

SAN FRANCISCO PUBLIC DEFENDER

MANOHAR RAJU – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



March 20, 2020

Sheriff Paul Miyamoto
San Francisco Sheriff Department
1 Dr. Carlton B. Goodlett Pl
San Francisco, CA 94102

Re: Ongoing Covid-19 Concern in San Francisco Jails and Courts

Dear Sheriff Miyamoto,

As we work collectively to take unprecedented precautions to protect all San Franciscans in the midst of the COVID-19 Pandemic, my office continues to focus on the safety and wellness of those who are most vulnerable, particularly those who are incarcerated. We can and should be doing more.

To that end, we have continued researching what each of the San Francisco criminal legal system actors can do to further address this crisis, and have identified additional steps that are within the power and responsibility of the Sheriff's Department.

I continue to be very concerned about the conditions in our jails, and the ways in which these conditions threaten the broader community. I am aware that you and your staff are currently taking some precautions to prevent the virus from making its way into the jail, and am relieved that there have been no confirmed cases thus far. However, more should be done to proactively forestall disaster if the virus does make its way inside our jails. Given the information provided by our Governor yesterday, this reality seems almost inevitable.

Additionally, we note that the threat of this situation extends far beyond the most immediate physical health concerns. The stress and mental health effects of the pandemic are particularly acute for those who are detained or have a loved one who is. Family separation is always a serious issue. Right now, it's an especially important one and we are increasingly concerned that family separation will have long lasting and disastrous effects. This is perhaps most concerning for the children of the incarcerated population.

Government Code section 8658 provides you with broad authority during states of emergency to reduce the jail population to such a degree that 6 foot distancing is feasible for everyone inside at all times. Therefore, we ask that you take the following steps to proactively protect not only the physical health and safety of some of the most vulnerable San Franciscans, but also their mental and emotional wellbeing, and that of their families.

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

MoMagic
P: 415.567.0400
www.momagic.org

#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.
- All people who have 6 months or less to serve on their sentence.
- Anyone who is in jail due to inability to pay bail, especially if bail is \$50,000 or less.
- 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.

#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.
- 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.
- 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.

#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 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.
- 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.
- Continue your efforts to make all phone calls free.
- Provide incarcerated people with unlimited stamps, letter writing paper, and pens or pencils.

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

- Work with DPH to ensure that everyone who enters the courthouse is screened for fever/cough.
- 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.
- 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.
- Provide frequent access to handwashing with soap opportunities for all in the jail.

Thank you for your consideration of these urgent requests. Please feel free to contact me or my policy director, Carolyn Goossen, at 415-370-5621.

Sincerely,

A handwritten signature in black ink that reads "Manohar Raju". The signature is fluid and cursive, with the first name "Manohar" and the last name "Raju" clearly distinguishable.

Manohar Raju
San Francisco Public Defender

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.