

1 [Authorizing Parole Entry Agreement - United States Department of Homeland Security -
2 District Attorney and Sheriff]

3 **Ordinance authorizing the District Attorney and Sheriff to enter an agreement with the**
4 **United States Department of Homeland Security (“DHS”) under which DHS would agree**
5 **to facilitate parole entry into the United States of a criminal defendant for prosecution**
6 **in San Francisco; and excluding the agreement from certain requirements in Chapters**
7 **12H and 12I of the Administrative Code.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Findings and Background.

17 (a) On June 29, 2018, following an initial investigation by the San Francisco Police
18 Department, the Superior Court for the County of San Francisco issued a warrant of arrest for
19 a defendant on charges of violating California Penal Code Sections 261(a)(3) and
20 261(a)(4)(A) (San Francisco Superior Court Criminal Case No. 170861188). The defendant is
21 currently in Canada, where the Canadian Ministry of Justice is holding him in custody pending
22 possible extradition to the United States for criminal prosecution consistent with the arrest
23 warrant. If the defendant is paroled to the United States, he will be housed in the San
24 Francisco County Jail in the custody of the Sheriff, and the District Attorney will prosecute the
25 criminal charges against him.

1 (b) The District Attorney has requested that the United States Department of
2 Homeland Security (“DHS”) approve parole entry to allow the defendant to be transported to
3 San Francisco to facilitate the criminal prosecution. DHS has informed the District Attorney
4 that it will not approve parole entry for the defendant unless the District Attorney and the
5 Sheriff agree to notify DHS immediately if the defendant posts bail or is otherwise to be
6 released from custody either before or after the conclusion of the criminal proceeding. Upon
7 receiving the notification from the District Attorney or Sheriff, DHS could take action to effect
8 the removal of the defendant from the United States.

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10 Section 2. Authorization to Enter Agreement.

11 (a) The District Attorney and the Sheriff are hereby authorized to enter an
12 agreement with DHS to facilitate parole entry for the defendant in San Francisco Superior
13 Court Criminal Case No. 170861188. Notwithstanding Administrative Code Sections 12H.2(c)
14 and 12I.3(c), the District Attorney and/or the Sheriff may, under the terms of the agreement,
15 (1) respond to a notification request, as that term is defined in Section 12I.2, regarding the
16 defendant’s pretrial release or disposition, and (2) provide information to DHS regarding the
17 release status or other personal information regarding the defendant’s pretrial release or
18 disposition, as those terms are defined in Section 12I.2. All other requirements of Chapters
19 12H and 12I shall apply, and the District Attorney and Sheriff may not agree to forgo any of
20 those requirements.

21 (b) Within 30 days of an agreement with DHS being fully executed by all parties, the
22 District Attorney shall provide the final agreement to the Clerk of the Board for inclusion in File
23 No. 190009.

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

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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 JON GIVNER
11 Deputy City Attorney

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