

LEGISLATIVE DIGEST

[Authorizing Parole Entry Agreement for Sex Offense Prosecution - Department of Homeland Security/District Attorney and Sheriff]

Ordinance authorizing the District Attorney and Sheriff to enter into 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 on multiple sex offenses in San Francisco, and the District Attorney and Sheriff would agree to notify DHS immediately if the defendant posts bail or is otherwise to be released from custody during or after the criminal proceeding.

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

On June 25, 2021, the Superior Court for the County of San Francisco issued a warrant of arrest for a criminal defendant (“Defendant D.Y.”) on multiple sex offense charges. Defendant D.Y. is currently in Mexico. The District Attorney intends to request that the United States Department of Homeland Security (“DHS”) approve parole entry (extradition) to allow Defendant D.Y. to be arrested in Mexico and transported to San Francisco for criminal prosecution. DHS has informed the District Attorney that it will not approve parole entry for Defendant D.Y. unless the District Attorney and the Sheriff agree in writing to notify DHS immediately if Defendant D.Y. 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 notify DHS in this case.

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