

November 16, 2020

Supervisor Sandra Lee Fewer  
Chair, Budget & Finance Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

***RE: Legal & Policy Problems with Electronic Monitoring in San Francisco, California  
Agenda Item 200876 & 201198, Budget and Finance Committee, Nov. 18, 2020***

Dear Supervisor Fewer:

This letter addresses the San Francisco Sheriff's office use of electronic monitoring for people on pretrial release and probation. The COVID-19 pandemic brought into sharp focus the dangers of incarceration and the critical need to release as many incarcerated people as possible. But the continued and increased use of electronic monitors (including GPS-equipped ankle monitors) is not the answer.<sup>1</sup> Instead, significantly fewer people should be on monitors and the rules of monitoring should be modified to be much less restrictive and oppressive.

By way of introduction, I am a law professor and my area of expertise is the use of surveillance technology for people involved in the criminal legal system. Prior to joining academia, I was an attorney at the East Bay Community Law Center in Berkeley, California, where I represented young people charged with crimes, many of whom were ordered to wear ankle monitors. I know the problems with electronic monitoring very well.

The Board of Supervisors is uniquely positioned to address the problems with electronic monitoring. Pursuant to California Penal Code § 1203.16, the Board may "prescribe reasonable rules and regulations" regarding electronic monitoring. Some of the relevant rules are set forth in the contract with Sentinel Offender Services and other rules are set by the Sheriff's Office.<sup>2</sup> Both sets of rules should be reviewed and modified by the Board of Supervisors. Thanks to the efforts of community organizers, the harmful and racialized impact of electronic monitoring has been exposed. This letter adds to those efforts by explaining some of the specific legal problems with electronic monitoring for people on pretrial release and court supervision.

### **Electronic Monitoring Improperly Infringes on Fourth Amendment Rights & Privacy.**

Electronic monitoring, as well as police use of the data generated by ankle monitors, is governed by the Fourth Amendment.<sup>3</sup> Accordingly, there must be a legal basis for these searches and yet there is often no such basis when it comes to electronic monitoring. Although there is not uniformity among courts on this issue, at least two state supreme courts struck down electronic monitoring as unreasonable searches under

the Fourth Amendment.<sup>4</sup> In those cases, the courts found that the significant privacy intrusions of electronic monitors outweighed the government interest in tracking people.<sup>5</sup>

### **Electronic Monitoring is Often an Unreasonable Condition of Court Supervision and Pretrial Release.**

To be lawful, conditions of release, such as electronic monitoring, must reasonably relate to the purposes of supervised release, such as rehabilitation, public safety, or, in the case of pretrial release, ensuring attendance at future court dates.<sup>6</sup> There must be a “degree of proportionality between the burden imposed by [the] condition and the legitimate interests served by the condition.”<sup>7</sup> Although there is not uniformity among courts on this issue, there are three general reasons why electronic monitoring is neither reasonable nor proportional.

First, monitoring burdens the significant privacy interests in our personal digital data, including our location data.<sup>8</sup> As Justice Sonia Sotomayor explained, extensive use of GPS surveillance of location data “generates a precise, comprehensive record of a person's public movements that reflects a wealth of detail about her familial, political, professional, religious, and sexual associations.”<sup>9</sup> This surveillance, in turn, disrupts “the relationship between citizen and government in a way that is inimical to democratic society.”<sup>10</sup>

Second, there is no convincing evidence that electronic monitoring furthers any of the purposes of supervised or pretrial release. In fact, the opposite is true: less supervision and fewer restrictions lead to better outcomes.<sup>11</sup> The stigmatizing effect of wearing a monitor, as well as the myriad of technical requirements (including being on 24/7 house arrest), makes it hard to obtain and keep a job,<sup>12</sup> as well as maintain social and familial relationships.<sup>13</sup> As the Massachusetts Supreme Court recently observed: “When a judge orders GPS tracking, a ‘modern-day ‘scarlet letter’ is physically tethered to the individual, reminding the public that the person has been charged with or convicted of a crime.”<sup>14</sup> In the context of pre-trial release in particular, there is no evidence that people on monitors have lower rates of missed court dates as compared to people not on monitors.<sup>15</sup>

Third, and finally, electronic monitoring is often used disproportionately. Although it did not address GPS monitoring specifically, the California Supreme Court recently struck down electronic surveillance of cellphone data as a condition of juvenile probation because the “burden it imposes on [the accused person’s] privacy is substantially disproportionate to the countervailing interests of furthering his rehabilitation and protecting society.”<sup>16</sup>

### **Electronic Monitoring Reflects the “New Jim Code.”<sup>17</sup>**

Electronic monitoring builds on decades of surveillance as a mode of racial control and subordination.<sup>18</sup> As Professor Michelle Alexander, author of *The New Jim Crow*, observed: “digital prisons are to mass incarceration what Jim Crow was to slavery.”<sup>19</sup> Race directly corresponds with “who is watched in society.”<sup>20</sup> In San Francisco, Black people make up around 3 % percent of the general population but almost 50 % of the people on electronic monitors. National data also shows that Black and Latinx people are also reincarcerated for technical violations at a much higher rate than white people.<sup>21</sup>

Being watched 24/7 undermines personal autonomy and dignity, resulting in racialized disenfranchisement and social marginalization.<sup>22</sup> Rejecting the idea that GPS monitoring furthers rehabilitation, one federal judge remarked in a dissent: “a public sighting of the modern day ‘scarlet letter’—the relatively large GPS device—will undoubtedly cause panic, assaults, harassment, and humiliation.”<sup>23</sup>

### **Electronic Monitoring Is Not Always Used as An Alternative to Incarceration and Pretrial Detention.**

The common narrative is that but for electronic monitoring, people would otherwise remain in custody. This “favorable alternative” narrative is a myth for two reasons. First, there is no empirical evidence that monitoring is, in fact, used as an alternative - that in a world without monitors the same people would be in custody. Perhaps some people would otherwise be incarcerated, but many people would not (or should not) be incarcerated. In practice, monitoring is often added on as an additional condition of probation or pretrial release, used as a sanction for technical violations that often had nothing to do with public safety, or used on people who should just be straight released (or released on their own recognizance).

Second, even in cases where monitoring is, in fact, being used as an alternative – in other words, the person would otherwise remain in custody – there is limited evidence that monitoring is an effective alternative. In fact, GPS monitoring, with its near perfect capacity to detect invariable imperfections, increases the risk of technical violations,<sup>24</sup> which in turn drives reincarceration.<sup>25</sup> People on monitors often spend months cycling in and out of jail for technical violations. For example, failing to charge the monitor at a predetermined time or going to the doctor’s office without authorization, are violations and often result in reincarceration.<sup>26</sup> It is rarely a question of one day of electronic monitoring versus one day in custody – it is most often both.<sup>27</sup>

### **Electronic Monitoring Improperly Infringes on Liberty Interests.**

As one federal judge observed of GPS monitoring in the context of pretrial release: “Required wearing of an electronic bracelet, every minute of every day, with the government capable of tracking a person not yet convicted as if he were a feral animal would be considered a serious limitation on freedom by most liberty-loving Americans.”<sup>28</sup> Although there is not uniformity within the law on this issue, a small but growing number of courts have found that GPS monitoring improperly infringes on liberty interests.<sup>29</sup>

### **Electronic Monitoring Is Uniquely Harmful to Certain Groups.**

The requirements of electronic monitoring are especially challenging for people with disabilities, mental illness, young people,<sup>30</sup> and those with housing insecurity.<sup>31</sup> Life on a monitor means remaining inside at all times, complying with sometimes upwards of 50 different rules, having regular access to electricity for a set amount of time (sometimes two or more hours at a time), and the ability to plan daily schedules at least 48 hours in advance. Compliance with these requirements would be challenging for anyone, but compliance is particularly hard for more vulnerable groups of people.

### **Data Should Show Progress, Not Simply Swapping One Form of Incarceration for Another.**

According to the San Francisco Sheriff’s Office, the use of monitoring increased three-fold while the jail population decreased. This data suggests that monitoring is overused. Ideally, there should be a decrease in the jail population and a decrease (or at least not an uptick) in the use of monitoring. As a point of

comparison, in neighboring Alameda County, the use of electronic monitoring in juvenile court has gone down over the past two years, as has the overall juvenile hall population. Similar trends should be seen in San Francisco's use of monitoring.

**San Francisco Should be a Leader in Limiting & Reforming the Use of Electronic Monitoring.**

It is incumbent on the Board to consider these legal and policy concerns, and address the demands identified by those directly impacted.<sup>32</sup> The rules and regulations governing the use of monitoring must be changed to counter the negative implications of monitoring. A range of advocacy groups, many of which include directly impacted people, have argued against the expanded use of electronic monitoring and proposed alternatives.<sup>33</sup> I fully support those efforts.

Please let me know if you have questions about this letter or would like to discuss any of these points. I would be honored to be of assistance as you continue to address these important issues. Please feel free to contact me by phone (510-326-8678) or email ([kweisburd@law.gwu.edu](mailto:kweisburd@law.gwu.edu)).

Thank you for your time.

Sincerely,



Kate Weisburd  
Associate Professor of Law

CC:

Supervisor Rafael Mandelman  
[MandelmanStaff@sfgov.org](mailto:MandelmanStaff@sfgov.org)

Supervisor Shamann Walton  
[Shamann.Walton@sfgov.org](mailto:Shamann.Walton@sfgov.org)

Chelsea Boilard  
Legislative Aide to Sup. Sandra Fewer  
[Chelsea.Boilard@sfgov.org](mailto:Chelsea.Boilard@sfgov.org)

Tracy Gallardo  
Legislative Aide to Sup. Shamann Walton  
[Tracy.Gallardo@sfgov.org](mailto:Tracy.Gallardo@sfgov.org)

Jacob Bintliff  
Legislative Aide to Sup. Rafael Mandelman  
[Jacob.Bintliff@sfgov.org](mailto:Jacob.Bintliff@sfgov.org)

Linda Wong  
Clerk of the Budget & Finance Committee  
[linda.wong@sfgov.org](mailto:linda.wong@sfgov.org)

John Carroll  
Clerk of the Board of Supervisors  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)

- 
- <sup>1</sup> James Kilgore, [As the U.S. Scrambles To Slow Coronavirus, We Should be Wary of Increased Surveillance](#), The Appeal, March 23, 2020.
- <sup>2</sup> The rules set by the Sheriff's office are located [here](#).
- <sup>3</sup> [Grady v. North Carolina](#), 575 U.S. 306, 309 (2015).
- <sup>4</sup> [Comm. v. Norman](#), 484 Mass. 330, 338 (2020); [Com. v. Feliz](#), 119 N.E.3d 700, 692–93 (Mass. 2019); [State v. Grady](#), 831 S.E.2d 542, 556 (N.C. 2019).
- <sup>5</sup> Kate Weisburd, [Sentenced to Surveillance: Fourth Amendment Limits on Electronic Monitoring](#), 98 N.C. L. REV. 717 (2020).
- <sup>6</sup> [See Comm. v. Norman](#), 484 Mass. 330, 338 (2020).
- <sup>7</sup> [In re Ricardo P.](#), 7 Cal. 5th 1113, 1122 (2019).
- <sup>8</sup> [Carpenter v. United States](#), 138 S. Ct. 2206 (2018), [Riley v. California](#), 134 S. Ct. 2473 (2014), [United States v. Jones](#), 132 S. Ct. 945, 951 (2012).
- <sup>9</sup> [United States v. Jones](#), 565 U.S. 400, 415 (2012) (Sotomayor, J., concurring).
- <sup>10</sup> [Jones](#), 565 U.S. at 416.
- <sup>11</sup> Michelle S. Phelps, [Mass Probation from Micro to Macro: Tracing the Expansion and Consequences of Community Supervision](#), 3 ANN. REV. CRIMINOLOGY 261, 262 (2020); Jennifer L. Doleac, [Study after study shows ex-prisoners would be better off without intense supervision](#), Brookings Institute (July 2, 2018); Michael P. Jacobson Et Al., [Less Is More: How Reducing Probation Populations Can Improve Outcomes](#) 6, Harvard Kennedy School (2017).
- <sup>12</sup> [Comm. v. Feliz](#), 119 N.E.3d 700, 704 (Mass. 2019) (noting that GPS may require individual “to leave his [or her] job and walk around outside during work hours, risking potential economic consequences, including loss of employment”).
- <sup>13</sup> MAYA SCHENWAR AND VICTORIA LAW, [PRISON BY ANY OTHER NAME](#), 35 (2020) (noting that electronic surveillance mechanisms are not “rehabilitative or transformative – they don’t support people in making changes that would be helpful in their lives, gaining needed resources, addressing harm or violence, or confronting the social forces that have affected them.”).
- <sup>14</sup> [Norman](#), 484 Mass. at 338–39.
- <sup>15</sup> [See](#) Alicia Virani, et al, [Creating A Needs-Based Pre-trial Release System: The False Dichotomy of Money Bail Versus Risk Assessment Tools](#), UCLA School of Law, Criminal Justice Program, 2020, pg. 18.
- <sup>16</sup> [In re Ricardo P.](#), 7 Cal. 5th 1113, 1119 (2019).
- <sup>17</sup> RUHA BENJAMIN, [RACE AFTER TECHNOLOGY: ABOLITIONIST TOOLS FOR THE NEW JIM CODE](#) 5-6 (2019).
- <sup>18</sup> SIMONE BROWNE, [DARK MATTERS](#) (2015); Malkia Amala Cyril, [Black America's State of Surveillance](#), The Progressive, March 30, 2015.
- <sup>19</sup> Michelle Alexander, Opinion, [The Newest Jim Crow](#), N.Y. TIMES (Nov. 8, 2018).
- <sup>20</sup> Mary Anne Franks, [Democratic Surveillance](#), 30 HARV. J.L. & TECH. 425, 441 (2017).
- <sup>21</sup> [See e.g.](#), Kendra Bradner & Vincent Schiraldi, [Racial Inequities in New York Parole Supervision](#), Columbia University Justice Lab, March 2020.
- <sup>22</sup> Chaz Arnett, [From Decarceration to E-Carceration](#), 41 CARDOZO L. REV. 641, 644 (2019).
- <sup>23</sup> [Doe v. Bredesen](#), 507 F.3d 998, 1012 (6th Cir. 2007) (J. Keith, dissenting)
- <sup>24</sup> [See](#) Kathryn Saltmarsh, Ill. [Sentencing Policy Advisory Council, Research Briefing: State Use Of Electronic Monitoring](#) 6-8, Illinois Sentencing Policy Advisory Council (2019).
- <sup>25</sup> Kendra Bradner, Vincent Schiraldi, Natasha Mejia, and Evangeline Lopoo, [More Work to Do: Analysis of Probation and Parole in the United States](#), Columbia Justice Lab, 2017-2018.
- <sup>26</sup> Aaron Cantu, [When Innocent Until Proven Guilty Costs \\$400 a Month—and Your Freedom](#), VICE, May 28, 2020.
- <sup>27</sup> Ava Kofman, [Digital Jail: How Electronic Monitoring Drives Defendants Into Debt](#), NY TIMES MAGAZINE, July 3, 2019.
- <sup>28</sup> [United States v. Polouizzi](#), 697 F. Supp. 2d 381, 389 (E.D.N.Y. 2010).
- <sup>29</sup> [Norman](#), 484 Mass. at 339; [see also Comm. v. Cory](#), 454 Mass. 559, 570 (2009); [State v. Dykes](#), 403 S.C. 499, 506–07 (2013) (overruled on other grounds by [State v. Ross](#), 815 S.E. 2d 754 (2018)); [United States v. Smedley](#), 611 F. Supp. 2d 971, 975 (E.D. Mo.2009); [United States v. Merritt](#), 612 F. Supp. 2d 1074, 1079 (D. Neb. 2009); [State v. Stines](#), 200 N.C. App. 193, 683 S.E.2d 411 (2009); [Riley v. New Jersey State Parole Bd.](#), 219 N.J. 270, 295 (2014).
- <sup>30</sup> Catherine Crump, [Tracking the Trackers: An Examination of Electronic Monitoring of Youth in Practice](#), 53 U.C. DAVIS L. REV. 795 (2019) ; Chaz Arnett, [Virtual Shackles: Electronic Surveillance and the Adultification of Juvenile Courts](#), 108 J. CRIM. L. & CRIMINOLOGY 399 (2018); Kate Weisburd, [Monitoring Youth: The Collision of Rights and Rehabilitation](#), 101 IOWA L. REV. 297 (2015).

---

<sup>31</sup> *Comm. v. Canadyan*, 458 Mass. 574, 575, 578-579 (2010) (noting “undisputed evidence that homeless shelters” could not provide electrical outlets necessary to charge GPS units).

<sup>32</sup> See [The Voices of the Monitored-Video and Audio Gallery](#), CHALLENGING E-CARCERATION, <https://www.challengingcarceration.org/watch-videos>; James Kilgore & Emmett Sanders, [Ankle Monitors Aren't Humane. They're Another Kind of Jail](#), *Wired*, Aug. 4, 2018.

<sup>33</sup> See The Center for Media Justice, [No More Shackles: Ten Arguments Against Pretrial Electronic Monitoring](#) (2019); The Center for Media Justice, [No More Shackles: Why We Must End the Use of Electronic Monitors for People on Parole](#) (2018); James Kilgore & Myaisha Hayes, [Guidelines for Respecting the Rights of Individuals on Electronic Monitors](#) (2018); Alicia Virani, et al, [Creating A Needs-Based Pre-trial Release System: The False Dichotomy of Money Bail Versus Risk Assessment Tools](#), UCLA School of Law, Criminal Justice Program, 2020.

**From:** [Joseph Bear](#)  
**To:** [Wong, Linda \(BOS\)](#); [Cabrillo, Angela \(BOS\)](#)  
**Subject:** Public Comment for Budget & Finance Committee - Items #1 & #2  
**Date:** Wednesday, December 2, 2020 12:33:49 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Fewer and Supervisors,

My name is Joseph Bear and I work at Transgender Gender Variant and Intersex Justice Project or TGJIP. TGJIP is strongly opposed to electronic monitoring in all forms. We are urging you to recommend against approving the current rules and regulations of the city's electronic monitoring program — and we are asking that you incorporate immediate harm reduction measures while working to oppose electronic monitoring on all fronts.

The communities that TGJIP serves, particularly the Black trans community, are especially harmed by all forms of incarceration and policing, including EM. The rules imposed for EM make it impossible for members of our communities to carry on their lives, including making it difficult or impossible for them to access basic necessities like food and medical care, and it makes imprisonment and reincarceration far too likely. Because we know that Black TGI people are far disproportionately targeted by the carceral state, EM and the rules imposed present another form of marginalization, criminalization, and incarceration. Rather than using EM, the city should decriminalize quality of life crimes that disproportionately target the communities that TGJIP serves and put funds used for EM toward support for those communities.

On Tuesday, November 3, San Francisco and California voters sent a clear message — they demanded ambitious solutions to address California's excessive reliance on criminalization, incarceration, policing, and surveillance. We cannot continue to allow for electronic monitoring and carceral surveillance to extend beyond the jail's walls and into our communities and homes.

San Francisco's reliance on electronic monitoring is harmful, costly, and counterproductive. For these reasons and more, please do not move forward with approval of the rules and regulations until more information is shared with the public. Instead, please work to implement the harm reduction recommendations for electronic monitoring as outlined by the No New SF Jail Coalition in [this document](#).

Sincerely,

Joseph Bear

--

**Joseph Bear**  
Pronouns: He/him  
Legal Assistant  
[joseph@tgjip.org](mailto:joseph@tgjip.org)

**TGI Justice Project**

415.554.8491 | [Web](#) | [Facebook](#) | [Instagram](#) | [Twitter](#)

Mailing address: [370 Turk Street](#), PMB 370 SF CA 94102

Make it happen, Mama! Consider donating as we celebrate **15 years** of Black trans freedom fighting! <https://donatenow.networkforgood.org/TGIJP>

*NOTICE: This email is confidential and may contain legally privileged information. It is intended solely for the person or entity to which it is addressed. If you are not the intended recipient, any disclosure, copying, distribution, action taken or not taken in reliance of the email is prohibited and may be unlawful. If you received the email in error, please reply to the sender immediately.*

**From:** [Melissa H](#)  
**To:** [Wong, Linda \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [FewerStaff \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Waltonstaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Public Comment Regarding Today's Budget & Finance Agenda Items #1 & #2 - File Nos. 200876, 201198  
**Date:** Wednesday, December 2, 2020 9:56:32 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon, supervisors. My name is Melissa Hernandez, and I'm writing on behalf of the San Francisco Volunteer Chapter of the ACLU of Northern California. Our chapter is a proud member of the No New SF Jail Coalition. I'm here today to urge you to keep shining a light on the use of electronic monitoring in our city. After weeks of discussions, the public still has very little clarity about who is being placed on electronic monitoring, why they are being placed on it instead of less restrictive alternatives, or what types of violations are landing people back in jail. And what we do know about electronic monitoring in San Francisco is alarming-- just like incarceration in our city, almost half of people on electronic monitoring are Black, a chilling statistic for a city whose Black population makes up less than 5%. What you are doing today is a step in the right direction, and I want to thank you for taking this topic seriously.

I understand that you each received a letter recently from Kate Weisburd of George Washington University in which she detailed the various civil rights issues at stake when people are subjected to electronic monitoring. The ACLU San Francisco Volunteer Chapter wholeheartedly endorses the letter and echoes Ms. Weisburd's concerns, especially as they pertain to the pretrial use of electronic monitoring. The city has a duty to protect San Franciscans' Fourth Amendment rights. It can do so by eliminating unwarranted searches and seizures to the extent possible. The city can also ensure that location data is not shared or kept unnecessarily. Finally, the city can help move progress forward by providing for the collection and regular release of data about how electronic monitoring is used in San Francisco, including who is being placed on it, why, and how often people are being re-incarcerated as a result of violations of the sheriff's electronic monitoring rules.

However, the use of electronic monitoring is troubling for reasons other than privacy and civil liberties. There is no significant evidence that electronic monitoring gets people to court and it is extremely intrusive on people's ability to go about their lives. Accordingly, we echo the calls from our fellow coalition members to reduce and work toward elimination of electronic monitoring in favor of programs that strengthen community ties, do not further perpetuate the surveillance of communities of color, especially Black people, and prioritizes life-affirming, community-centered services.

Sincerely,  
Melissa G. Hernandez  
she/her  
Volunteer  
San Francisco Chapter  
ACLU of Northern California

**From:** [Sarah Rosedale](#)  
**To:** [Wong, Linda \(BOS\)](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#)  
**Subject:** Public Comment for Budget & Finance Committee - Items #1 & #2  
**Date:** Wednesday, December 2, 2020 9:59:02 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Fewer and Supervisors,

My name is Sarah Rosedale. I live in Bernal Heights and I am with the SF Chapter of the ACLU as well as a volunteer with No New Jails SF. I am strongly opposed to the use of electronic monitoring. I urge you to recommend against approving the current rules and regulations of the city's electronic monitoring program and instead incorporate immediate harm reduction measures while working to oppose electronic monitoring on all fronts.

In my volunteer work with No New Jails SF I have been able to study just how EM works, and how it will only serve to perpetuate the cycle of poverty and crime. It is a sophisticated and harder to see continuation of mass incarceration in this country. It is not a solution, but a new development in the prison industrial complex.

On Tuesday, November 3, San Francisco and California voters sent a clear message — they demanded ambitious solutions to address California's excessive reliance on criminalization, incarceration, policing, and surveillance. We cannot continue to allow for electronic monitoring and carceral surveillance to extend beyond the jail's walls and into our communities and homes.

San Francisco's reliance on electronic monitoring is harmful, costly, and counterproductive. For these reasons and more, please do not move forward with approval of the rules and regulations until more information is shared with the public. Instead, please work to implement the harm reduction recommendations for electronic monitoring as outlined by the No New SF Jail Coalition in [this document](#).

Sincerely,  
Sarah Rosedale

**From:** [Samantha Lew](#)  
**To:** [Wong, Linda \(BOS\)](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#)  
**Subject:** Public Comment for Budget & Finance Committee - Items #1 & #2  
**Date:** Tuesday, December 1, 2020 5:55:36 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Fewer and Supervisors,

My name is Sam Lew, I grew up in San Francisco and I live in the Richmond District. I am strongly opposed to the use of electronic monitoring. I urge you to recommend against approving the current rules and regulations of the city's electronic monitoring program and instead incorporate immediate harm reduction measures while working to oppose electronic monitoring on all fronts.

**Electronic monitoring (EM) is NOT an alternative to incarceration, it is *another form of incarceration*.** It is a [punitive sanction](#) that fails to provide the services, support, and opportunities that people need.

**Instead of electronic monitoring, we need to explore all possibilities of release and consider electronic monitoring ONLY as a last resort.** Recognize EM as the most restrictive form of supervision, short of jail. San Francisco should be e-carcerating the fewest number of people possible. Expand eligibility of Own Recognizance release (pretrial release with written commitment to show up to court hearings). We also need to invest in community support programs that support pretrial diversion, or make OR more accessible.

On Tuesday, November 3, San Francisco and California voters sent a clear message — they demanded ambitious solutions to address California's excessive reliance on criminalization, incarceration, policing, and surveillance. We cannot continue to allow for electronic monitoring and carceral surveillance to extend beyond the jail's walls and into our communities and homes.

San Francisco's reliance on electronic monitoring is harmful, costly, and counterproductive. For these reasons and more, please do not move forward with approval of the rules and regulations until more information is shared with the public. Instead, please work to implement the harm reduction recommendations for electronic monitoring as outlined by the No New SF Jail Coalition in [this document](#).

Sincerely,

Sam Lew

--

Sam Lew | she/her