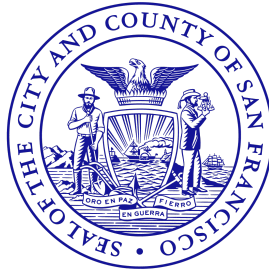


City and County
of San Francisco



Board of Supervisors
Member, District 6

MATT DORSEY

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September 10, 2024

Ms. Angela Cavillo, Clerk of the Board of Supervisors
CITY AND COUNTY OF SAN FRANCISCO
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, Calif. 94102-4689

Emailed to: Angela.Cavillo@sfgov.org

Letter of inquiry for ‘Drug-Free Sidewalks’: Needs assessment regarding the use of court-mandated drug treatment to abate public drug use in San Francisco

Dear Madam Clerk,

Pursuant to the unlimited power of inquiry and review that San Francisco Charter § 16.114 vests in the Board of Supervisors, I write this letter of inquiry (LOI) to seek departmental feedback to inform future legislative and policy efforts called “Drug-Free Sidewalks.” This letter is a first step in seeking to develop and implement a comprehensive strategy aimed at ending the phenomenon of public drug use in San Francisco. Court-mandated drug treatment, in my view, should be central to these efforts.

Preparing for Prop 36’s ‘Treatment-Mandated Felonies’

This November, California voters will consider Proposition 36, a statewide initiative statute that would allow felony charges and increased penalties for certain crimes related to drug possession and retail theft.¹

¹ California Secretary of State, Official Voter Information Guide: General Election, Tuesday, November 5, 2024, pages 58–63 and 126–134, <https://vig.cdn.sos.ca.gov/2024/general/pdf/complete-vig.pdf>, accessed Sept. 9, 2024.

If approved by voters, the measure would become effective this coming January 1, 2025.

A significant element of Prop 36 — one requiring immediate study and preparation — is the proposed creation of a new category of drug-related offenses known as “treatment-mandated felonies.” As a longtime advocate of strong drug court programs offering repeat offenders a real choice between the carceral system and life-saving treatment and recovery options, I recognize the power, and high likelihood of utilization, represented by the creation of this new class of offense.

Prop 36’s proponent cited policies in “states such as New Jersey, Maryland, Illinois, and Michigan have significantly stronger hard drug laws than California, describing the relevant drug treatment provision as follows:

(4.) This proposal takes a modest step in the direction of these states by enacting a new class of crime called a “treatment-mandated felony.” Under this new “treatment-mandated felony,” prosecutors would have the discretion to charge a felony for hard drug possession after two previous drug convictions. If charged with this “treatment-mandated felony” for a third or subsequent drug offense, the offender would be given the option of participating in drug and mental health treatment. If the offender successfully completes drug and mental health treatment, the charge would be fully expunged, and the offender would receive no jail time. If the offender refuses drug and mental health treatment, they would serve jail time for hard drug possession. For a second conviction of the treatment-mandated felony (the 4th total conviction for hard drug possession), a judge would have the option of imposing time in jail or state prison. Along with hard drug and mental health treatment, offenders charged with a treatment-mandated felony would be offered shelter, job training, and other services designed to break the cycle of addiction and homelessness.²

My letter of inquiry today — to our Police Department, Fire Department Division of Emergency Medical Services, Sheriff’s Office, District Attorney, and Department of Public Health — seeks feedback on how we would best begin making prompt and consequential use of “treatment-mandated felonies,” *should* voters make that option available. Alternatively, I’m asking what other options we as a city and county might consider to expand our use of drug courts if Prop 36 were not enacted...

- To restore order to our public realm;

² Letter to the Initiative Coordinator, Office of the Attorney General, Re: Initiative 23-0017 - Amendment Number One, The Homelessness, Drug Addiction, and Theft Reduction Act. <https://oag.ca.gov/system/files/initiatives/pdfs/23-0017A1%20%28Drug%20Addiction%20%26amp%3B%20Theft%20Reform%29.pdf>.

- To diminish the attraction our City demonstrably now holds as a destination city for drug use and drug dealing; and
- To make meaningful humanitarian interventions to end street-level drug use and help save lives.

Requests for Information

Today’s LOI is intentional in starting with general questions, most of which invite detail on a needs assessment to scale up capacity and identify funding — in the near-term as well as long-term — to make meaningful progress to abate public drug use in San Francisco.

- To scale up citation arrests and custody arrests for those engaged in public drug use or possession;
- To assure prompt access to buprenorphine or other addiction medications for those cited or arrested;
- To expand locked capacity, where necessary, to accommodate custodial interventions;
- To scale up prosecutions to maximize our use of treatment-mandated options;
- And to expand access to drug treatment and related services — including more scalable outpatient options.

Principles for Drug-Free Sidewalks

So long as public drug use remains illegal in California, San Franciscans have an obviously reasonable expectation to see those laws enforced. With new tools likely to be available to us soon, I believe we can begin making meaningful progress to put drug enablism behind us, and advance a coordinated and effective strategy to end public drug use in San Francisco. In committing to these worthy objectives, I feel equally strongly that its aims must be accomplished in a manner consistent with our civic values. Accordingly, I would ask that responses observe core principles of the “Drug-Free Sidewalks” endeavor.

1. That criminal justice interventions for drug use or possession be life-saving inventions, accompanied with appropriate addiction medication and treatment options;

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2. That expungement of all charges for drug use or possession be a guaranteed condition of drug treatment completion;
3. That we honor the dignity of those with substance-use disorders, destigmatizing drug addiction while unequivocally de-normalizing public drug use and deadly behavior.

Thank you for your facilitation of this LOI, Madam Clerk, and I would ask that you please communicate to responding departments my office's willingness to meet in advance to discuss approaches to their responses. As well, I welcome the opportunity to discuss this letter further with you or your staff if needed. Please feel free to contact me directly should you have any questions or require any clarifications. Staff-level questions may be directed to my Chief of Staff, David Owen, at david.a.owen@sfgov.org.

Thank you!

Sincerely,



MATT DORSEY

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