

File No. 221245

Committee Item No. 1

Board Item No. 11

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date March 20, 2023

Board of Supervisors Meeting

Date April 11, 2023

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- X   Department/Agency Cover Letter and/or Report
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### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date March 16, 2023

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Administrative Code - Reentry Council; Pretrial Services Seat]

2

3 **Ordinance amending the Administrative Code to add a seat to the Reentry Council, to**  
4 **be appointed by the Board of Supervisors, designated for a representative of the entity**  
5 **responsible for the administration of pretrial services involving alternatives to**  
6 **incarceration.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

11

12 Be it ordained by the People of the City and County of San Francisco:

13

14 Section 1. Findings.

15 Pretrial services involving alternatives to incarceration are a core element of San  
16 Francisco's criminal justice system, annually impacting thousands of people who are booked  
17 into and released from the San Francisco County Jail. Currently, pretrial services involving  
18 alternatives to incarceration are administered by a private entity under an agreement with the  
19 San Francisco Sheriff's Department. To enhance that coordination and collaboration and  
20 promote public safety and the success of justice-impacted individuals and our communities,  
21 the entity primarily responsible for administering pretrial services in San Francisco,  
22 customarily funded through the San Francisco Sheriff Office's Pretrial Incarceration  
23 Alternatives contract, should be represented on the Reentry Council.

24

25

1 Section 2. The Administrative Code is hereby amended by revising Chapter 5, Article  
2 1, Section 5.1-3, to read as follows:

3 **SEC. 5.1-3. MEMBERSHIP AND ORGANIZATION.**

4 (a) Members. The Council shall consist of ~~24~~ 25 members, as further described below.

5 (1) Seven of the members shall be persons formerly incarcerated in the San  
6 Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility,  
7 and/or a United States Bureau of Prisons facility.

8 (2) The Mayor, or the Mayor's designee, shall serve as a member of the  
9 Council, and the Mayor shall also appoint three of the seven members who are formerly  
10 incarcerated persons referenced in subsection (a)(1). Of these three members, at least one  
11 must be between the ages of 18 to 35, inclusive, at the time of appointment and have been a  
12 person incarcerated before the age of 24, and at least one shall have expertise in providing  
13 services to individuals exiting the criminal justice system.

14 (3) The Board of Supervisors, or on the Board's motion its designee referenced in  
15 subsection (a)(4), shall appoint as a member of the Council a representative of the entity or agency  
16 primarily responsible for administering pretrial services involving alternatives to incarceration in San  
17 Francisco.

18 (~~34~~) The Board of Supervisors shall designate one of its members to serve as a  
19 member of the Council, and shall appoint the other four of the seven members who are  
20 formerly incarcerated persons referenced in subsection (a)(1). Of these four members, at  
21 least one shall have expertise in providing services to individuals exiting the criminal justice  
22 system, at least one must have been released from custody within three years of that  
23 member's appointment, at least one must have served multiple terms of incarceration, and at  
24 least one must self-identify as a survivor of violence or crime.

1                   (45) All members of the Council shall be exempt from the Charter requirement  
2 that they be ~~electors~~ residents of the City and County of San Francisco.

3                   (56) Mayoral and Board of Supervisors appointments to the Council shall expire  
4 90 days following an appointee's date of hire in any of the following City departments or  
5 agencies: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department,  
6 the Police Department, the Adult Probation Department, the Juvenile Probation Department,  
7 the Office of Economic and Workforce Development, the Human Services Agency, the  
8 Department of Children Youth and Families, the Department of Public Health, and the  
9 Department of Homelessness and Supportive Housing.

10                  (67) The following City departments or agencies shall appoint one member each  
11 to the Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's  
12 Department, the Police Department, the Adult Probation Department, the Juvenile Probation  
13 Department, the Office of Economic and Workforce Development, the Human Services  
14 Agency, the Department of Children Youth and Families, the Department of Public Health,  
15 and the Department of Homelessness and Supportive Housing. In addition, Council co-chairs  
16 shall invite the San Francisco Superior Court, the Department of Child Support Services, the  
17 California Department of Corrections and Rehabilitation Division of Adult Parole Operations,  
18 and the United States Probation and Pretrial Services System to appoint one member each to  
19 the Council.

20                  (78) Members of the Council shall serve two-year terms and shall serve at the  
21 pleasure of the appointing authority. Members may serve multiple terms.

22                  (b) Quorum. Thirteen members of the Council shall constitute a quorum, and the  
23 Council shall have the authority to act on the vote of the majority of the quorum.

24                  \* \* \* \*

1 Section 3. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

5  
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13  
14 APPROVED AS TO FORM:  
15 DAVID CHIU, City Attorney

16 By: /s/ Jana Clark  
17 JANA CLARK  
18 Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Administrative Code - Reentry Council; Pretrial Services Seat]

**Ordinance amending the Administrative Code to add a seat to the Reentry Council, to be appointed by the Board of Supervisors, designated for a representative of the entity responsible for the administration of pretrial services involving alternatives to incarceration.**

### **Existing Law**

Existing law establishes the Reentry Council to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice system out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities. Existing law authorizes the Mayor and Board of Supervisors to appoint persons to the Council and designate officers.

### **Amendments to Current Law**

This ordinance would add an additional member, to be appointed by the Board of Supervisors, designated for a representative of the entity responsible for the administration of pretrial services involving alternatives to incarceration.

### **Background Information**

Currently, pretrial services involving alternatives to incarceration are administered by a private entity under the San Francisco Sheriff Office's Pretrial Incarceration Alternatives contract.

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BOARD of SUPERVISORS



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## MEMORANDUM

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Date: March 15, 2023  
To: The Honorable Members, Board of Supervisors  
From: *AOC* Angela Calvillo, Clerk of the Board  
Subject: Reentry Council

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Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

**File No. 221245** Administrative Code - Reentry Council; Pretrial Services Seat

*This Ordinance amends the Administrative Code to require that Mayoral and Board of Supervisors appointments to the Reentry Council expire following a member's hiring at designated City departments; increase the number of Reentry Council officers from four to five and require that the fifth officer be a formerly incarcerated member; and increase from 12 to 13 the number of members that constitute a quorum.*

- Does a current body address the same or similar subject matter?

*No, there are no other bodies that address the same or similar subject matter.*

- Language requiring the body to meet at least once every four months

*Section 5.1-3(e) requires the Council to meet at least three times per year.*

- Language indicating members serve at the pleasure of the appointing authority

*Section 5.1-3(a) indicates members shall serve at the pleasure of the appointing authority.*



- Language establishing attendance requirements

*Section 5.1-5 establishes attendance requirements and allows removal of a member that misses two meetings in a twelve-month period, without prior notice.*

- Number of seats and qualifications

*This Ordinance creates an additional Board appointed seat for a total of 25 seats on the Council, as follows:*

*Mayor Appointed:*

- *One (1) member shall be the Mayor or their designee;*
- *One (1) member shall be a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility;*
- *One (1) member shall a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility, between the ages of 18 and 35, inclusive, at the time of appointment and have been a person formerly incarcerated before the age of 24; and*
- *One (1) member shall be a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility, and have expertise in providing services to individuals exiting the criminal justice system.*

*Board of Supervisors Appointed:*

- *One (1) member shall be a member of the Board of Supervisors;*
- *One (1) member shall be a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility, and have expertise in providing services to individuals exiting the criminal justice system;*
- *One (1) member shall be a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility, and have been released from custody within three years of their appointment;*
- *One (1) member shall be a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility, and have served multiple terms of incarceration; and*





- *One (1) member shall be a person formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility and/or a United States Bureau of Prison facility, and must self-identify as a survivor of violence or crime.*
- *NEW: One (1) member shall be a person representative of the entity or agency primarily responsible for administering pretrial services involving alternatives to incarceration in San Francisco.*

*Eleven (11) City Departments that appoint one (1) member each:*

- *Public Defender's Office*
- *District Attorney's Office*
- *Sheriff's Department*
- *Police Department*
- *Adult Probation Department*
- *Juvenile Probation Department*
- *Office of Economic and Workforce Development*
- *Human Services Agency*
- *Department of Children, Youth and Their Families*
- *Department of Public Health*
- *Department of Homelessness and Supportive Housing*

*Four (4) Outside Agencies shall be invited to appoint one (1) member each:*

- *San Francisco Superior Court*
- *Department of Child Support Services*
- *California Department of Corrections and Rehabilitation Division of Adult Parole Operations*
- *United States Probation and Pretrial Services System*

*Mayoral and Board of Supervisors appointments to the Council shall expire 90 days following an appointee's date of hire in any of the following City departments or agencies: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department, the Police Department, the Adult Probation Department, the Juvenile Probation Department, the Office of Economic and Workforce Development, the Human Services Agency, the Department of Children Youth and Families, the Department of Public Health, and the Department of Homelessness and Supportive Housing.*

*13 members shall be considered a quorum.*



- Term limits (i.e., commencement date? staggered terms?)

*Section 5.1-3(a) indicates each member shall serve a term of two years.*

- Administering department

*Section 5.1-1 requires the Public Defender's Office, the District Attorney's Office, the Adult Probation Department, and the Mayor's Office to each designate staff to provide administrative support to the Council.*

- Reporting requirements

*Currently, Section 5.1-4(e) requires the Council to biennially report to the Mayor, Board of Supervisors, and City Departments with information identifying funding streams, programs serving individuals existing the criminal justice system, needs of reentry population, and barriers to safe and successful reentry.*

- Sunset date

*Currently, Section 5.1-6 indicates the Council is set to expire on June 1, 2024.*