

1 [Urging the Mayor’s Office to Maintain the Structural Independence of the Pretrial Services
2 Program in San Francisco]

3 **Resolution urging the Mayor’s Office to convene a roundtable to recommend a City and**
4 **County pretrial services model that is consistent with the implementation of statewide**
5 **bail reform (California State Senate Bill No. 10), and maintains the tradition of**
6 **independence between pretrial services and law enforcement.**

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8 WHEREAS, The City and County of San Francisco has been practicing pretrial
9 services and assessment for 42 years through a partnership between the Superior Court, Bar
10 Association, Sheriff’s Department, District Attorney’s Office, Public Defender’s Office and San
11 Francisco Pretrial Diversion; and

12 WHEREAS, San Francisco has a tradition of criminal justice innovation and strong
13 collaboration between criminal justice partners; and

14 WHEREAS, Funding and structure for pretrial services in the Superior Court and San
15 Francisco should be evidence-based and data-driven; and

16 WHEREAS, State Bill 10 of 2017-18, known as SB10 and titled “Pretrial release or
17 detention: pretrial services,” requires that pretrial services be a formal aspect of each county’s
18 criminal justice system; and

19 WHEREAS, SB10 was originally slated for implementation in October 2019; and

20 WHEREAS, On September 30, SB1054 was enacted, which granted the City and
21 County the ability to contract with the existing not-for-profit entity that is performing pretrial
22 services to provide continuity and sufficient time to transition the entity’s employees into public
23 employment; and

24 WHEREAS, The January 2018 “Humphrey Decision” could materially increase the
25 caseload of pretrial services; and

1 WHEREAS, According to the Secretary of State’s September 11, 2018, communication
2 “Proposed Referendum Enters Circulation”, on file with the Clerk of the Board of Supervisors
3 in File No. 181189, which is hereby declared to be a part of this resolution as if set forth fully
4 herein, signature gathering for a 2019 referendum repeal of SB 10 is underway, and may lead
5 to a two-year stay of SB10 implementation; and

6 WHEREAS, The Board of Supervisors is committed to reducing financial hardship
7 caused by money bail, and is resolutely committed to reducing unnecessary incarceration in
8 San Francisco; now, therefore, be it

9 RESOLVED, That the Board of Supervisors reiterates the City and County of San
10 Francisco’s authority under SB1054 to allow the San Francisco Pretrial Services Agency to
11 continue operating in its current form as an independent non-profit organization; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to convene a
13 round table group that explores and recommends a new pretrial operating model within the
14 City and County of San Francisco that is in the best interests of the City and those persons
15 served by the Pretrial Diversion program; and, be it

16 FURTHER RESOLVED, That the operating model should reflect the principles of
17 neutrality and structural independence from the law enforcement functions, and that the
18 timeline for implementation reflect State funding requirements.

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