

1 [Contract Amendment - San Francisco Pretrial Diversion Project - Pretrial Services - Not to
2 Exceed \$34,668,237]

3 **Resolution authorizing the Sheriff’s Office to enter into a Fifth Amendment to a**
4 **contract with the San Francisco Pretrial Diversion Project for Pretrial Services,**
5 **increasing the contract amount by \$14,905,123 for a total not to exceed amount of**
6 **\$34,668,237 and to extend the contract term for two years from July 1, 2024, for a**
7 **total term of July 1, 2021, through June 30, 2026, with no more options to extend.**

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9 WHEREAS, The Charter, Section 9.118, requires that agreements entered into by
10 a department or commission requiring anticipated expenditures of ten million dollars or
11 more be approved by the Board of Supervisors; and

12 WHEREAS, The Contract Monitoring Division determined Chapter 14B
13 subcontracting goals do apply, with the Local Business Enterprise (LBE) subcontracting
14 goal being 5% of the total value of the goods and/or services to be procured; and

15 WHEREAS, The Sheriff’s Office has made it a top priority to provide the San
16 Francisco Superior Court with options other than detention and cash bail by ensuring a
17 continuum of pretrial supervision and diversion services with a focus on addressing the
18 personal barriers that often engender cycles of justice involvement; and

19 WHEREAS, On December 22, 2020, the Sheriff’s Office issued a Request for
20 Proposals for Pretrial Services and as a result of that competitive selection process,
21 identified San Francisco Pretrial Diversion Project (SF Pretrial) to receive a contract in the
22 amount of \$18,764,430 over three years to provide Pretrial Services with two one-year
23 options to extend (Pretrial Contract); and

24 WHEREAS, The Sheriff’s Office desires to exercise the two one-year options to
25 extend the Pretrial Contract for Fiscal Years (FY) 2024-2025 and 2025-2026; and

1 WHEREAS, The Sheriff’s Office is requesting an increase of the contract amount
2 in the amount of \$14,905,123 for a total not to exceed amount of \$34,668,237; the
3 breakdown is as follows: Cost of Doing Business for FY 2023-2024 in the amount of
4 \$253,281; FY 2024-2025 in the amount of \$7,217,656; and FY 2025-2026 in the amount
5 of \$7,434,186; and

6 WHEREAS, The City and County of San Francisco has been offering pretrial
7 services and assessment for 45 years through a partnership between the Superior Court,
8 Bar Association of San Francisco, Sheriff’s Office, District Attorney’s Office, Public
9 Defender’s Office, and San Francisco Pretrial Diversion; and

10 WHEREAS, The City and County of San Francisco has utilized a non-profit
11 provider for pretrial services since 1964, and SF Pretrial Diversion has provided
12 components of these services since 1976 through grant agreements between the
13 Sheriff’s Office and SF Pretrial, thereby falling within the outline of San Francisco Board
14 of Supervisors Resolution No. 437-18, which stated that the operating model for pretrial
15 services “should reflect the principles of neutrality and structural independence from the
16 law enforcement functions;” and

17 WHEREAS, SF Pretrial services is a non-profit entity, and thus the contract also
18 meets the idea supported in Board Resolution No. 437-18 for use of a non-profit
19 organization to provide Pretrial Services; and

20 WHEREAS, The Pretrial Contract will continue its decades-long experience in
21 working with San Francisco justice involved individuals to provide a Pretrial Risk
22 Assessment under a 24/7/365 staffing model to guarantee expedient screening and case
23 processing for prospective pretrial clients; and

24 WHEREAS, The Pretrial Contract will continue to provide for screening of all
25 individuals with a new misdemeanor or felony charge for pretrial release, which involves

1 the collection and analysis of case materials, including a completed Public Safety
2 Assessment (PSA) report, a supplementary criminal history summary, the incident report,
3 and the complete records of arrest and prosecution (RAP) to be provided to the Court;
4 and

5 WHEREAS, As of February 2020, the Federal Court enjoined the San Francisco
6 Sheriff from administering the local bail schedule, and instead requires all cases eligible
7 for pre-arraignment review to be submitted to a judge within eight hours of the individual's
8 ID confirmation at the county jail, and requires a judge to make a release determination
9 for that case within 18 hours of ID confirmation; and

10 WHEREAS, The Pretrial Contract will assist not only in complying with the Federal
11 Court injunction but will also promote the goal of pretrial release of those eligible for such
12 release; and

13 WHEREAS, The proposed fifth amendment to the Pretrial Contract is on file with the
14 Clerk of the Board of Supervisors in File No. 240576, which is hereby declared to be a part of
15 this Resolution as set forth fully herein; and

16 WHEREAS, Per the San Francisco Code of Civil Procedure (CCP), Section 1094.5, on
17 April 15, 2024, the Civil Service Commission approved Personal Services Contract (PSC)
18 amended File No. 44812-20/21 for Pretrial Services; now, therefore, be it

19 RESOLVED, That the Board of Supervisors authorizes the Sheriff's Office to execute
20 the Fifth Amendment to the Pretrial Contract, which is on file with the Clerk of the Board of
21 Supervisors in File No. 240576; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Fifth
23 Amendment to the Pretrial Services Agreement by and between San Francisco Pretrial
24 Diversion Project, and the City and County of San Francisco, acting by and through its
25 Sheriff's Office, increasing the contract amount by \$14,905,123 for a total not to exceed

1 amount of \$34,668,237 for a five year period from July 1, 2021 through June 30, 2026; and,
2 be it

3 FUTHER RESOLVED, That within thirty (30) days of the Contract being fully executed
4 by all parties, the Sheriff's Office shall provide the final Contract to the Clerk of the Board for
5 inclusion in the Board of Supervisors in File No. 240576.

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