

LURIE FOR MAYOR

SAN FRANCISCO

January 24, 2024

Daniel Lurie's Proposal to End Open-Air Drug Markets and Reduce the Flow of Narcotics into San Francisco

Lurie's proposal to address drug dealing, which was developed in consultation with prominent local law enforcement officials with decades of experience at the Hall of Justice, would ensure repeat drug offenders are held accountable and reduce the amount of narcotics on our streets. The policy utilizes geofencing technology in concert with electronic monitoring (ankle monitors), stay away orders and search conditions. These are all conditions of pretrial release that are already being used in San Francisco. Currently, however, we seldom monitor and dispatch law enforcement in real-time to respond to stay away order violations or in the event of suspicious behavior consistent with narcotics trafficking.

*"Anyone with an iPhone can use Find My Friends to make sure their kids are in school," **said Lurie**. "This proposal uses the same technology to make sure individuals that have been arrested for drug dealing and who are placed on an ankle monitor are tracked and face immediate consequences if they reoffend."*

Lurie's proposal would increase the San Francisco Sheriff's electronic monitoring program and require the San Francisco Police Department (SFPD) to work in greater coordination with Bay Area Rapid Transit (BART) police, Sheriff's Deputies, the District Attorney and federal law enforcement. The proposal calls for the District Attorney to request that the judiciary order electronic ankle monitoring, a stay away, and a search condition at arraignment as conditions of release when an individual is arrested for drug dealing. SFSD can monitor the individuals on an ankle-monitor and report individuals to BART Police suspected of bringing narcotics into San Francisco who can then execute the search condition. SFSD could also report the individual to SFPD to execute a search condition or for violations of a stay away order if the individual returns to a location in the Tenderloin prohibited under the terms of their pretrial release.

Law enforcement officials believe this approach will work because police will be incentivized to arrest drug dealers since these offenders get only one chance to correct their behavior.

*“Putting an end to rampant street-level drug dealing in San Francisco is a complex problem which will require a complex solution,” said **Tony Brass, a former Assistant United States Attorney for the Northern District of California and Assistant District Attorney in the San Francisco District Attorney’s Office.** “This proposal is an excellent beginning to meeting the expectations of citizens and small businesses who want to be able to enjoy the great city that we all love.”*

After a first offense this approach limits the revolving door of the criminal justice system. Currently, police often feel like there is limited utility to arresting dealers as they are quickly released, a reality reflected in the fact that an average of only two drug dealing arrests have been made per day citywide historically.

Given societal shifts in our approach to non-violent drug offenses, judges have been largely hesitant to detain individuals pretrial (*before a defendant is convicted of a crime*) for drug dealing. New bail laws have further limited the circumstances in which pretrial detention is lawful, but it can also be difficult for the judiciary to ascertain whether a defendant is engaged in conspiracy to traffic narcotics or if they are dealing drugs in order to feed their addiction. This solution allows the court the ability to offer first time drug dealing offenders who may suffer from addiction support services (ie Assertive Case Management/drug treatment) rather than incarceration while ensuring accountability for individuals who continue to engage in trafficking. For these reasons, this non-carceral technological solution is thought to be attractive to a judiciary that is facing criticism for deteriorating conditions that many attribute to a lack of accountability.

This proposal also enables greater coordination with our federal partners as the US Attorney’s Office as they can ensure serious consequences after a third offense. Under federal law, a career offender is someone who commits a crime of violence or a controlled substance offense after two prior felony convictions for those crimes. The sentencing guidelines assign all career offenders to Criminal History Category (CHC) VI and to offense levels at or near the statutory maximum penalty of the offense of conviction. Between the US Attorney’s “All Hands on Deck” enforcement action coupled with this approach, we can work with federal prosecutors to ensure repeat drug offenders face serious consequences for continuing to engage in narcotics trafficking.

Major Investigations into wholesale distribution of narcotics are also supported by this effort as low-level dealers that are electronically monitored must obtain drugs from

suppliers. Location tracking coupled with search conditions can therefore support efforts to apprehend suppliers.

Ultimately, drug dealers will have a much more difficult time engaging in street sales after one arrest since location tracking coupled with a stay away order and search condition makes them easy to locate and arrest. “Kingpins” will also have a more difficult time replacing street level dealers when they are so readily taken off the street after an initial arrest. This increases their costs of doing business and limits their rates of return.

*“I believe in second chances, but accountability requires escalating consequences if an intervention is not working and the behavior continues.” **added Lurie.***