

City and County
of San Francisco



Board of Supervisors,
District 6

MATT DORSEY

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NEWS RELEASE

Dorsey seeks to withdraw sanctuary protections from fentanyl-dealing undocumented immigrants

Felony convictions for trafficking fentanyl would be added alongside two existing exceptions in 'Due Process For All' law, for violent or serious felony convictions

SAN FRANCISCO (Feb. 14, 2023) — Supervisor Matt Dorsey today proposed legislation to create a new exception to San Francisco’s sanctuary city policies for adults who have been convicted of a fentanyl-dealing felony in the prior seven years, and then held to answer for another fentanyl-dealing felony, a violent felony, or a serious felony subsequently. The change would allow local law enforcement officials to honor civil immigration detainers from federal authorities in narrow circumstances to reflect the gravity of a crime that currently claims more than nine times as many lives as homicide in San Francisco, and that has been solely responsible for nearly three-fourths of all drug overdose deaths citywide since 2020.

“If San Francisco is to make progress on its overdose prevention strategy, supply-side interventions must be part of it,” Dorsey said. “It is time to withdraw the protection of sanctuary from undocumented immigrants trafficking fentanyl on our streets. My legislation is a harm-reduction approach. It draws a hard line on the most lethal street drug San Francisco has ever faced, while preserving the status quo for less lethal drugs. Statistically, even heroin is many times safer than fentanyl. My proposal is a common-sense update to existing exceptions in our sanctuary policies. It will help save the lives of those struggling with substance use disorders, who deserve the same chance at recovery I had.”

Dorsey's proposal defines fentanyl-dealing felony convictions as those for the sale, possession for sale, or transport for sale of fentanyl, as defined in sections 11351 and 11352 of the California Health and Safety Code. Simple possession of fentanyl without a prescription, as defined in section 11350 of the California Health and Safety Code, is not included.

If enacted, Dorsey's legislation would make fentanyl-dealing felony convictions the third exception in San Francisco's sanctuary city policies, joining two others that were adopted in the last decade as the Due Process For All Ordinance. Under existing local law, San Francisco denies sanctuary protections to undocumented immigrants held to answer when a magistrate determines probable cause for their guilt in a violent felony or a serious felony, provided they were previously convicted of a violent felony in the prior seven years, or serious felony in the prior five years. Dorsey's proposal will add defendants held to answer if a magistrate determines probable cause for their guilt in a fentanyl-dealing felony, provided they were previously convicted of a fentanyl-dealing felony or violent felony in the prior seven years, or a serious felony in the prior five years.

Existing San Francisco law currently defines the violent felonies ineligible for sanctuary protections as any of the more than two-dozen crimes identified in California Penal Code Section 667.5(c), which includes murder, voluntary manslaughter, mayhem, rape, robbery, arson, attempted murder, kidnapping, carjacking, or threats to victims or witnesses. Other currently disqualifying felony convictions are for human trafficking, felony assault with a deadly weapon, or crimes involving the use of a firearm, assault weapon or machine gun. Existing San Francisco law also defines serious felonies that are ineligible for sanctuary protection, which include most violent felonies as well as rape, exploding a destructive device with intent to injure, assault on a person with caustic chemicals or flammable substances, or shooting from a vehicle at a person outside the vehicle or with great bodily injury.

"Black San Franciscans face an overdose death risk more than five times higher than the citywide average, according to SFDPH, and fentanyl is driving most of it," said **Cedric Akbar**, a director of several abstinence-based drug treatment facilities in San Francisco. "Supervisor Dorsey is proposing a common-sense amendment that deserves to be a key part of San Francisco's Overdose Prevention Plan."

"Our community is under attack from this illicit drug, and something has to be done on all sides of the table," said **Cregg Johnson**, director of TRP Academy and founder of Positive

Directions Equals Change. “Nothing changes if nothing changes, and Supervisor Dorsey is proposing a change that can help get fentanyl off our streets and hopefully save lives.”

“Mothers Against Drug Addiction and Deaths fully supports Supervisor Dorsey’s legislation to draw the line on some of San Francisco’s deadly fentanyl dealing,” said **Jacqui Berlinn**, one of MADAD’s co-founders. “Street drugs are far more addictive and lethal than ever before and countless lives are at stake. City leaders must heed the voices of those of us with loved ones struggling with addiction. We value the leadership Supervisor Dorsey brings as someone who’s a recovering addict himself, and who knows the promise recovery holds for those with substance use disorders.”

Findings in Dorsey’s legislation include statistics from toxicology analyses by San Francisco’s Office of the Chief Medical Examiner, or OCME, establishing that fentanyl “is overwhelmingly responsible for drug overdose deaths in San Francisco, accounting for 451 of the 620 fatal overdoses reported in 2022 (73 percent); 477 of the 640 fatal overdoses reported in 2021 (75 percent); and 519 of the 725 fatal overdoses reported in 2020 (72 percent).”

Deaths in San Francisco, 2020–2022			
YEAR	BY HOMICIDE	BY HEROIN	BY FENTANYL
2020	48	93	519
2021	55	70	477
2022	55	59	451
TOTAL	158	222	1,447

Sources: City and County of San Francisco, Office of the Chief Medical Examiner; and San Francisco Police Department.

Dorsey’s legislative findings also note that street-level drug dealing drives “a staggering proportion of San Francisco’s fentanyl supply,” with the San Francisco Police Department’s tally of seizures from arrests of street-level drug dealers in the Tenderloin Police District in 2022 reaching 65.37 kilograms of fentanyl — or more than 144 pounds. “With just two milligrams of fentanyl estimated to be a lethal overdose for most people, SFPD’s drug seizure haul from street-level drug dealers in 2022 represents enough fentanyl to kill every adult in California,” the legislation’s findings also note.

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