

STATEMENT OF SHERIFF MICHAEL HENNESSEY

SHERIFF HENNESSEY: Good afternoon.

I'm Mike Hennessey. I'm the Sheriff in San Francisco County.

CHAIRMAN WALTON: I'm sorry. I keep forgetting because somebody always does it for me in court, so I forget to give you the oath.

(Sheriff Hennessey and Deputy Sheriff Lanni were duly sworn.)

CHAIRMAN WALTON: Thank you.

SHERIFF HENNESSEY: Good afternoon, Commissioners. I'm Mike Hennessey. I'm the Sheriff in San Francisco, and I've been the sheriff here for the past 25 years.

We have looked at this issue, and I have a number of points that I think are important for any correctional facility or administrator wanting to try and stop sexual assaults.

First and foremost is almost every jail or prison has a prisoner classification system, and that's really important and probably the key part, is there has to be a classification system that is objective in most ways, but also takes into consideration vulnerable aspects of prisoners, as well as potential predatory aspects of prisoners. It can't merely be putting murderers with murderers, drunk drivers with drunk drivers and things like that.

We've had a number of different classification systems over the years. But approximately ten years ago we partnered with the National Institute of Corrections, who was at that point developing what they called an objective point system, which was fairly simple to train and to apply. And we adopted a National Institute of Corrections model, and it's been very effective in terms of providing the proper separation of various types of prisoners who come into our custody.

To give you some perspective, San Francisco is about the 20th largest jail system in America. We have about 50,000 people come through our county jail on a yearly basis, and we hold about 2,000 people on a daily basis. So we are what's considered a moderately large county jail in terms of the country. So we classify, obviously, each and every person that comes into our system before they're ever housed. And then we also have a review process, and I think that's important, that there be subsequent classifications as people -- as we learn more about people or as incidents take place.

Secondly, and most importantly, is you must have adequate staff. Unfortunately, a lot of jails and prisons do not have adequate staff to supervise the inmates that are in their custody. And jail populations and prison populations are growing continuously, but the number of staff to supervise

the inmates is not necessarily growing as fast as the number of inmates.

Staff must be trained. And one of the areas they must be trained in is looking for signs of people who are fearful, being open to listening to prisoners' complaints, prisoners' fears about sexual assaults. It also helps, in my opinion, greatly to have a racially diverse and -- staff and to have staff of different sexual orientations.

Prisoners are in an oppressive environment. They're in a fear-induced environment, and they're in a somewhat hostile or contentious environment between them and law enforcement. They were arrested by law enforcement and now they're incarcerated by law enforcement. They have to feel that there are people they can go to with their complaints who are going to hear them, who are going to listen to them.

And oftentimes a black inmate will feel more comfortable approaching a black deputy, an Asian inmate will feel more comfortable approaching an Asian deputy, and a gay inmate will feel more comfortable approaching a gay deputy, feeling that they have a more sensitive ear. So I do think diversity in the hiring practices of staff is an important component.

A third component is architecture. Not everyone has the luxury of having a new jail or being able to build a new jail, but when they do I -- in my opinion they really should move towards

podular-designed jails rather than the old-fashioned linear-designed jails and that, to the degree possible, they should have -- incorporate glass or laminated glass or exigent-type glass for greater visibility.

I brought two xeroxed photos which I can give to each member of two of my own jails. One jail was built in 1934. It's the linear indirect-supervision-model jail. And as the deputy who was assigned to watch over 50 inmates at 50 jail cells stands at the head of the tier, he can't see in any of the cells. He can't see what's going on inside any of the cells, so he has to constantly walk down the hall and walk back down the hall even just to see what's going on inside the cell. And, of course, once he walks by the cell, the inmate knows he won't be walking back again for a certain amount of time. That's when mischief takes place. That's when knives are made. That's when dope is made. That's when sexual assaults take place or a prelude to sexual assaults takes place.

A newer-type-model jail is more modular in design, staff is in a central location or some type of central location where they can see all or virtually all of the housing units, can see the main room areas, can see into the shower areas even with a modicum of privacy, but can see essentially that there is activity or no activity taking place in

those type of areas.

In this particular jail, we've also incorporated Lexan laminated-type walls and door panels so that it creates somewhat of a fish-bowl effect, but it also provides for maximum supervision by the staff person who is there.

And in one sense, managing a jail population is no different than managing a classroom. When the teacher is looking, nobody misbehaves. And when the deputy is looking and the inmates know that they can be seen, they tend not to misbehave. It's when there are hidden places or there are hiding places or blind spots -- that's where most of the mischief or illegal activity takes place. So to the degree that people can adopt a direct-supervision design and they can eliminate blind spots in their construction, that will greatly reduce the potential for sexual assaults.

The fourth point is the style of managing the jail. In the past, say, 15 years, many jails and prisons have adopted what's called a direct-supervision approach to managing jails. Direct supervision, in very brief summary, essentially places a staff person in the housing unit with no barrier between them and the inmate.

In an indirect-supervision model, the deputy is on one side of the bars, the inmate is on the other side of the bars, or deputy is in the capsule and the inmates are in a housing area where they're

being observed. But in the direct-supervision model, the staff person is right at a desk or at a standing point inside the housing unit.

Apart from better observation, this also leads to better communication between the inmates and the staff person. In a lot of jail situations, it is suspicious for an inmate to be seen talking to a deputy sheriff or a correctional officer. The belief is that there's some snitching going on.

In the direct-supervision model, the deputy is right there amongst them and everybody is talking to him. They're complaining about food. They're complaining about their clothing. They're complaining about their release date. And in the meantime they can also say, by the way, I think something is going down between this inmate and that inmate. So a direct-supervision model of managing jail facilities I think not only increases your supervision capabilities, but it also increases communication, intelligence gathering that helps then allow the staff to take steps to prevent subsequent conflicts with sexual assault.

A fifth point is a tie-in to that somewhat, and that is inmates and prisoners must have adequate grievance mechanisms. They have to have a sense that their complaints are going to be heard. Because if their complaint about the food is not going to be heard, then their complaint about someone fearing

sexual assault, why bother even bringing it up. So there have to be grievance mechanisms that are effective and staff accommodation or, in my opinion, custody staff and nonsworn staff who are in the units where inmates feel comfortable coming forward with complaints and having a sense that their complaints are going to be listened to and, hopefully, acted upon appropriately.

A sixth point is something that was mentioned in the last presentation; that is, having a sexual-assault protocol. We've adopted a sexual-assault protocol in our department. And when you train your incoming officers or your officers in general, you train them on the entire policy and procedure manual of your department. And if one of those procedures is a sexual-assault protocol, in other words, a menu to follow any time you hear of a reported sexual assault, then the staff knows that this is something the department takes seriously. If a sexual assault happens, gee, I know there's a set of rules I'm supposed to follow.

And the rules, in our case, involve separating out the victim from the potential predator, possibly moving the potential predator. If the assault has happened within the last 72 hours, you treat it as if it were a assault in the community; in other words, you collect evidence, you collect clothing, you take the inmate to the Rape Crisis Center at our General Hospital and treat them

just like as if it were a rape in the community to collect evidence.

That not only sends a message out throughout the institution that these matters are taken seriously, it trains your officers so that they take it seriously, and also it will preserve the potential -- the greatly increased potential of obtaining a prosecution because you've had a procedure that will allow you to gather the evidence.

I have two further points.

Point number 7 is investigation of prosecution. It is difficult to obtain a prosecution of sexual assault in jails and prisons, but it can be done and has been done here in San Francisco. And it's important to try. Jails have very effective grapevines, communication systems, and inmates know what's taken seriously and what's not taken seriously. And if a person is booked, even if there's -- booked and charged with sexual assault in a county jail, even if there does not become a prosecution because of evidence or witness problems, they know that that has happened.

They also know that this matter has gone on that person's record, in other words, their rap sheet. And if they go to another institution, in other words, if they leave my jail to go on to state prison, when the state prison officers classify that person, they're going to red flag it and see that

this person was booked in the county jail for sexual assault, and that may prevent sexual assault at the next facility that that predator went to.

Lastly is a red-herring issue, an issue which is a nonissue, but which I like to bring up, and that is condoms in correctional facilities. Condoms do not encourage sexual assault, and I think that may be one of the reasons most correctional facilities do not provide condoms in correctional facilities, but they do not encourage sexual assault.

And how can I say that? Well, we've been providing condoms in our jail for 16 years, and they have not resulted in either an increase or even any incident of sexual assault where there has been a condom involved.

Condoms, on the other hand, do provide a form of AIDS education for prisoners who are coming back to our communities, for the most part, and it also will provide protected sex if there is consensual sex. And we do know that consensual sex does take place in jails and prisons.

So even though not many -- this is not really related specifically to preventing sexual assaults, I think it's an issue that this Commission may wish to comment on.

Those are my comments.

CHAIRMAN WALTON: Thank you.

Just before we move on, obviously an inmate doesn't have the level of privacy rights that

individuals not incarcerated have, but I assume you recognize privacy rights of inmates at least to some degree.

SHERIFF HENNESSEY: Privacy rights, sir, in terms of privacy when going to the toilet, for example?

CHAIRMAN WALTON: Yes.

SHERIFF HENNESSEY: Yes.

In the designs that we have, there is a toilet privacy screen in front of the toilet. There is a -- sort of a dutch door in front of the shower so that you can see their feet, you can see their head, but you can't see the center of their bodies.

CHAIRMAN WALTON: I was wondering how you meant that balance between --

SHERIFF HENNESSEY: And I think there is a balance, again, with the Lexan doors and walls that we've put in our jails, but I think in that case the balance should be dipped in favor of the person's safety at the expense of some privacy.

CHAIRMAN WALTON: Thank you.