



Dear Honorable Members of the Board of Supervisors:

The San Francisco Chapter of the ACLU of Northern California writes to express several concerns we have about the recently introduced legislation to allow private businesses and individuals to hire San Francisco Sheriff's Deputies to combat retail theft in the city. Our concerns include, but are not limited to, the following:

1. **Program scope and applicability:** Government Code section 53069, subdivision (a)(1), which enables cities and counties to enact these 10A/10B supplemental security programs, appears to allow contracting for "special events or occurrences that happen on an occasional basis" and therefore would not appropriately authorize regular or ongoing contracting for the purposes of theft abatement. (See Prof. Lara Bazelon's letter to the Board, submitted prior to the vote scheduled for November 16, 2021.) **This also brings up concerns that the current use of SFPD officers in the same manner is outside the scope of the legislative intent and may not be lawful.**
2. **Police/law enforcement presence:** We believe that an increased law enforcement presence does not necessarily make neighborhoods safer and their use in this manner can reinforce improper policing tactics such as racial profiling. We also question how necessary this program is when, by Supervisor Safai's own admission, the statistics show that retail theft has not increased astronomically.
3. **Equity:** We do not think that public safety should be quasi-privatized. This program puts the power in the hands of corporations to decide where and when law enforcement will be working. It also likely favors large corporations, who can afford to pay the overtime costs associated with the program, over small business owners. This sends a message that public safety is only for those who can afford it, and provides no support to hard-working San Francisco small business owners, many of whom are people of color.
4. **Qualified immunity:** It is our understanding that these officers, although contracted privately, still are protected by qualified immunity when performing 10A or 10B work. In other words, a deputy working private security for a private entity would have qualified immunity while a private security guard would not.

We hope that you will take these concerns into consideration and vote "no" in the final vote set for December 14, 2021. If the legislation does pass and is finalized, we will be vigilant regarding how this law is being implemented in the community.

Sincerely,

San Francisco Chapter
ACLU of Northern California