

[Homicide Prevention Plan; Survivor Assistance; Funding for Violence Prevention Programs.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; establish a Violence Prevention Fund and appropriate an additional \$10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 6, 2007, a proposal to amend the Charter of the City and County by adding Section 16.126 to read as follows:

Note: Additions are *single-underline italics Times New Roman font*.
Deletions are ~~*strikethrough italics Times New Roman font*~~.

SEC. 16.126. HOMICIDE PREVENTION PLAN, SURVIVOR ASSISTANCE AND VIOLENCE PREVENTION.

The City and County of San Francisco recognizes the high homicide rate as a symptom of economic disparities and social inequities and acknowledges and wishes to remedy the tremendous loss to families, friends and loved ones caused by homicide, attempted homicide and other violent crimes. The City and County of San Francisco also recognizes the need for violence prevention programs that are culturally competent in their design, effective in their implementation, and targeted to communities with limited access to opportunity and institutional power where violent crimes most often occurs. Accordingly, the City and County of San Francisco will take the following actions to create employment opportunities, invest in violence

prevention programs, and assist survivors of homicide victims, their families, and their communities;

(a) Homicide Prevention Plan.

(1) Homicide Prevention Planning Council. There is hereby established a Homicide Prevention Planning Council.

(A) Public Members. The Planning Council shall include eleven voting members selected from the public and communities affected by the homicide epidemic, including youth, people of color, and members of the lesbian/gay/bisexual/transgender community. The Mayor shall appoint five public members to the Council and the Board of Supervisors shall appoint six members. Public members must be residents of San Francisco. Public members shall have five-year terms and shall serve at the pleasure of the appointing authorities, who shall fill any subsequent vacancies in the seats they originally appointed.

(B) City Official Members. The following officials, or their designees, shall serve as non-voting members of the Planning Council: the Mayor; the President of the Board of Supervisors or another Supervisor designated by the President of the Board; the City Attorney; the District Attorney; the Public Defender; the Sheriff; the President of the Police Commission; the Chief of Police; the Chief of Adult Probation; the President of the Juvenile Probation Commission; the Chief of Juvenile Probation; the Director of Public Health; the Director of Human Services; the Director of the Department of Children, Youth, and Their Families; the Director of the Department of Economic and Workforce Development; a representative from the Youth Commission; a representative from the Mayor's Office of Community Development; and a representative from the Mayor's Office of Criminal Justice. The Presiding Judge of the San Francisco Trial Court, the Superintendent of Schools of the San Francisco Unified School District, and the Executive Director of the San Francisco Housing Authority shall each be invited to send a representative to sit as an official member of the Council.

(2) **Homicide Prevention Plan.** By November 1, 2008, the Homicide Prevention Planning Council shall develop a draft Homicide Prevention Plan. Components shall include, but not be limited to: job creation and workforce training; public education efforts; community capacity building and community response; conflict resolution and mediation between disputing parties; substance abuse treatment; mental health services and family support programs; ex-offender and probation services; and family and witness relocation services. The plan shall be based on: data on homicides in San Francisco; an evaluation of existing efforts to investigate, prosecute and prevent homicides and attempted homicides; evaluation of witness protection programs; an assessment and evaluation of violence prevention and job creation programs targeted at those at highest risk; and, reports from individual City departments and agencies, as needed.

Public agencies shall not be required to disclose information to the Planning Council that would compromise investigations, investigative methods, or the safety of persons. The Plan shall also be based on input gathered from communities affected by the homicide epidemic. The Mayor's Office shall provide staffing and assistance to the Planning Council.

It shall be City policy to favor the delivery of services under the Plan through competent, culturally-relevant community-based organizations to the greatest degree possible where feasible and appropriate. The Plan shall include recommendations for evaluating the performance of such organizations and of public agencies funded under the Plan on an on-going basis and for holding such organizations and agencies accountable for the results they achieve.

(3) **Public Hearings.** By February 1, 2009, the Police Commission, Youth Commission, Health Commission, and Juvenile Probation Commission shall hold hearings on the draft Plan and offer recommendations. The Board of Supervisors shall consider those recommendations, and any other changes to the draft Plan that it deems appropriate, as part of its own review of the Plan.

(4) **Adoption of Plan.** By April 1, 2009, the Board of Supervisors shall adopt an ordinance establishing a final Homicide Prevention Plan for the 2009-2010 fiscal year. The activities outlined in the Plan and approved by the Mayor and Board of Supervisors shall be funded using existing resources and new resources as provided in this Section. As part of the Mayor's budget submission required by Article IX of this Charter, the Controller shall certify that funding has been provided for these activities, that the activities included in the Mayor's budget are eligible for funding from the Plan under subsection (d), and shall provide the amount per activity. The Mayor's budget must fund all the activities identified in the Plan, but the Mayor shall have discretion over the amount of funding proposed for each activity. The Board of Supervisors may adjust or increase this funding as part of the budget process, but may not reduce it.

(5) **Annual Updates.** The Plan shall be updated annually, following the process set out above, for the Fiscal Years 2010-2011 through 2011-2012. The Plan shall include a specific evaluation of the performance of public agencies and private organizations funded under the prior year's Plan.

(b) **Survivors' Advocate; Survivors' Fund.** There is hereby established a Survivors' Advocate in the Office of the District Attorney. The Advocate shall provide assistance to survivors of homicide victims, including referrals to appropriate agencies and departments, advocacy and information gathering, tracking of the progress of individual cases, and such additional assistance as determined by the Homicide Prevention Plan.

There is hereby established a Survivors' Fund to help defray the cost of expenses incurred by survivors, including but not limited to, burial and expenses, counseling for family, co-workers, schoolmates and friends, and other costs as may be specified in the Homicide Prevention Plan. The Survivors' Fund may include contributions from private individuals and organizations as well as public funds, and shall be audited regularly by the Controller.

(c) **Violence Prevention Fund.** Pursuant to the Homicide Prevention Plan, the City Budget for Fiscal Years 2009-2010 through 2013-2012 shall include an additional \$10 million per year, beyond amounts appropriated for such purposes in the City Budget for Fiscal Year 2004-2005, to be expended solely for violence prevention programs.

(d) **Eligible Services.** Programs and services funded from the Violence Prevention Fund shall target populations at high risk of violence, including: youth and adults in the juvenile and adult probation systems; low income families in neighborhoods with a high incidence of homicide and attempted homicide; families living in public housing; and members of communities with high unemployment rates. The Violence Prevention Fund shall be used to provide violence prevention and intervention services, including, but not limited to, job creation and workforce training, public education, community capacity building and community response, conflict resolution and mediation between disputing parties, substance abuse treatment, mental health services, ex-offender and probation services, and family and witness relocation services.

(e) **Excluded Services.** Notwithstanding their possible consideration or inclusion as part of the Homicide Prevention Plan under subsection (a)(2), the following categories of expenditures shall not be funded from the Violence Prevention Fund:

(1) Services provided by the Police Department or the Fire Department, or detention or probation services mandated by state or federal law;

(2) Any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure;

(3) Acquisition of any capital item not for primary and direct use for violence prevention efforts;

(4) Acquisition (other than by lease for a term of ten years or less) of any real property;
or

(5) Maintenance, utilities or any similar operating costs of any facility not used primarily for violence prevention efforts.

(f) **Baseline.** The additional \$10 million appropriated to the Violence Prevention Fund each year shall be used exclusively to increase the aggregate City appropriations and expenditures for violence prevention programs (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for such programs (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any of the three years during which funds are required to be set aside under this Section below the amount so appropriated for the fiscal year 2004-2005 ("the base year") as set forth in the Controller's baseline budget, as adjusted ("the base amount"). The base amount shall be adjusted for each year after the base year by the Controller based on calculations consistent from year to year by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenue, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

The method used by the Controller to determine discretionary revenues shall be consistent with method used by the Controller to determine the Library and Children's Baseline Calculations dated June 20, 2000, which the Controller shall place on file with the Clerk of the Board in File No. 000952. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's estimate. Within 90 days following the end of each fiscal year through 2011-2012, the Controller shall calculate and publish the actual amount of City appropriations for services for violence prevention efforts that would have been eligible to be paid from the Fund but are paid from other sources, separately identifying expenditures mandated by state or federal law.

(g) **Expiration Date.** This Section shall expire by operation of law on June 30, 2012,
and the City Attorney shall cause its provisions to be removed from future editions of the
Charter.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney