

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

DECLARATION OF SHERIFF ROSS MIRKARIMI

I, Sheriff Ross Mirkarimi, state and declare as follows:

1. My name is Ross Mirkarimi, and I am over 18 years old. I live in San Francisco, California.
2. I am the Sheriff of the City and County of San Francisco. I began serving as Sheriff in January 2012.
3. I am familiar with the lawsuit brought by civil rights organization Equal Justice Under Law on behalf of indigent arrestees in San Francisco. The lawsuit alleges that the use of money bail after arrest operates to discriminate against indigent arrestees, thereby depriving them of equal protection under the laws.
4. I agree that the use of monetary conditions to detain pretrial defendants penalizes indigent arrestees solely based on their wealth status. The notion that someone's freedom depends on the amount of money they have is anathema to equality and justice.
5. There are no sound policy justifications for detaining arrestees based on their wealth status. Indeed, there are strong policy reasons not to do so.
6. Many poor arrestees sit in jail — even though they are not dangerous — simply because they cannot afford the predetermined amount of money

arbitrary set on the bail schedule.

7. Similarly, wealthy arrestees can secure their release with money, regardless of whether they are a danger to others. Two individuals may commit the same crime and have the same criminal history; the wealthy individual will enjoy freedom pending trial, while the poor individual must languish in jail pending trial.
8. Valuable taxpayers dollars are wasted detaining indigent arrestees. In addition to the injustice of penalizing an arrestees solely based on wealth status, the whole system wastes limited law enforcement resources.
9. The Sheriff's Department and the judicial system have many reasonable methods of protecting the public without arbitrary detaining indigent arrestees. For example, electronic monitoring (which is already used in certain situations, particular post-conviction) can be used more widely to minimize flight risk. Pretrial services can also ensure court attendance and help minimize risks to the community.
10. A fair system of pretrial justice would not rely on monetary conditions, as such conditions penalize arrestees solely based on their wealth status.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this twenty-fifth day of October, 2015.



Ross Mirkarimi
Sheriff of the City and County of San Francisco