

1 [Administrative Code - Home Detention Program and Electric Monitoring Program]

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3 **Ordinance amending the Administrative Code to expand the category of jail inmates**
4 **eligible for the Home Detention Program; and authorize the Sheriff to offer a voluntary**
5 **Electronic Monitoring Program to pretrial detainees being held in lieu of bail.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike through normal~~.

9

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings.

12 As of 2008, approximately 2.3 million people were behind bars in the United States,
13 equivalent to about one in every 100 adults. This represents a 300 percent increase in the
14 prison population from 1980, when half a million Americans were behind bars. *The High Cost*
15 *of Incarceration*, The Denver Post, February 29, 2008
16 at <http://www.denverpost.com/ci_8400051>. With lower-level offenders accounting for a
17 significant portion of this growth, California spends 10 percent of its general revenue on
18 prisons compared to 7 percent on its higher education system. Jennifer Steinhauer,
19 *Schwarzenegger Seeks Shift From Prisons to Schools*, The New York Times, January 6,
20 2010 at <<http://www.nytimes.com/2010/01/07/us/07calif.html>>.

21 The social cost to minority communities, a large percentage of whose young men are
22 now locked up, is staggering. According to the Pew Research Center on the States,
23 incarceration negatively impacts the economic mobility of former inmates. For example,
24 “serving time reduces hourly wages for men by approximately 11%, annual employment by 9
25 weeks, and annual earnings by 40%.” Since minority populations disproportionately account

1 for a high percentage of the prison population, high incarceration rates negatively impact
2 minority communities. Worse, the impacts of incarcerated parents on children are lasting.
3 “Children with fathers who have been incarcerated are significantly more likely than other
4 children to be expelled or suspended from school and family income averaged over the years
5 a father is incarcerated is 22 percent lower than family income was the year before a father is
6 incarcerated.” The Pew Charitable Trusts, *Collateral Costs: Incarceration’s Effects on*
7 *Economic Mobility*, 4-5, (2010).

8 By removing low-level offenders from jails and prisons and putting them under house
9 arrest, local, state and federal governments could dramatically reduce their spending on
10 incarceration. *Electronic Monitoring*, The Reporter (The John Howard Society, Alberta,
11 Canada) Volume 18, Number 1, May 2001. At the same time it would allow families to remain
12 intact, and allow offenders to obtain treatment and employment, pay restitution, support their
13 communities as a whole and reduce their likelihood of reoffending. Kathy G. Padgett, William
14 D. Bales, and Thomas G. Blomberg, *Under Surveillance: An Empirical Test of the*
15 *Effectiveness and Consequences of Electronic Monitoring*, 5 *Criminology & Public Policy* 61-
16 92 (2006).

17 In April 2011, Governor Brown signed AB109, which made fundamental changes to the
18 costly, ineffective and unsafe “revolving door” incarceration of low level offenders. Press
19 Release, Office of Governor Edmund G. Brown, Jr. (April 5, 2011) at
20 <<http://gov.ca.gov/news.php?id=16964>> AB 109 added California Penal Code Section
21 1203.018, which permits the Board of Supervisors to authorize the Sheriff to allow inmates
22 being held in county jail in lieu of bail to be released on electronic monitoring after 30 days for
23 those awaiting trial on misdemeanor charges and 60 days for those facing felony charges.

24 Currently there are over 500 low-level offenders in San Francisco County Jails awaiting
25 trial or disposition. Many of these offenders have the capability to work and support their

1 families; others are in need of rehabilitation for substance abuse or mental health issues,
2 which can better be addressed in noncustodial settings – increasing the likelihood of a
3 successful reentry, lowering the incidence of recidivism, and improving public safety in our
4 communities.

5 Section 3. The San Francisco Administrative Code is hereby amended by amending
6 Section 13.63 of the Administrative Code, and adding section 13.64, to read as follows:

7 **SEC. 13.63. HOME DETENTION PROGRAM *FOR SENTENCED INMATES.***

8 *(a) The Sheriff, as correctional administrator of the County Jail, is authorized to*
9 *offer/*implement a Home Detention Program as specified in Section 1203.016 of the California
10 Penal Code, in which ~~minimum security prisoners and low-risk offenders~~ inmates committed to the
11 County Jail or other County correctional facility or inmates participating in a Work Furlough
12 program may voluntarily participate *or involuntarily be placed* in a Home Detention Program
13 during their sentence in lieu of confinement in ~~the~~ a County Jail or other County correctional
14 facility.

15 *(b) The Sheriff may administer the Home Detention Program authorized in subsection (a)*
16 *pursuant to written contracts with one or more appropriate public or private agencies or entities,*
17 *subject to the requirements for contracting out these services set forth in Penal Code Section 1203.016*
18 *and in accordance with the County laws and policies governing procurement of personal services.*

19 **SEC. 13.64. ELECTRONIC MONITORING PROGRAM IN LIEU OF BAIL.**

20 *(a) The Sheriff is authorized to offer an Electronic Monitoring Program as specified in Section*
21 *1203.018 of the California Penal Code, to inmates being held in lieu of bail in a County Jail or other*
22 *County correctional facility.*

23 *(b) The Sheriff may administer the Electronic Monitoring Program authorized in subsection (a)*
24 *pursuant to written contracts with one or more appropriate public or private agencies or entities,*

1 subject to the requirements for contracting out these services set forth in Penal Code Sections 1203.018
2 and in accordance with the County laws and policies governing procurement of personal services.

3 Section 4. Effective Date. This ordinance shall become effective 30 days from the
4 date of passage.

5 Section 5. In enacting this ordinance, the Board of Supervisors intends to amend only
6 those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation
7 marks, charts, diagrams, or any other constituent parts of the Administrative Code that are
8 explicitly shown in this ordinance as additions, deletions, Board amendment additions, and
9 Board amendment deletions in accordance with the "Note" that appears under the official title
10 of the ordinance.

11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 SALLIE P. GIBSON
15 Deputy City Attorney

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