



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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**PAUL MIYAMOTO
SHERIFF**

March 25, 2020

The Honorable Manohar Raju
San Francisco Public Defender
555 – 7th Street
San Francisco, CA 94103

Dear Mr. Raju.

Thank you for your letter of March 20, 2020. Our priority before, during and after this public health emergency, is keeping the people in our custody and care, our staff and our community safe and well. We have a shared interest and commitment to focus on the welfare of those most vulnerable.

The Sheriff's Office is operating under our COVID-19 response and action plan which we shared with you. We also have shared this information with the public through announcements and postings on our website. Our plans include changes to jail operations to address conditions that are responsive to the current health concerns.

As you mentioned in your letter, the Sheriff's Office is taking proactive steps to prevent the introduction of the virus into our jail system. We continue to add to these steps, to include implementation of social distancing in both living spaces and movement of the incarcerated population.

We are working with your office, the District Attorney and the courts to identify people who may be eligible for early release from jail, including the 26 people who were released on the day you sent your letter. Our office worked with our community partners to identify housing for the releases who did not have a location to shelter in place. Sheriff's staff placed approximately 13 of those released in supportive housing and behavioral health programs. The remaining releases had identified existing housing upon their reentry.

Even before this emergency, San Francisco had one of the lowest incarceration rates in the nation. Fortunately, our current historically low jail count allows the Sheriff's Office and Jail Health Services to lessen exposure to the coronavirus. Jail Health Director Dr. Lisa Pratt has authored a separate letter documenting her concerns and recommendations, including the following:

"To that end, I ask for continued aggressive review of the pending charges and/or legal dispositions of the older incarcerated people and those with serious medical comorbidities, in order to effect early releases whenever possible."

We are currently reviewing another list of individuals identified by Jail Health Services as vulnerable and medically "high risk."

Although you reference Government Code section 8658, I do not believe that the authority provided to me under the circumstances described applies to our current situation.

Pursuant to Government Code Section 8658, I do have the authority to remove inmates from the county jail in a life-threatening emergency situation. The danger must either be occurring or imminent in order for me to exercise this power. Prior to releasing inmates, the statute requires me to first explore relocating them to a convenient place of confinement until the danger is no longer present. If that is not possible, then I am authorized to release the inmates.

As of today, no inmates in the San Francisco County Jail have tested positive for COVID-19. That said, we are aware of the life-threatening nature of the virus and the reality that it will make its way into the jail.

The Sheriff's Office is working with the Department of Public Health to identify and relocate inmates who are 60 years or older, immunocompromised, or otherwise vulnerable to contracting the virus. In the meantime, I am working to find alternative housing solutions for those inmates who remain in the custody of the county jail should the situation change.

My responses to your other recommendations follow:

1) Release all eligible people in the San Francisco County Jails, with a particular focus on the following categories:

- *All people who are immunocompromised or over the age of 60.*

Please note that I have previously referenced a list of individuals identified as vulnerable or medically "high risk." We will be working on placing those that we can on electronic monitoring and assertive case management (ACM) as an alternative to incarceration.

- *All people who have 6 months or less to serve on their sentence.*

While we have already worked on releasing those with 60 days or less on their sentences, I believe that as the time-in extends, we should begin to work on alternatives to incarceration to include electronic monitoring or assertive case management.

- *Anyone who is in jail due to inability to pay bail, especially if bail is \$50,000 or less.*

At this time, I believe that this should be a matter before the court to adjust bail.

- *Consider releasing all people who have 1 year or less to serve on their county jail sentence and have successfully completed programming in the jails, or obtained certificates through outside programs, such as community college, and provide them with alternatives to incarceration.*

As mentioned in a previous response, the Sheriff's Office has worked on releasing those with 60 days or less on their sentences. I believe that as the time-in extends, we should begin to work on alternatives to incarceration to include electronic monitoring or assertive case management.

While I appreciate your concern for the stress and mental health effects of the pandemic on the families and friends of people in our custody, your concern appears to exclude the victims of the people in our jail. The people who are in our custody have been vetted through the courts. Their detention and sentences reflect court decisions that were based in part on the individual's risk to public safety.

Some of the people in our jail have in fact inflicted harm upon family members and friends. Releasing them early to the community could exacerbate an already fearful and tense home

environment. In the meantime, the people in our custody continue to have access to 24-hour medical care through our Jail Health Services, which is not a benefit afforded to the broader community.

2) *Further improve conditions in the jails in the following ways:*

- *Screen all in jail for the virus at least once a week. This should include, at minimum, temperature checks and completing a screening checklist of symptoms with each person.*

We are working with Jail Health Services and have requested more frequent, periodic checks for the population. Please note that there are challenges with JHS staffing that affect the ability to do so outside of normal pill call rounds.

- *Ensure that people are not being punished for being sick. We know individuals sometimes do not report illness for fear of being placed in Administrative Segregation. That is NOT criteria for administrative segregation and we do not message this to the incarcerated population. Whoever is telling you this is misinformed and may be confusing medical isolation for administrative segregation, which are two different things.*

- *While we understand it is imperative to isolate those who are symptomatic or sick, it is also important that the conditions they are placed under do not mirror conditions used for individuals with rules violations. Being sick is not a rules violation and should not be treated as such.*

Same answer as above, this is NOT criteria for rules violations and/or disciplinary conditions under such rules violations.

3) *Provide consistent information to the community and ensure that all possible lines of communication are open at this time:*

- *Provide information to the public on COVID-19 testing procedures and other precautions being taken by the department to prevent the spread.*

We are providing information to the public, to the justice involved who are incarcerated, and to all our staff and partners.

- *We are aware that the Sheriff is working to provide video conferencing between incarcerated people and their families. Due to community concern, we request that when implemented, it is made clear to the public (as you have articulated to us) that your office values, and will continue to ensure access to, in person visiting and that video communications will only be used as a supplement in this time of crisis, rather than replacement of in person visits.*

Being done. I have personally answered emails to community members who have expressed concerns over specific incarcerated persons. We understand and are sensitive to the public and loved ones' concerns and apprehension for the incarcerated during this public health emergency.

- *Immediately provide counsel a way to schedule phone calls with clients in CJ 4, comparable to what is available for those in CJ 5, and most recently, CJ2.*

We are working with your staff and the courts and have implemented video legal visitation as well as video court appearances.

- *Continue your efforts to make all phone calls free.*

The Sheriff's Office and GTL currently provide free calls to incarcerated persons (two per week). We are working on expanding this service.

- *Provide incarcerated people with unlimited stamps/paper/pens or pencils.*

We are providing indigent people with packets that include these items.

4) *Help improve conditions in the courtroom to protect the health of clients and courtroom staff:*

- *Cease holding in custody individuals in tightly packed holding cells as they await court hearings.*

- *Provide hand sanitizer for incarcerated persons in court and after court.*

Deputies will educate, inform, and enforce social distancing practices and encourage voluntary compliance in the courtroom. All holding cells on each floor will be used to create social distancing. In-custody defendants will be provided hand sanitizer before and after court.

- *Work with DPH to ensure that everyone who enters the courthouse is screened for fever/cough.*

The Sheriff's Office is implementing screening of all who enter the Hall of Justice front lobby. We are working with the Courts to determine a screening process for court personnel who enter through other areas.

- *Immediately cease handcuffing in custody individuals to each other as it greatly increases the likelihood of spreading the virus.*

- *To the extent it is necessary to keep individuals handcuffed, they should have their own separate handcuffs and all sets of handcuffs should be thoroughly cleaned between each use.*

Deputies are directed to sanitize all safety equipment, including handcuffs, after each use. We are also using flex cuffs as a disposable form of restraint equipment to be discarded after one use.

- *Provide frequent access to handwashing with soap opportunities for all in the jail.*

This is already available. Incarcerated persons are required to wash their hands prior to leaving their individual cells and housing units.

If you have any questions, please feel free to contact me or Undersheriff Matt Freeman. Thank you.

Sincerely,



Paul Miyamoto
San Francisco Sheriff

CC: Mayor London Breed, Dr. Grant Colfax, Dr. Tomas Aragon, District Attorney Chesa Boudin, President of the San Francisco Board of Supervisors Norman Yee, Supervisor Sandra Fewer, Supervisor Catherine Stefani, Supervisor Aaron Peskin, Supervisor Gordon Mar, Supervisor Dean Preston, Supervisor Matt Haney, Supervisor Rafael Mandelman, Supervisor Hillary Ronen, Supervisor Shamann Walton, Supervisor Ahsha Safai