

1 [Contract Amendment - San Francisco Pretrial Diversion Project - Pretrial Services -
2 \$19,763,114]

3 **Resolution authorizing the Sheriff’s Office to enter into a Fourth Amendment to a**
4 **contract with the San Francisco Pretrial Diversion Project for pretrial services,**
5 **increasing the contract amount by \$499,342 for a total not to exceed amount of**
6 **\$19,763,114 with no change to the term of three years from July 1, 2021, through June**
7 **30, 2024, with two one-year options to extend.**

8
9 WHEREAS, The Charter, Section 9.118, requires that agreements entered into by
10 a department or commission having a term in excess of ten years or requiring anticipated
11 expenditures of ten million dollars or 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; and

23 WHEREAS, The Sheriff’s Office is requesting a contract increase to add Cost of
24 Doing Business for Fiscal Year (FY) 2022-2023 and FY2023-2024 in the amount of
25 \$998,684; and

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

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

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

15 WHEREAS, Under the proposed contract SF Pretrial Services will continue its
16 decades-long experience in working with San Francisco justice involved individuals to
17 provide a Pretrial Risk Assessment under a 24/7/365 staffing model to guarantee
18 expedient screening and case processing for prospective pretrial clients; and

19 WHEREAS, The proposed contract will provide for screening of all individuals with
20 a new misdemeanor or felony charge for pretrial release, which involves the collection
21 and analysis of case materials, including a completed Public Safety Assessment (PSA)
22 report, a supplementary criminal history summary, the incident report, and the complete
23 records of arrest and prosecution (RAP) to be provided to the Court; and

24 WHEREAS, As of February 2020, the Federal Court enjoined the San Francisco
25 Sheriff from administering the local bail schedule, and instead requires all cases eligible

1 for pre-arraignment review to be submitted to a judge within eight hours of the individual's
2 ID confirmation at the county jail, and requires a judge to make a release determination
3 for that case within 18 hours of ID confirmation; and

4 WHEREAS, The proposed contract will assist not only in complying with the
5 Federal Court injunction but will also promote the goal of pretrial release of those eligible
6 for such release; and

7 WHEREAS, The proposed contract agreement amendment with SF Pretrial is on file
8 with the Clerk of the Board of Supervisors in File No. 231247, which is hereby declared to be
9 a part of this Resolution as set forth fully herein; and

10 WHEREAS, Per the San Francisco Code of Civil Procedure (CCP) Section 1094.5, on
11 November 18, 2020, the Civil Service Commission approved Personal Services Contract
12 (PSC) File No. 44812-20/21 for Pretrial Services; now, therefore, be it

13 RESOLVED, That the Board of Supervisors authorizes the Sheriff's Office to execute
14 the Contract Amendment, which is on file with the Clerk of the Board of Supervisors in File
15 No. 231247; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Pretrial
17 Services Agreement by and between San Francisco Pretrial Diversion Project, and the City
18 and County of San Francisco, acting by and through its Sheriff's Office, increasing the
19 contract amount by \$499,342 for a total not to exceed amount of \$19,763,114 for a three year
20 period from July 1, 2021, through June 30, 2024, with two one-year options to extend; and be
21 it

22 FUTHER RESOLVED, That within thirty (30) days of the Contract being fully executed
23 by all parties, the Sheriff's Office shall provide the final Contract to the Clerk of the Board for
24 inclusion in the Board of Supervisors in File No. 231247.