements that can be replicated elsewhere. ■

### Thanks to those we interviewed:

- Lieutenant Senia "Sunny" Bruno, - Classification
- Chief Deputy Tom Arata – Chief of the Custody Division
- Professor Mort Cohen – Law Professor, Golden Gate University
- Sheriff Michael Hennessey
- Undersheriff Jan Dempsey
- Sergeant Celecia Loke – Training
- Deputy John Ramirez – Investigative Services Unit
- Sandra "Sunny" Schwartz – Program Administrator
- And special thanks to Eileen Hirst, Chief of Staff, who coordinated the site visit

### Resources

The **National Institute of Corrections (NIC)**, <http://www.nicic.org/>, provides technical assistance, training, and informational materials on direct supervision, inmate behavior management, and objective jail classification as well as numerous other issues related to corrections. NIC Information Center, 1860 Industrial Circle, Suite A, Longmont, Colorado 80501, (800) 877-1461, (303) 682-0213.

Jails / Academy Divisions, 1960 Industrial Circle, Longmont, Colorado 80501, (800) 995-6429, (303) 682-0382.

The **American Jail Association (AJA)**, <http://www.corrections.com/aja/index.shtml>, has a training video and brochure on direction supervision for \$99.95. Every year AJA offers one day of training on direct supervision at their annual spring conference (April or May). They also offer an annual four-day direct supervision symposium each Fall (usually September), as well as periodic direct supervision training for line supervisors. In addition, they have published numerous direct supervision articles in their magazine. The American Jail Association, 1135 Professional Court, Hagerstown, MD 21740-5853, (301) 790-3930.

The **California Commission on Peace Officer Standards and Training (POST)**, <http://www.post.ca.gov/>, Learning Domain 10 focuses on sexual crimes. See Basic Course Workbook Series, Student Materials, Sex Crimes (1998) from the Office of State Publishing, Administrative Publications Services, 344 North 7th Street, Room 104, Sacramento, CA 96814-0202, (800) 962-4916.

**Stop Prisoner Rape (SPR)**, <http://www.spr.org/>, is a national non-profit human rights organization that seeks to end sexual violence against prisoners. SPR provides publications, legal information, and a variety of resources related to prisoner sexual assault.

**Sandra "Sunny" Schwartz**, Esq., designs and implements programs for the San Francisco Jail. She can be contacted at (415) 734-2307 or [sunnyschwartz@mac.com](mailto:sunnyschwartz@mac.com) to obtain more information on San Francisco's RSVP program and the university evaluation.

**Gabriel London** directed a short video on the subject of sexual assault in prison and institutional efforts to prevent sexual assaults. This video is titled, *No Escape: Prison Rape in America*, can be used in staff training. Mr. London can be contacted at (323) 936-1913 or [Gabriel@foundobjectfilms.com](mailto:Gabriel@foundobjectfilms.com).

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LOGIC MODEL: San Francisco Sheriff's Jail

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NOTE:

This logic model is provided to assist with replication of aspects of the San Francisco Jail operation that enhance safety through classification and housing procedures. Logic models provide a roadmap for implementation and program monitoring. It provides a logical sequence of related events that connect the program plans with the results. Remember, it is critical to bring stakeholders together to design your own logic model to reach your intended goals.

RESOURCES/ INPUTS

- Mission/philosophy that values safety for both staff and inmates
- Leadership that values safety
  - > Treating inmates with respect
  - > Listening carefully to inmate complaints
  - > Clear expectations of staff
- Staff that values safety
- Staff with ethnic, racial and language diversity
- Civilian employees
- Judicial directives
- Facility architecture
- Funding
- Staff training and supervision resources
- Objective classification system
- Investigation unit
- Investigation policies and procedures
- Strong relationship with hospital sexual assault team
- Strong relationship with prosecutors
- Focus on public service

PROGRAM ACTIVITIES

- Recruit for diversity in race, ethnicity and gender
- Place recruiting ads in neighborhood newspapers
- Recruit employees who want to serve the public
- Specially selected training officers partner with new employees
- Select classification staff with excellent interpersonal skills
- Specially selected on-the-job classification trainers
- Provide extended classification training
- Provide inmates with an immediate health screen by a nurse at booking
- Conduct classification interviews that focuses on inmate vulnerability, prior institutionalizations, violent behavior, and suicide attempts
- Conduct search for wants/warrants/ criminal history
- Use classification based on objective scoring
- Release on own recognizance evaluation
- Record inmate interview data on inmate vulnerability, prior institutionalizations, violent behavior, and suicide attempts
- Prioritize development, maintenance, and access to intake/inmate classification database without purging names since many inmates are admitted many times
- Ensure unobstructed view to holding cells
- Use safety or detoxification cells as necessary
- Spend necessary time to conduct interviews to determine inmate vulnerability, prior institutionalizations, violent behavior, and suicide attempts
- Place offender in direct-supervision unit for at least five days to observe behavior and verify proper housing assignment
- Provide extensive investigation training to specialized staff



**LOGIC MODEL: San Francisco Sheriff's Jail**

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# BUILDING BLOCKS

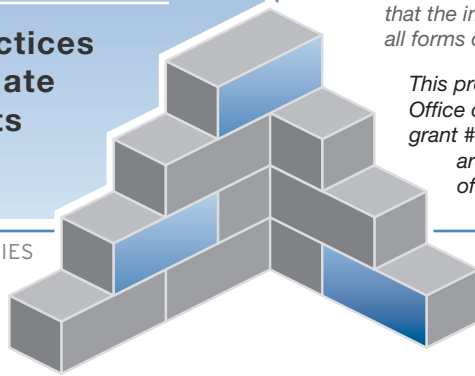
## for Institutional Safety

MAY 2007

### ▶ Promising Practices to Prevent Inmate Sexual Assaults

3

ISSUE THREE IN A SERIES



Keep a lookout for new **Building Blocks Bulletins** over the next few months.

#### Project staff:

- Peggy Heil, *Project Manager*
- Kim English, *Research Director*
- Diane Pasini-Hill, *Manager Special Projects*
- Linda Harrison, *Senior Statistical Analyst*
- Pat Lounders, *Research Specialist*

*The Division of Criminal Justice is documenting practices that were designed to promote safety in jails and juvenile facilities and decrease inmate/resident sexual assaults. While these practices appear promising, further research is necessary to validate whether these are indeed effective interventions. It is also important to stress that the implementation of promising practices does not ensure that all forms of violence have been effectively eliminated.*

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