[Administrative Code - Reauthorizing the San Francisco Sentencing Commission]

Ordinance amending the Administrative Code to reauthorize the San Francisco Sentencing Commission and revise its sunset date.

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

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

Section 1. Background.

(a) Ordinance No. 10-12 established the San Francisco Sentencing Commission ("Sentencing Commission") to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices, and efficiently utilize San Francisco's criminal justice resources. Codified as Chapter 5, Article XXV of the Administrative Code, the Sentencing Commission is scheduled to sunset on June 1, 2015 pursuant to Administrative Code Section 5.250-3.

(b) Administrative Code Section 5.250-3 provides that Chapter 5, Article XXV will not sunset if the Board of Supervisors adopts an ordinance continuing its existence. Section 5.250-3 also states that the Sentencing Commission shall submit a report to the Board of Supervisors recommending whether the Sentencing Commission should continue to operate and, if so, whether the Board of Supervisors should consider amendments that would enhance the capacity of the Sentencing Commission to further its goals, along with draft amendments to implement its recommendations.
(c) At the Sentencing Commission meeting of December 18, 2014, the Sentencing Commission recommended that it continue to operate. This recommendation is contained in a report dated December 18, 2014, in the form of a letter to all members of the Board of Supervisors. The letter, including all attachments, is on file with the Clerk of the Board of Supervisors in File No. 150332.

Section 2. Reauthorization of Sentencing Commission

Chapter 5, Article XXV of the Administrative Code is hereby continued in its entirety with the amendments as shown in Section 3 of this ordinance. The text of Article XXV is reprinted in its entirety in Section 3.

Section 3. The Administrative Code is hereby amended by continuing the text of Sections 5.250 and 5.250-4, and revising Sections 520-1, 5.250-2 and 5.250-3, to read as follows:

SEC. 5.250. ESTABLISHMENT AND PURPOSE: SAN FRANCISCO SENTENCING COMMISSION.

(a) The City hereby establishes the San Francisco Sentencing Commission.

(b) The purpose of the San Francisco Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices, and efficiently utilize San Francisco's criminal justice resources.

SEC. 5.250-1. MEMBERSHIP AND ORGANIZATION.

(a) Members. The Commission shall consist of 12 members, or 13 members if the Superior Court agrees to provide one member. The head or chair of each of the following agencies and bodies shall serve on or will assign one staff member to serve on the Commission as a voting member: District Attorney; Public Defender; Adult Probation; Juvenile Probation; Sheriff; Police; the Department of Public Health; the Reentry Council, and...
the Superior Court, assuming it agrees to participate on the Commission. In addition, the following additional voting public members will be appointed: a member of a nonprofit organization that works with victims, chosen by the Family Violence Council; a member of a nonprofit organization that works with ex-offenders, chosen by the Reentry Council; a sentencing expert chosen by the Board of Supervisors; and an academic researcher with expertise in data analysis appointed by the Mayor.

(b) Quorum. 10 members of the Commission shall constitute a quorum, and the Commission shall have the authority to act on the vote of a majority of the quorum.

(c) Officers. The District Attorney or his or her designee shall chair the Commission.

(d) Staff Support. The District Attorney’s Office shall provide staff support and administrative assistance to the Commission.

(e) Meeting Frequency. The Commission shall meet at least three times a year.

(f) All public members serve at the pleasure of the appointing authority and can be removed at any time, with or without cause.

(g) Any public member who fails to attend at least half of the meetings in any fiscal year, without the express approval of the Commission at or before each missed meeting, shall be deemed to have resigned from the Commission ten days after the next regular meeting following the last unapproved absence, and the Commission shall inform the appointing authority of the resignation.

SEC. 5.250-2. POWERS AND DUTIES.

The Commission shall have the following powers and duties:

(a) Review and assess sentencing approaches locally and compare to other jurisdictions.
(b) Review and assess the City's capacity and utilization of services and alternatives to incarceration throughout the criminal justice continuum, including pre-adjudication and post-release.

(c) Review and assess the Justice Reinvestment Initiative recommendations to invest in best practices to reduce recidivism.

(d) Develop a recommended system of uniform definitions of recidivism for City departments to track and report on the outcomes of various criminal sentences and City programs meant to aid in reducing recidivism.

(e) Develop data collection standards and recidivism reporting standards.

(f) Develop and recommend department specific goals to reduce recidivism for the City departments represented on the Sentencing Commission, and other relevant City departments.

(g) Make recommendations regarding changes that should be made to the Penal Code and any other state laws to remove barriers to effective implementation of best practices in criminal justice.

(h) Facilitate trainings on best practices in sentencing for various criminal justice agencies.

(i) Share information and work in collaboration with the Reentry Council, established pursuant to San Francisco Administrative Code Section 5.1-1et seq., and the Community Corrections Partnership, as established by the California Penal Code.

(j) In December 2012, and on an annual basis thereafter, submit a report to the Mayor and the Board of Supervisors summarizing the findings of the Commission and making recommendations on the aforementioned categories.
(k) Nothing in Article XXV this legislation shall infringe on any agency's legally
mandated responsibilities in the criminal justice system, and, as such, recommendations are
not statutorily binding on any City department.

SEC. 5.250-3. SUNSET CLAUSE.

This legislation Article XXV shall expire on June 1, 2015, December 31, 2017 unless the
Board of Supervisors adopts an ordinance continuing its existence. The Commission shall
submit a report to the Board of Supervisors no fewer than six months prior to the expiration date
by June 30, 2017 recommending whether the Commission should continue to operate, and if
so, whether the Board of Supervisors shall consider legislative changes that would enhance
the capacity of the Commission to achieve the goals underlying this ordinance. The
Commission's recommendations shall include drafts of ordinances that would implement its
recommendations.

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

Section 5. Retroactivity. The provisions of this ordinance shall be retroactive to June
1, 2015 if the effective date of the ordinance occurs after that date. Notwithstanding the
effective date of this ordinance, it is the intent of the Board of Supervisors that the authority
conferred on the Sentencing Commission shall be without interruption, and that the incumbent
members of the Sentencing Commission shall continue to hold their seats until they are
removed by their appointing authorities without reappointment until the expiration of their
respective terms.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: Jana Clark
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

File Number: 150332 Date Passed: June 09, 2015

Ordinance amending the Administrative Code to reauthorize the San Francisco Sentencing Commission and revise its sunset date.

May 14, 2015 Rules Committee - AMENDED

May 14, 2015 Rules Committee - RECOMMENDED AS AMENDED

June 02, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

June 09, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150332

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/9/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved