

May 19, 2021

Sheriff Paul Miyamoto
San Francisco Sheriff's Department
City Hall, Room 456
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Paul.Miyamoto@sfgov.org



Submitted via electronic mail

Subject: Electronic Monitoring Policy Recommendations

Dear Sheriff Miyamoto:

The No New SF Jail Coalition was heartened to hear at the December 2, 2020, Board of Supervisors Budget and Finance Committee meeting that the San Francisco Sheriff's Department is committed to revisiting the rules and agreements of your electronic monitoring program.

Our coalition ultimately rejects the use of electronic monitoring. Electronic monitoring extends carceral surveillance into our communities and homes, and it is harmful, costly, and counterproductive. We instead advocate for community investments that address root causes of harm, increase life-affirming resources, and facilitate self-determination for all San Franciscans.

While SFSD continues to operate an electronic monitoring program, we urge the immediate implementation of our enclosed policy recommendations, which are intended to mitigate the harms of the program, while facilitating successful reentry to the community. The goals of these changes are to invest in people's success, reduce surveillance overreach, and to protect the civil rights that everyone deserves.

Additionally, we ask the City to invest in programs that support court attendance — such as court date reminders and transportation assistance — and explore all other possibilities of release. Electronic monitoring is the most restrictive form of supervision, short of incarceration, and it should not be a condition for release from jail.

In your related conversations with the Public Defender's Office, we ask that input from the community — particularly from people with direct experience being on electronic monitoring — be involved in the revision process moving forward as well.

Sincerely,

No New SF Jail Coalition
nonewsfcjail.outreach@gmail.com

Cc: Supervisor Matt Haney via Matt.Haney@sfgov.org
Supervisor Ahsha Safai via Ahsha.Safai@sfgov.org
Supervisor Gordon Mar via Gordon.Mar@sfgov.org
Abigail Rivamonte Mesa, Supervisor Haney's Office via Abigail.Rivamontemesa@sfgov.org
Monica Chinchilla, Supervisor Safai's Office via Monica.Chinchilla@sfgov.org
Daisy Quan, Supervisor Mar's Office via Daisy.Quan@sfgov.org
Clerk Linda Wong, SF Budget & Finance Committee via Linda.Wong@sfgov.org
Carolyn Goossen, SF Public Defender's Office via Carolyn.Goossen@sfgov.org

Enclosure: NNSFJ's Proposed Changes to SFSD Electronic Monitoring Rules and Agreements
NNSFJ's Additional Recommendations Regarding E-Carceration and Criminalization

No New SF Jail Coalition - Proposed Changes to SFSD Electronic Monitoring Rules and Agreements

1. **Protect our Fourth Amendment rights** by eliminating unwarranted search and seizure from the rules of San Francisco's electronic monitoring program. We do not forfeit our civil liberties while incarcerated under electronic monitoring. Similarly, we must protect privacy and not share location data obtained through the monitors with the police unless there is a search warrant.
2. **Design EM rules to facilitate strengthening people's community ties**, including presumptively permitting pro-social and family time rather than requiring permission for these activities. The same goes for family care, given the strong connection between anti-recidivism and family bonds.
3. **Create tailored and incremental restrictions for electronic monitoring**, similar to the different levels of out-of-custody supervision, with the goal of assigning the lowest levels of restriction possible. For instance, lower level rules could include the sole use of GPS tracking for stay away orders, while a second level of restriction may use GPS to monitor inclusionary zones — thus removing barriers to employment, services, or community building. (The East Bay Community Law Center has made parallel recommendations for Alameda County's juvenile program.)
4. **Place a cap on the amount of time someone must be on electronic monitoring.** After 20 days, those on EM should be subject to a lower level of surveillance or be removed from EM completely.
5. **Punishment and particularly detention should be the absolute last resort in the enforcement of EM program rules.** Create clear guidelines that break down comprehensive and incremental procedures before seeking re-incarceration for rule violations. Procedures should be shared in writing, in clear and simple language, with people on EM.
6. **Simplify and lessen EM rules and regulations.** Those on electronic monitoring are subject to two pages of rules and regulations *in addition* to the terms and conditions of pretrial release or probation. Electronic monitoring is restrictive as-is; the more complicated the rules are, the more people are effectively set up to fail.

No New SF Jail Coalition - Additional Asks Regarding E-carceration and Criminalization

1. **Reject and eliminate e-carceration, especially pretrial.** E-carceration, electronic monitoring, or ankle shackling is a costly and counterproductive form of incarceration that merely extends the carceral system's reach beyond the jail's walls. It also expands jails and policing into the homes and communities of Black, Indigenous, Brown, Trans, and poor people and increases carceral surveillance. Our city can and should at least end the pretrial use of electronic monitoring as soon as possible, especially given the reality of the COVID-19 pandemic. It should not add any other barriers to freedom. Instead, it should prioritize preventative services, decriminalization, and decarceration.
2. **Instead of electronic monitoring, explore all possibilities of release and consider electronic monitoring ONLY as a last resort.** We must recognize electronic monitoring as the most restrictive form of supervision, short of jail, and subject the fewest number of people possible to it. Expand eligibility of Own Recognizance release (pretrial release with written commitment to show up to court hearings) and invest in community support programs that make Own Recognizance release more accessible and support pretrial diversion. Do not make electronic monitoring a condition for release from jail.
3. **Reduce the scope and reach of electronic monitoring.** While we work to eliminate electronic monitoring, we must reduce the harms it currently causes. That means: *fewer* people on electronic monitoring, *fewer* restrictive rules and regulations, and *less* harm caused to people.
4. **Divert electronic monitoring funds and invest them in programs that support court attendance.** There is no significant evidence that shows someone is more likely to appear in court when they are on electronic monitoring. On the other hand, an [October 2020 UCLA Report](#) recommends investing in support over supervision with targeted and tailored programs that address barriers to attending court hearings. Their recommendations include court date reminders, which have been effective, and transportation assistance. In fact, a study found that reminders reduced the number of failures to appear by 26 percent in New York. Rather than 24/7 tech support, we need 24/7 basic needs support. We're not asking for better devices or more monitoring; we're asking for more services that help people show up and stay connected.
5. **Address root causes.** Real public safety means identifying and addressing the core reasons of harm—poverty, homelessness, and a lack of access to resources and mental healthcare, among others. Adequately funding [robust community services](#) that address these issues and meet the needs of all people, not incarceration, makes a safer San Francisco.

We must also end strategies that use low-level charges, such as loitering, to harass people who are poor, unhoused, LGBTQ+, and differently-abled and people of color. Quality of life policing is unethical, disproportionately targets certain members of our communities, disregards the dignity and quality of their lives, and fails to recognize and address the reasons that put folks at risk in the first place.

Decriminalization and elimination of quality of life policing coupled with ample investment in community services will reduce arrests, crime rates, and block the pipeline that funnels our loved ones and communities into jails and ankle monitors.

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

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Joseph Bear
Pronouns: He/him
Legal Assistant
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>

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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

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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

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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

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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

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Sam Lew | she/her