

LEGISLATIVE DIGEST

[Authorizing Parole Entry Agreement - Department of Homeland Security - District Attorney and Sheriff]

Ordinance authorizing the District Attorney and Sheriff to enter an agreement with the United States Department of Homeland Security (“DHS”) under which DHS would agree to facilitate parole entry into the United States of a criminal defendant for prosecution in San Francisco; and excluding the agreement from certain requirements in Chapters 12H and 12I of the Administrative Code.

Existing Law

Under existing law, City employees may not use City resources to provide information to the United States Department of Homeland Security (“DHS”) about the release status or personal information of any individual in City custody, except in limited circumstances.

Amendments to Current Law

In June 2018, the San Francisco Superior Court issued an arrest warrant for a suspect who is now in the custody of the Canadian Ministry of Justice. The District Attorney has requested that DHS approve parole entry (extradition) of this individual to the United States for criminal prosecution. DHS has informed the District Attorney that it will not approve parole entry for the defendant unless the District Attorney and the Sheriff agree to notify DHS immediately if the defendant posts bail or is otherwise to be released from custody either before or after the conclusion of the criminal proceeding. The proposed ordinance would authorize the District Attorney and Sheriff to agree to notify DHS in this case.

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