

1 [Authorizing Parole Entry Agreement for Sex Offense 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 on multiple sex offenses in San Francisco, 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 25, 2021, 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 D.Y.”) on charges of violating California Penal Code Sections
21 288.7(a) - Sexual Intercourse With a Child Under the Age of 10, three counts of 288.7(b) -
22 Oral Copulation with a Child Under the Age of 10, and two counts of 288(a) Lewd Act Upon a
23 Child, as described in San Francisco Police Department Incident Numbers 210349490 and
24 180323043 and San Francisco Superior Court Arrest Warrant Number 51835 F. Defendant
25 D.Y. is currently in Mexico, pending possible arrest and extradition to the United States for
criminal prosecution consistent with the arrest warrant. If Defendant D.Y. is paroled to the

1 United States, the Sheriff has committed to house him in the San Francisco County Jail in the
2 custody of the Sheriff, and the District Attorney has committed to prosecute the criminal
3 charges against him.

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

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14 Section 2. Authorization to Enter Agreement.

15 (a) The District Attorney and the Sheriff are hereby authorized to enter into an
16 agreement with DHS, a draft of which is included in File No. 230132, the file for this
17 ordinance, to facilitate parole entry for Defendant D.Y. for prosecution on charges of violating
18 California Penal Code Sections 288.7(a), three counts of 288.7(b), and two counts of 288(a),
19 as described in San Francisco Police Department Incident Numbers 210349490 and
20 180323043 and San Francisco Superior Court Arrest Warrant Number 51835 F.
21 Notwithstanding Administrative Code Sections 12H.2(c) and 12I.3(c), the District Attorney
22 and/or the Sheriff may, under the terms of the agreement, (1) respond to a notification
23 request, as that term is defined in Section 12I.2, regarding Defendant D.Y., and (2) provide
24 information to DHS regarding the release status and/or other personal information, as those
25 terms are defined in Section 12I.2, regarding Defendant D.Y. All other requirements of

1 Administrative Code Chapters 12H and 12I shall apply, and the District Attorney and Sheriff
2 may not agree to forgo any of those requirements.

3 (b) Within 30 days of an agreement with DHS being executed by all parties, the
4 District Attorney shall provide the final agreement, with personally identifying information for
5 Defendant D.Y. redacted, to the Clerk of the Board for inclusion in File No. 230132, the file for
6 this ordinance.

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

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13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /S/ Sarah Crowley
16 SARAH CROWLEY

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