



Northern
California

June 8, 2026

Sent via electronic mail only

Supervisor Connie Chan
San Francisco Board of Supervisors
City Hall
1 Dr Carlton B Goodlett Pl #244
San Francisco, CA 95202
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RE: Seeking transparency in changes to pretrial supervision

Dear Supervisor:

We write to express concern with the Adult Probation Department's ("APD") budgetary request to begin the work of pretrial supervision. As you are no doubt aware, this request is part of a larger plan to shift the work of pretrial supervision from the Pretrial Diversion Project ("Pretrial") to APD at the direction of the San Francisco Superior Court. The proposal has significant implications for public safety and the budget, warranting thorough fact-finding, public debate, and careful planning. Unfortunately, that has not happened here. To the contrary, the plan for APD's takeover of pretrial supervision has apparently coalesced behind closed doors—neither the Board nor the public has been given sufficient information to justify it, particularly on the timeline and in the manner contemplated.

We strongly urge you to delay approval of APD's budgetary request for one year. During this time, the Board can conduct an appropriate and transparent process to consider, and if appropriate, prepare for a transition from Pretrial to APD. This process should include publication of any concerns from the Superior Court, an opportunity for Pretrial to respond and take remedial action, preparation of a detailed plan for possible transition and provision of services by APD, and robust, public debate. Put simply, this is an issue of great public significance, and once a decision is made, it cannot be unwound. The Board needs to take its time and get this right.

American Civil Liberties Union Foundation of Northern California

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Pretrial supervision is difficult work with significant stakes for public safety.

About 5,000 people are released pretrial in San Francisco each year.¹ This population predictably includes high proportions of people experiencing poverty, housing insecurity, mental illness, physical disability, and/or substance dependence. The circumstances leading to pretrial supervision—arrest, one or more days in jail, criminal charging, possible imposition of bail or conditions of release—are themselves highly disruptive. People often return to immediate, negative consequences to their employment, housing, finances, and relationships. As a result, release on pretrial is a precarious moment for a population that can scarcely afford further setbacks. If the City is not prepared to respond, the initial shock of criminal system involvement threatens to ripple out in the form of more homelessness, poverty, drug use, crime, and incarceration.

The stated goals of pretrial supervision are ensuring return to court and prevention of future crime, but as the foregoing suggests, the essential task is more fundamental: helping releasees attain a measure of stability. This is hard work. It entails prompt assessment of the individual needs of releasees and connection to necessary services and supports. It means finding a balance between encouragement and accountability to maintain releasees' commitment and focus. And above all, it necessitates trust so that releasees feel safe communicating honestly and accepting help. Pretrial supervision, in short, is complex, highly skilled, and enormously important. The larger community depends on this function to help a struggling population move forward when the circumstances lend themselves more readily to regression.

Publicly available information suggests the Pretrial Diversion Project has been highly successful, and there is no clear reason to transition to APD.

Pretrial has supervised releasees pending criminal trial for nearly 50 years. During that time, the organization has built relationships with partner services and care providers and developed a reputation for firm, dignified supervision that engenders trust and facilitates hiring. By all metrics, the organization meets or exceeds statewide averages and national standards for return to court and recidivism. Ninety-six percent of its clients appear in court, and 93% do not pick up a further charge pending trial. Pretrial has the full support of its closest partner and primary funder, the San Francisco Sheriff's Office, and has leveraged its contract with the City to obtain grant funding that more than doubles its operating budget. At present, Pretrial employs 105 full-time staff with an operating budget of \$15.5 million, \$7.5 million of which is funded by the Sheriff's Office for pretrial services.

¹ That number is likely to grow following the California Supreme Court's recent decision in *In re Kowalczyk*, holding that pretrial detention is permissible only for certain limited categories of felony offenses where there is a risk of violence upon release.

It is unclear why the City wants to shutter this organization and shift its essential work to APD. Probation has neither the experience nor apparatus to take on this work, and it is unclear how it will do so. It has neither prepared nor publicly submitted any detailed plan either for the transition from Pretrial to APD or for the services it intends to provide long-term. Whether and how APD will ultimately assume the vital work of connecting releasees to housing, counseling, treatment, financial assistance, healthcare, employment, and more, remains uncertain.

The City is not required to make this transition. Senate Bill 129, section 4, provision (13) explicitly authorizes San Francisco to continue provision of pretrial supervision by contract between the Sheriff and Pretrial.

Nor does the public record demonstrate dysfunction at Pretrial. Until very recently, there was almost no public indication of any problem with Pretrial whatsoever. It was only in the past two weeks, on May 29, 2026, that the San Francisco Chronicle published an article detailing, for the first time, the Superior Court's alleged frustrations with Pretrial. These include vague assertions of poor or tardy report-writing and financial mismanagement that are neither explained in detail nor substantiated by evidence.² Under the circumstances, when the plan to shift pretrial supervision to APD is apparently finalized and fast-approaching final approval, these complaints seem post-hoc and suggest the possibility of pretext. At the very least, they are serious charges against a long-standing, institutional actor that merit diligent investigation. They are not an appropriate basis for hasty and wholesale transition.

The move to APD will seemingly cost taxpayers more for less.

Probation requested an initial annual operating budget of \$12.7 million with annual increases over time. This proposal contemplated 27 full-time staff. The Mayor reduced the budget allotment to APD to \$7.4 million this year and \$8.5 million next year—the basis for these figures is uncertain, and they are not tied to any estimated levels of staffing. Whatever the final staffing level and budget, however, it is clear this proposal equates to more money for fewer services. Pretrial has consistently augmented its contractual allotment through grant funding, which presently gives it an operating budget nearly double its contractual funding. By moving pretrial supervision to APD, the City will be leaving this funding, and the services it provides, on the table. And while the precise staffing of APD to cover

² Indeed, the frustrations articulated in the Superior Court's May 29 statement may not be as unanimously held as the statement suggests. At least one former Superior Court judge told the San Francisco Standard that she doesn't understand the Superior Court's position, noting that Pretrial "[goes] the extra mile" and "[does] the kinds of things [APD]'s not going to do." Retired appeals court Judge Anthony Kline called the proposed transition "a huge mistake," noting that San Francisco's improved public safety "is heavily attributable to [Pretrial]." Jonah Owen Lamb, *A nonprofit keeps 95% of clients out of jail and in court. SF courts want to kill it*, San Francisco Standard (Jun. 8, 2026) <<https://sfstandard.com/2026/06/08/nonprofit-keeps-95-clients-jail-court-sf-courts-want-kill/>>.

pretrial supervision is unknown, it is hard to imagine the total number will not fall far short of the 27 requested by APD, given that the Mayor's budget is less than 2/3 the amount APD requested. It is therefore likely that APD will staff drastically fewer counselors with significantly higher caseloads than does Pretrial. On this point, it bears noting that a recent Board Legislative Analyst report stated that Pretrial is currently underfunded by \$980,000 annually based on caseload size. That APD believes it can handle the same caseload with less than half the budget and staffing suggests that it is insufficiently attuned to the realities of pretrial supervision. Ultimately, all signs suggest that transition from Pretrial to APD will result in less assistance for releasees at greater expense to the City, with the attendant harms of greater social ills and increased incarceration.

Responsible City planning requires a deliberate, transparent process.

Matters of public safety and City spending merit careful, public consideration. At a minimum, the City should air out any alleged issues with Pretrial and allow the facts to come to light. If there are significant problems with Pretrial's operation, the City should receive public input on the best path forward from all relevant stakeholders. It may be that Pretrial can effectively remedy any issues and remains the best option for pretrial supervision. Or it may be that an alternative is warranted, in which case, APD should prepare a detailed plan for its provision of services in the near and far terms. Only then can the Board properly weigh its options in full view of the public, so that the ultimate decision is informed and considered. But at present, there is not even a reasonable basis to conclude that Pretrial is falling short—the evidence suggests precisely the opposite.

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For these reasons, we strongly urge the Board to delay moving forward with any transition to APD for pretrial supervision for a period of one year. The intervening time will allow for an appropriate process to decide a matter of this magnitude, and there is no need for more immediate action. Indeed, both Sheriff Miyamoto and Mayor Lurie have expressed willingness to slow down the process and conduct further fact-finding and deliberation. Please take this opportunity to think carefully and act transparently as you consider the future of the City's approach to pretrial supervision. The public welfare demands it.

Thank you for your time and consideration in reading this letter. We welcome any follow-up conversation or correspondence at your convenience.

Sincerely,

/s/ Abdi Soltani

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Avi Frey
Kassie Dibble

ACLU of Northern California