

1 [Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Board of
2 State and Community Corrections - Resentencing Pilot Program - \$750,000]

3 **Ordinance retroactively authorizing the Public Defender's Office (PDR) to accept and**
4 **expend a grant in the amount of \$750,000 from the Board of State and Community**
5 **Corrections, to comply with Penal Code, Section 1170.01(e)'s mandate to use these**
6 **funds to support the resentencing of individuals under newly enacted Penal Code,**
7 **Section 1170.03, for example, by "ensuring adequate staffing of deputy public**
8 **defenders and other support staff to represent incarcerated persons under**
9 **consideration for resentencing, identifying and recommending incarcerated persons"**
10 **who should be considered for resentencing, "and developing reentry and release**
11 **plans" for the period of September 1, 2021, through September 1, 2024; and to amend**
12 **the Annual Salary Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for**
13 **Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of two grant-funded**
14 **positions, one FTE in Class 8446 Court Alternative Specialist I and one FTE in Class**
15 **8173 Legal Assistant for the PDR Resentencing Pilot Program.**

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17 Note: Additions are *single-underline italics Times New Roman*;
18 deletions are *strikethrough italics Times New Roman*.
19 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

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

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22 **Section 1. Findings**

23 (a) Recent criminal justice reform legislation (AB 1540 Ting) passed by the California
24 Legislature in 2021, to be effective on January 1, 2022, together with existing law (Penal Code
25 section 1170 (d)), will potentially provide thousands of people in California prisons and

1 hundreds from San Francisco with the opportunity to have their sentences significantly
2 reduced in the interests of justice and based on a variety of factors.

3 (b) San Francisco County was selected to be part of the County Resentencing Pilot
4 Program and thus to receive \$750,000 to spend over three years in order to support
5 individuals seeking resentencing under newly enacted Penal Code section 1170.03. (AB 145.)
6 The County Resentencing Pilot Program is described in Penal Code section 1170.01 and
7 mandates that, "All funding provided to a participating public defender's office shall be used
8 for the purposes of supporting the resentencing of individuals pursuant to the pilot, including,
9 but not limited to, ensuring adequate staffing of deputy public defenders and other support
10 staff to represent incarcerated persons under consideration for resentencing, identifying and
11 recommending incarcerated persons" who should be considered for resentencing, "and
12 developing reentry and release plans."

13 (c) To meet this mandate, the County Resentencing Pilot Program, also referred to as
14 The Freedom Project at the San Francisco Public Defender's Office, needs to add one full-
15 time court alternative specialist (otherwise known as a mitigation specialist or social worker)
16 and one full-time legal assistant, at minimum.

17 (d) The Freedom Project's mission is to exponentially reduce mass incarceration
18 through legislative change and direct representation, ensuring all released are safe and
19 supported.

20 (e) With the two additional grant-funded full-time positions, the Public Defender's Office
21 will be able to monitor and evaluate both the change in client capacity and the outcomes.

22 (f) The grant award period is September 1, 2021 to September 1, 2024.

23 (g) The grant does not include any provision for indirect costs.

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25 **Section 2. Authorization to Accept and Expend Grant Funds**

1 (a) The Board of Supervisors hereby authorizes the Public Defender to accept and
2 expend \$750,000 in grant funds from the Board of State and Community Corrections, to
3 comply with Penal Code section 1170.01(e)'s mandate to use these funds to support the
4 resentencing of individuals under newly enacted Penal Code section 1170.03, for example, by
5 "ensuring adequate staffing of deputy public defenders and other support staff to represent
6 incarcerated persons under consideration for resentencing, identifying and recommending
7 incarcerated persons" who should be considered for resentencing, "and developing reentry
8 and release plans".

9 (b) The Board of Supervisors hereby authorizes the Public Defender to maximize
10 use of available grant funds on program expenditures by not including indirect costs in the
11 grant budget, and waiving indirect costs.

12 (c) The Board of Supervisors hereby authorizes the Public Defender to expend any
13 interest earned in accordance with the terms under which the principal is received and
14 expended.
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16 **Section 3. Grant funded positions; Amendment to Fiscal Years 2021-2022 and**
17 **2022-2023 Annual Salary Ordinance.**

18 The hereinafter designated sections and items of Ordinance No. 109-21 (Annual Salary
19 Ordinance File No. 210644 for FYs 2021-2022 and 2022-2023) are hereby amended to add
20 two (2) positions to the Public Defender's Office as follows:
21

22 Department: PDR (232082) Public Defender's Office
23 Program: PDR Resentencing Pilot Program
24 Fund: 13720
25 Project ID: 10038314

1 Activity ID: 0001

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| 4 Amendment | No. of Positions | Class | Compensation Schedule | Department |
|--------------------|------------------|---|--------------------------|------------|
| 6 Add in FY 21-22 | 0.33 FTE | 8446 Court Alternative Specialist I | \$3,392 Biweekly | PDR |
| 9 Add in FY 21-22 | 0.33 FTE | 8173 Legal Assistant | \$4,024 Biweekly | PDR |
| 11 Add in FY 22-23 | 1 FTE | 8446 Court Alternative Specialist I | \$3,392 Biweekly | PDR |
| 14 Add in FY 22-23 | 1 FTE | 8173 Legal Assistant | \$4,024 Biweekly | PDR |

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17 APPROVED AS TO FORM:

18 David Chiu, City Attorney

APPROVED AS TO CLASSIFICATION

DEPARTMENT OF HUMAN RESOURCES

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20

21 By: /s/ _____

22 Christina Fletes-Romo

23 Deputy City Attorney

By: /s/ _____

24 Carol Isen

25 Human Resources Director

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APPROVED: _____ /s/

Mayor

APPROVED: _____ /s/

Ben Rosenfield

Controller

Recommended:

_____/s/

Manohar Raju

Public Defender



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220040

Date Passed: March 08, 2022

Ordinance retroactively authorizing the Public Defender's Office (PDR) to accept and expend a grant in the amount of \$750,000 from the Board of State and Community Corrections, to comply with Penal Code, Section 1170.01(e)'s mandate to use these funds to support the resentencing of individuals under newly enacted Penal Code, Section 1170.03, for example, by "ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for resentencing, identifying and recommending incarcerated persons" who should be considered for resentencing, "and developing reentry and release plans" for the period of September 1, 2021, through September 1, 2024; and to amend the Annual Salary Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of two grant-funded positions, one FTE in Class 8446 Court Alternative Specialist I and one FTE in Class 8173 Legal Assistant for the PDR Resentencing Pilot Program.

February 16, 2022 Budget and Finance Committee - RECOMMENDED

March 01, 2022 Board of Supervisors - PASSED ON FIRST READING

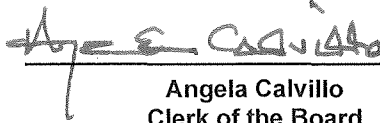
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton


March 08, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220040

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
3/8/2022 by the Board of Supervisors of the
City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

3/14/22
Date Approved