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City and County of San Francisco
DEPARTMENT ON THE STATUS OF WOMEN



Edwin M. Lee
Mayor

Date: September 22, 2015
To: Alisa Somera, Assistant Clerk, Rules Committee, Board of Supervisors
From: Dr. Emily Murase, Executive Director
Re: BOS File No. 150902: Administrative Code - Considering Criminal History in Appointments to Boards and Commissions

The Department on the Status of Women has examined the proposed amendment to the Administrative Code regarding considering criminal history in appointments to boards and commissions. We support the intent of the ordinance to remove arbitrary roadblocks to participation in City government for persons with arrest or conviction records. However, we have some concerns regarding the impact of the following sections, which taken together would prohibit the City from considering criminal history information if a conviction is more than seven years old, even if it is a Directly-Related Conviction.

- i. Sec. 16.501(b): “Directly-Related Conviction” shall mean that the conduct for which an Applicant or Member was convicted or that is the subject of an Unresolved Arrest has a direct and specific negative bearing on that Applicant or Member’s ability to perform the duties or responsibilities of the Board Policy Body or is directly related to matters that the Board Policy Body may consider.
- ii. Sec. 16.502(a): Regarding appointment to or removal from positions on Board Policy Bodies, City employees and officers shall not, at any time or by any means, inquire about, require disclosure of, or if such information is received base an Adverse Action in whole or in part on: (5) A Conviction that is more than seven years old, the date of the Conviction being the date of sentencing;
- iii. Sec. 16.502(f): In making a decision based on an Applicant or Member’s Conviction History, a City employee or officer shall conduct an individualized assessment, considering only Directly-Related Convictions, the time that has elapsed since the Conviction or Unresolved Arrest, and any evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors.

Considering that convictions for domestic abuse, and other forms of gender-based violence, are difficult to obtain and typically follow prior perpetrations of abuse that often go unreported to police or are not prosecuted, a seven year time limit of criminal history is insufficient for Directly-Related Convictions from the perspective of the Commission on the Status of Women. We recommend that Directly-Related Convictions be permitted for consideration by the City **regardless of time passed**.

Please direct any questions to Legislative Analyst Elizabeth Newman at (415) 252-3206 or elizabeth.newman@sfgov.org.