



DEPARTMENT NOTICE

23-111

Published: 06/30/23

Expires: 06/30/26

Warrantless Searches of Defendants on Pre-Trial Electronic Monitoring

The Superior Court has revised its policies and procedures associated with the release of criminal defendants on their own recognizance (OR) with electronic monitoring (EM) as a condition of release.

Effective Monday, May 8, 2023, the Superior Court implemented an updated Pre-Trial Electronic Monitoring (PTEM) Court Order form and an updated admonition, which is read in court and acknowledged by the defendant and defense counsel. The updated form and the admonition provide notice to the defendant that a warrantless search by a San Francisco Sheriff's Office (SFSO) peace officer is permitted. A warrantless search by another peace officer at the SFSO's direction for the purpose of administering the electronic monitoring program rules and court orders during the pendency of the criminal case is also allowed.

Accordingly, the entry into CLETS has been modified and will indicate *"Do not stop, detain search or arrest based solely on this message. Subject is on pre-trial EM supervised by the SFSO Programs Unit. Report any law enforcement contact to SFSO at [REDACTED]. The subject's EM release order does not grant authority to search the subject unless you receive search authorization from SFSO Programs Unit. To seek search authorization based on EM order, call the number above."*

When a member secures search authorization based on an electronic monitoring order, members shall document in the incident report or the CAD the name of the member from the SFSO Programs Unit that authorized the search and the date and time of the authorization.

[REDACTED]

William Scott
WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.