

# SAN FRANCISCO PUBLIC DEFENDER

MANOHAR RAJU – PUBLIC DEFENDER  
MATT GONZALEZ – CHIEF ATTORNEY



Senator Holly Mitchell  
Senator Nancy Skinner  
Senate Budget Committee  
State Capitol, Room 5019  
Sacramento, CA 95814

Dear Senator Mitchell and Senator Skinner,

As the Public Defender of the City and County of San Francisco, I am a strong supporter of bail reform, as was my late predecessor, Jeff Adachi. I believe that the presumption of innocence is sacrosanct and that no one should be held in jail pretrial simply because they cannot afford to post bail. Nonetheless, I had serious reservations about the version of Senate Bill 10 that passed the California legislature last summer, in part because it would eliminate San Francisco's very successful Pretrial Diversion Project.

Now through the budget process, the Legislature has the power to save this critical program, by including language that would allow SFPDP to be part of the Pretrial Pilot Program proposed by the Governor and sponsored by the Judicial Council.

The San Francisco Pretrial Diversion Project (SFPDP) has been performing pretrial services for the City and County of San Francisco for over 40 years. Our office, and all of our justice partners, have relied on them to perform their job impartially and efficiently, with respect for our clients and for the presumption of innocence.

## **It is very important to us that San Francisco continue to have an independent pretrial services agency.**

Bringing pretrial services into Adult Probation would completely change the nature of the work. Probation departments are charged with supervising people who have been convicted of a crime. Probation is a punishment – an alternative to prison. Probation officers are law enforcement agents with the power to arrest people. They monitor people under their control for any violation of probation, no matter how trivial, and must report all violations to the Court. Further, based on internal policies, they make recommendations to judges about when to revoke probation and impose a state prison sentence. Asking them to provide services to pretrial defendants would be setting up very troubling conflicts of interests; requiring cooperation with law enforcement pretrial violates constitutional rights to silence and counsel.

SFPDP in its role as a pretrial services agency, in contrast, assists people who have not yet had their day in court and are therefore presumed innocent. They employ case managers rather than law enforcement personnel. SFPDP helps people access the services they need to stabilize their lives before their court appearances. It makes sure they show up in court by providing reminders of court dates and helping to arrange

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**Adult Division - HOJ**  
555 Seventh Street  
San Francisco, CA 94103  
P: 415.553.1671  
F: 415.553.9810  
[www.sfpdpublicdefender.org](http://www.sfpdpublicdefender.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.sfpdpublicdefender.org/services](http://www.sfpdpublicdefender.org/services)

**Community Justice Center**  
P: 415.202.2832  
F: 415.563.8506

**Bayview Magic**  
P: 415.558.2428  
[www.bayviewmagic.org](http://www.bayviewmagic.org)

**MoMagic**  
P: 415.567.0400  
[www.momagic.org](http://www.momagic.org)

transportation. For the past few years since SFPDP started doing risk assessment for the court, 30% more defendants have been released pretrial.

The results have been impressive. No more of 10% of SFPDP clients miss their court dates or are rearrested while on pretrial release. This compares favorably with every other similar agency in the U.S. and also with systems that just use money bail without pretrial services.

Most importantly, SFPDP is recognized by all within our justice system as a neutral third party. Adult Probation is a law enforcement agency and therefore aligned with the police and the prosecution. Our clients, most of whom will never be convicted of their initial charges, should neither be subject to pretrial incarceration, nor to pretrial supervision by law enforcement.

It is my understanding that the Assembly Budget Committee, in their version of the budget, expanded the definition of a pretrial services agency for the Pretrial Pilot Program to allow any public agency to participate. It also included an exemption for San Francisco that would allow us to continue our very successful pretrial services system.

I urge you to adopt the Assembly language in conference so that SFPDP can continue to do its very important work for our clients and for the City and County of San Francisco. I know both of you have an ongoing commitment to criminal justice reform and to continuing to improve on what was established with SB 10. Letting San Francisco's model continue is one way to do that.

Please do not hesitate to reach out to me or to my Legislative Policy Analyst, Donna Mandel (415-734-3028) if you need more information on this matter.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Manohar Raju". The signature is written in a cursive, flowing style.

Manohar Raju  
Public Defender of the City and County of San Francisco