

ARTICLE I:
REENTRY COUNCIL

- Sec. 5.1-1. Reentry Council.
- Sec. 5.1-2. Purpose.
- Sec. 5.1-3. Membership and Organization.
- Sec. 5.1-4. Powers and Duties.
- Sec. 5.1-5. Attendance Requirement.
- Sec. 5.1-6. Sunset Clause.

SEC. 5.1-1. REENTRY COUNCIL.

The City hereby establishes a Reentry Council ("Council"). Subject to the fiscal and budgetary provisions of the Charter, the Public Defender's Office, the District Attorney's Office, the Adult Probation Department, and the Mayor's Office shall each designate staff to provide administrative support to the Council.

(Added by Ord. 215-08, File No. 080564, App. 9/19/2008; Ord. 44-11, File No. 101480, App. 3/10/2011)

SEC. 5.1-2. PURPOSE.

The purpose of the Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice system out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities. The Council shall provide the Mayor, the Board of Supervisors, the public, and any other appropriate agency with accurate and comprehensive information about programs that serve this population, barriers faced by this population, best practices to meet the needs of this population, and funding sources for programs and practices that address the needs of this population. The Council shall coordinate information sharing, planning, and engagement among all interested private and public stakeholders to the extent permissible under Federal and State law.

(Added by Ord. 215-08, File No. 080564, App. 9/19/2008)

SEC. 5.1-3. MEMBERSHIP AND ORGANIZATION.

(a) Members. The Council shall consist of 25 members, as further described below.

(1) Seven of the members shall be persons formerly incarcerated in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility, and/or a United States Bureau of Prisons facility.

(2) The Mayor, or the Mayor's designee, shall serve as a member of the Council, and the Mayor shall also appoint three of the seven members who are formerly incarcerated persons referenced in subsection (a)(1). Of these three members, at least one must be between the ages of 18 to 35, inclusive, at the time of appointment and have been a person incarcerated before the age of 24, and at least one shall have expertise in providing services to individuals exiting the criminal justice system.

(3) The Board of Supervisors, or on the Board's motion its designee referenced in subsection (a)(4), shall appoint as a member of the Council a representative of the entity or agency primarily responsible for administering pretrial services involving alternatives to incarceration in San Francisco.

(4) The Board of Supervisors shall designate one of its members to serve as a member of the Council, and shall appoint the other four of the seven members who are formerly incarcerated persons referenced in subsection (a)(1). Of these four members, at least one shall have expertise in providing services to individuals exiting the criminal justice system, at least one must have been released from custody within three years of that member's appointment, at least one must have served multiple terms of incarceration, and at least one must self-identify as a survivor of violence or crime.

(5) All members of the Council shall be exempt from the Charter requirement that they be residents of the City and County of San Francisco.

(6) Mayoral and Board of Supervisors appointments to the Council shall expire 90 days following an appointee's date of hire in any of the following City departments or agencies: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department, the Police Department, the Adult Probation Department, the Juvenile Probation Department, the Office of Economic and Workforce Development, the Human Services Agency, the Department of Children Youth and Families, the Department of Public Health, and the Department of Homelessness and Supportive Housing.

(7) The following City departments or agencies shall appoint one member each to the Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department, the Police Department, the Adult Probation Department, the Juvenile Probation Department, the Office of Economic and Workforce Development, the Human Services Agency, the Department of Children Youth and Families, the Department of Public Health, and the Department of Homelessness and Supportive Housing. In addition, Council co-chairs shall invite the San Francisco Superior Court, the Department of Child Support Services, the California Department of Corrections and Rehabilitation Division of Adult Parole Operations, and the United States Probation and Pretrial Services System to appoint one member each to the Council.

(8) Members of the Council shall serve two-year terms and shall serve at the pleasure of the appointing authority. Members may serve multiple terms.

(b) Quorum. Thirteen members of the Council shall constitute a quorum, and the Council shall have the authority to act on the vote of the majority of the quorum.

(c) Officers. The four members appointed by the Adult Probation Department, the District Attorney's Office, the Public Defender's Office, and the Sheriff's Department, respectively, as well as the Mayor or the Mayor's designee, shall co-chair the Council. In addition, the seven members who are formerly incarcerated persons referenced in subsection (a)(1) shall select by majority vote one of the seven to serve as an additional co-chair of the Council.

(d) Subcommittees. The Council may establish subcommittees to be convened as directed by the Council. The Council's co-chairs shall appoint members to the subcommittees. Subcommittees shall report findings and make recommendations to the full Council for its consideration. The membership of these subcommittees shall be open to non-members of the Council who shall be drawn from a range of diverse experiences, identities, and interests related to the issue of reentry.

(e) Meeting Frequency. The Council shall meet in full at least three times per year.

(f) Roles of Council Members. Each member of the Council shall retain his or her official authority and duties granted under State law. In adopting this legislation, the Board of Supervisors recognizes that each member of the Council retains his or her authority and duties under State law and that where conflicts may arise out of members' dual roles, State powers and duties shall supersede the duties that the ordinance creating the Council imposes on Council members.

(Added by Ord. 215-08, File No. 080564, App. 9/19/2008; amended by Ord. 26-09, File No. 081511, App. 2/13/2009; Ord. 44-11 File No. 101480, App. 3/10/2011; Ord. 83-14, File No. 140141, App. 6/13/2014, Eff. 7/13/2014; Ord. 37-17, File No. 161348, App. 2/10/2017, Eff. 3/12/2017; Ord. 116-18, File No. 180081, App. 5/17/2018, Eff. 6/17/2018; Ord. 55-20 File No. 200085, App. 4/3/2020, Eff. 5/4/2020; Ord. 54-23, File No. 221245, App. 4/21/2023, Eff. 5/22/2023)

SEC. 5.1-4. POWERS AND DUTIES.

The Council shall have the following powers and duties:

(a) Identifying Funding Streams. The Council shall identify funding at the local, State, and Federal level that is earmarked or available for services or programs designed to serve individuals exiting the criminal justice system. In addition, the Council shall identify conditions, restrictions, or limitations on each funding stream, and shall document these findings in its reports to the Mayor, the Board of Supervisors, and other appropriate entities consistent with subsection (e) below.

(b) Identifying Programs Serving Individuals Exiting the Criminal Justice System. The Council shall identify programs serving individuals exiting the criminal justice system who reside in San Francisco or who will be released to San Francisco, including program capacity.

(c) Identifying Needs of Reentry Population. The Council shall identify any unmet needs of this population, and propose ways to meet those needs based on existing research and best practices.

(d) Identifying Barriers. The Council shall also identify barriers to safe and successful reentry presented by local, State, and Federal law, and propose ways to reduce the impact of these barriers.

(e) Reports. Biennially the Council shall prepare and submit a report that shall include but not be limited to information required under subsections (a), (b), (c), and (d) above. Following enactment of the ordinance in Board File No. 231081, the next biennial report shall be due December 31, 2024. City departments shall respond within 30 days to reasonable requests for information submitted by the Council relevant to its ability to discharge its powers and duties under this Article I, provided that the disclosure of such information shall not be required where it would violate Federal or State law. At least 30 days prior to the due date for the report, the Council shall provide City Departments identified in the report an opportunity to provide a response. The Council shall include any response from a City Department received at least 10 days prior to the due date for the report as an addendum to the final report. The Council shall provide the final reports, including any addenda, to: 1) the Mayor, 2) the Board of Supervisors, 3) any City department or program identified by the Council in a report, and 4) the public. These reports shall be public documents.

(f) The Council shall share information and work in collaboration with the San Francisco Community Corrections Partnership, as established by the California Community Corrections Performance Incentives Act of 2009 (California Penal Code Sections 1228-1233.8).

(g) Retaliation Prohibited. No City officer or employee may retaliate against other City staff or the staff of programs identified by the Council for cooperating with the Council or for participating in any activity involving the Council. This section is not intended to create a private right of action against the City and County of San Francisco.

(h) The Council shall share information and work in collaboration with the San Francisco Juvenile Justice Coordinating Council, as required by the Juvenile Crime Enforcement and Accountability Challenge Grant Program (California Welfare and Institutions Code Sections 749.2-749.27).

(i) The Council shall share information and work in collaboration with the San Francisco Sentencing Commission.

(Added by Ord. 215-08, File No. 080564, App. 9/19/2008; amended by Ord. 44-11, File No. 101480, App. 3/10/2011; Ord. 83-14, File No. 140141, App. 6/13/2014, Eff. 7/13/2014;

Ord. 84-14, File No. 140260, App. 6/13/2014, Eff. 7/13/2014; Ord.276-18, File No. 180913, App. 11/20/2018, Eff. 12/21/2018; Ord. 269-19, File No. 190499, App. 11/21/2019, Eff. 12/22/2019; Ord. 6-24, File No. 231081, App. 1/19/2024, Eff. 2/19/2024)

SEC. 5.1-5. ATTENDANCE REQUIREMENT.

The Council shall monitor the attendance of Council members. In the event that any Council member misses two regularly scheduled Council meetings in a twelve-month period without prior notice to the Council, the Council shall certify that fact in writing to the appointing authority, and the member shall be deemed to have resigned from the Council on the date of such certification. The Council shall request the appointing authority to appoint a new member. The appointing authority shall appoint a successor to the resigned member not later than 60 days after the date of the certification of resignation.

(Added by Ord. 215-08, File No. 080564, App. 9/19/2008)

SEC. 5.1-6. SUNSET CLAUSE.

Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board should sunset within three years, this Article I shall expire June 1, 2029, unless the Board of Supervisors adopts an ordinance continuing its existence. In the event of its expiration, the City Attorney is authorized to take steps to remove this Article I from the Administrative Code. The Council shall submit a report to the Board of Supervisors by August 15, 2028 recommending whether the Council should continue to operate, and if so, whether the Board of Supervisors should consider legislative changes that would enhance the capacity of the Council to achieve its goals. The Council's recommendations shall include drafts of ordinances that would implement its recommendations.

(Added by Ord. 215-08, File No. 080564, App. 9/19/2008; amended by Ord. 44-11, File No. 101480, App. 3/10/2011; Ord. 83-14, File No. 140141, App. 6/13/2014, Eff. 7/13/2014; Ord. 31-17, File No. 161348, App. 2/10/2017, Eff. 3/12/2017; Ord 276-18, File No. 180913, App. 11/20/2018, Eff. 12/21/2018; Ord. 6-24, File No. 231081, App. 1/19/2024, Eff. 2/19/2024)