

1 [Authorizing Parole Entry Agreement for Murder Prosecution - Department of Homeland
2 Security/District Attorney and Sheriff]

3 **Ordinance authorizing the District Attorney and Sheriff to enter into an agreement with**
4 **the United States Department of Homeland Security (“DHS”) under which DHS would**
5 **agree to facilitate parole entry into the United States of a criminal defendant for**
6 **prosecution in San Francisco on a charge of murder, and the District Attorney and**
7 **Sheriff would agree to notify DHS immediately if the defendant posts bail or is**
8 **otherwise to be released from custody during or after the criminal proceeding.**

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

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

17 Section 1. Findings and Background.

18 (a) On June 26, 2009, following an initial investigation by the San Francisco Police
19 Department, the Superior Court for the County of San Francisco issued a warrant of arrest for
20 a defendant (“Defendant S.G.”) on a charge of violating California Penal Code Section 187
21 (Murder) in connection with the death of a woman with three small daughters, as described in
22 San Francisco Police Report Number 090-612-342 and San Francisco Superior Court Arrest
23 Warrant Number 708170. Defendant S.G. is currently in Mexico. If Defendant S.G. is paroled
24 to the United States, the Sheriff has committed to house him in the San Francisco County Jail
25 in the custody of the Sheriff, and the District Attorney has committed to prosecute the criminal
charge against him.

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(b) The District Attorney intends to request that the United States Department of Homeland Security (“DHS”) approve parole entry to allow Defendant S.G. to be arrested in Mexico and transported to San Francisco to facilitate the criminal prosecution for murder as referenced in subsection (a). DHS has informed the District Attorney that it will not approve parole entry for Defendant S.G. unless the District Attorney and the Sheriff agree in writing to notify DHS immediately if Defendant S.G. posts bail or is otherwise to be released from custody either before or after the conclusion of the criminal proceeding. Upon receiving the notification from the District Attorney or Sheriff, DHS could take action to effect the removal of Defendant S.G. from the United States.

Section 2. Authorization to Enter Agreement.

(a) The District Attorney and the Sheriff are hereby authorized to enter into an agreement with DHS, a draft of which is included in File No. 230133, the file for this ordinance, to facilitate parole entry for Defendant S.G. for prosecution on a charge of violating California Penal Code Section 187, as described in San Francisco Police Report Number 090-612-342 and San Francisco Superior Court Arrest Warrant Number 708170. Notwithstanding Administrative Code Sections 12H.2(c) and 12I.3(c), the District Attorney and/or the Sheriff may, under the terms of the agreement, (1) respond to a notification request, as that term is defined in Section 12I.2, regarding Defendant S.G., and (2) provide information to DHS regarding the release status and/or other personal information, as those terms are defined in Section 12I.2, regarding Defendant S.G. All other requirements of Administrative Code Chapters 12H and 12I shall apply, and the District Attorney and Sheriff may not agree to forgo any of those requirements.

1 (b) Within 30 days of an agreement with DHS being executed by all parties, the
2 District Attorney shall provide the final agreement, with personally identifying information for
3 Defendant S.G. redacted, to the Clerk of the Board for inclusion in File No. 230133, the file for
4 this ordinance.

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

10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /S/ Sarah Crowley
13 SARAH CROWLEY

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