



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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**PAUL MIYAMOTO
SHERIFF**

May 1, 2020
Reference: 2020-055

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

Dear Public Defender Raju,

I received your April 29, 2020 letter. I appreciate hearing your concerns and working with you on these issues, as well as the opportunity to collaborate with you on criminal justice reforms.

Before the global pandemic set in, San Francisco already had one of the lowest incarceration rates in the nation. The decision to reduce the jail population to historical lows has broadened the conditions under which people may be released and requires us to maintain a delicate balance between public safety and public health.

To maintain this balance, the Sheriff's Office adopted multiple protocols in our jails under our COVID-19 emergency response and action plan to provide safe housing space for justice-involved persons in our custody. We continue to evaluate and adjust our response.

We implemented social distancing protocols across three jails and our intake and release center on March 9 when the jail population stood at 1,110. Today, our jail count stands at 707, and social distancing is a lot easier to accommodate. In your recent letter, you mentioned that you feel we still do not satisfy the need to social distance within our jail space. Yet recent legislation proposed by the Board of Supervisors, that you support, will reduce the physical space for people to social distance to just two jails, constraining us further.

When more tests became available, the Department of Public Health prioritized testing for all new bookings to our jail on April 12. Since that time, Jail Health Services (JHS) has tested two asymptomatic people before they entered the intake and release center and received their positive results within 24 hours.

The Sheriff's Office has a protocol in place where we quarantine all new bookings from the general population before we know the outcome of the tests to reduce the opportunity for exposure. One of the persons who tested positive had already been released but was notified by JHS. The second person remained in isolation until they were released by court order shortly

thereafter. We hope the two people who tested positive continue to observe the quarantine period and do not contribute to the community spread of the virus.

Staff members who were exposed to the two individuals during booking wear PPE to minimize risk. None has tested positive. I do not believe that these two positive cases necessitate releasing those in our custody and care under the emergency authority granted to the Office of the Sheriff.

I respect your belief that now is the time to reduce the population further in anticipation of an outbreak in the jails. I respectfully disagree. Your reference to the Attorney General's memo does not include context for the larger incarcerated populations with which other counties and jurisdictions are burdened. The language also includes a reference to removing them to "a safe, convenient place" before consideration of release, a method that we are able to consider with existing space at our facilities.

Our Sheriff's deputies educate people in our custody to practice social distancing, good hygiene and wear their masks to limit their risk of exposure. JHS monitors the incarcerated population's health 24/7 and has reported no new infections.

Finally, you suggest three additional methods to reduce the population absent emergency authority:

- 1. Release those within 6 months of serving their sentences to alternative programs.**

The Sheriff's Office began to work on alternatives to incarceration to include court-ordered electronic monitoring or assertive case management. From the date of the emergency declaration (February 25) to today, we have had a 16.65% increase in individual cases that we monitor out of custody. We do not have the capacity to increase our caseload at present but will continue to assess and consider reallocating our resources if there is an emergent need.

- 2. Cease arrests on technical violations of electronic monitoring.**

We give due consideration in the interest of justice if there is a technical violation.

- 3. Apply the emergency bail schedule to all pre-pandemic warrants, in and out-of-county.**

We will continue to apply the emergency bail schedule under our current interpretation.

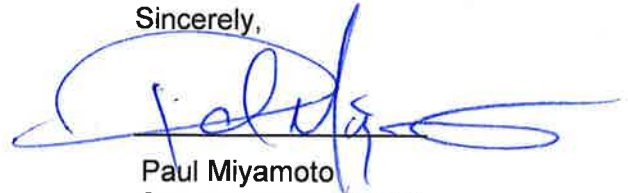
After stipulated releases, \$0 bail and court-ordered OR releases due to the pandemic, the roughly 700 people who remain in our jail are defendants or convicted felons who the court has determined are a threat to public safety. The vast majority have serious and violent histories, convictions and/or arrests.

The Sheriff's Office has the additional mandate of vacating County Jail 4 by November of this year and adjusting our housing to meet social distancing protocols. We must weigh our next steps and make responsible health and safety choices within these parameters. Even now, I am concerned that we are releasing people who pose a greater risk to the community. If we further expand the conditions under which people are released to address health needs in our remaining two jails, we will marginalize public safety.

It is my sworn duty to protect both the incarcerated population's safety inside our jails as well as the public's safety on the outside. To this end, we will continue to work with your office, District Attorney and the courts on identifying people who are eligible to be safely released to the community.

Thank you to you and your staff. Please continue to stay safe, be well, and take care.

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