

1 [Administrative Code - Home Detention and Electronic Monitoring Program]

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3 **Ordinance amending the Administrative Code to expand the category of jail inmates**
4 **eligible for the Home Detention Program; and authorizing the Sheriff to implement an**
5 **Electronic Monitoring Program to pretrial detainees being held in lieu of bail.**

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NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

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Section 1. Findings.

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1 incarcerated is 22 percent lower than family income was the year before a father is
2 incarcerated.”

3 By removing low-level offenders from jails and prisons and putting them under house
4 arrest, local, state and federal governments could dramatically reduce their spending on
5 incarceration. At the same time it would allow families to remain intact, and allow offenders to
6 obtain treatment and employment, pay restitution, support their communities as a whole and
7 reduce their likelihood of reoffending.

8 In April 2011, Governor Brown signed AB109, which made fundamental changes to the
9 costly, ineffective and unsafe “revolving door” incarceration of low level offenders. AB 109
10 added California Penal Code Section 1203.018, which permits the Board of Supervisors to
11 authorize the “correctional administrator”, defined in that statute as the Sheriff, Probation
12 Officer, or Director of the Department of Corrections, in those counties having such a
13 department, to allow inmates being held in county jail in lieu of bail to be released on
14 electronic monitoring after 30 days for those awaiting trial on misdemeanor charges and 60
15 days for those facing felony charges. The Board of Supervisors, after consulting with the
16 Sheriff and the District Attorney, may prescribe reasonable rules and regulations under which
17 an electronic monitoring program authorized by Penal Code Section 1203.018 may operate.

18 Currently there are over 500 low-level offenders in San Francisco County Jails awaiting
19 trial or disposition. Many of these offenders have the capability to work and support their
20 families; others are in need of rehabilitation for substance abuse or mental health issues,
21 which can better be addressed in noncustodial settings – increasing the likelihood of a
22 successful reentry, lowering the incidence of recidivism, and improving public safety in our
23 communities.

24 Section 2. The Administrative Code is hereby amended by revising Section 13.63, and
25 adding section 13.64, to read as follows:

1 **SEC. 13.63. HOME DETENTION PROGRAM FOR SENTENCED INMATES.**

2 (a) The Sheriff is authorized to ~~offer~~implement a Home Detention Program as specified
3 in Section 1203.016 of the California Penal Code, in which ~~minimum security prisoners and low-~~
4 ~~risk offenders inmates~~ committed to the County Jail or other County correctional facility or
5 inmates participating in a Work Furlough program may voluntarily participate ~~or involuntarily be~~
6 placed in a Home Detention Program during their sentence in lieu of confinement in ~~the a~~
7 County Jail or other County correctional facility.

8 (b) The Sheriff may administer the Home Detention Program authorized in subsection (a)
9 pursuant to written contracts with one or more appropriate public or private agencies or entities,
10 subject to the requirements for contracting out these services set forth in Penal Code Section 1203.016
11 and in accordance with the County laws and policies governing procurement of personal services.

12 **SEC. 13.64. ELECTRONIC MONITORING PROGRAM IN LIEU OF BAIL.**

13 (a) The Sheriff is authorized to offer an Electronic Monitoring Program as specified in Section
14 1203.018 of the California Penal Code, to inmates being held in lieu of bail in a County Jail or other
15 County correctional facility.

16 (b) The Sheriff may administer the Electronic Monitoring Program authorized in subsection (a)
17 pursuant to written contracts with one or more appropriate public or private agencies or entities,
18 subject to the requirements for contracting out these services set forth in Penal Code Sections 1203.018
19 and in accordance with the County laws and policies governing procurement of personal services.

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

24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 JANA CLARK
9 Deputy City Attorney

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