

File No. 150944

Committee Item No. 6

Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date April 28, 2016

Board of Supervisors Meeting

Date May 17, 2016

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Youth Commission Report |
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Completed by: Derek Evans Date April 22, 2016

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Administrative Code - Establishing Safer Schools Sexual Assault Task Force]

2
3 **Ordinance amending the Administrative Code to establish the Safer Schools Sexual**
4 **Assault Task Force to advise the Board of Supervisors regarding proposed policies to**
5 **reduce sexual assault at educational institutions; and setting forth the membership and**
6 **duties of the Task Force.**

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

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

15 The Administrative Code is hereby amended by adding Chapter 5, Article X, Sections
16 5.10-1 through 5.10-7, to read as follows:

17 **ARTICLE X:**

18 **SAFER SCHOOLS SEXUAL ASSAULT TASK FORCE**

19 Sec. 5.10-1. Creation of Task Force.

20 Sec. 5.10-2. Findings.

21 Sec. 5.10-3. Membership.

22 Sec. 5.10-4. Organization and Terms of Office.

23 Sec. 5.10-5. Duties.

24 Sec. 5.10-6. Meetings and Procedures.

25 Sec. 5.10-7. Sunset.

1 **SEC. 5.10-1. CREATION OF TASK FORCE.**

2 The Board of Supervisors hereby establishes the Safer Schools Sexual Assault Task Force (the
3 “Task Force”) of the City and County of San Francisco.

4
5 **SEC. 5.10-2. FINDINGS.**

6 (a) American women aged 18 to 24 are at the highest risk of sexual assault victimization
7 compared to women in all other age groups.

8 (b) In 2013 alone, colleges and universities reported over 5,000 forcible sex offenses to the
9 U.S. Department of Education. Forty-one percent of schools have not conducted a single investigation
10 of a sexual assault complaint in the last five years, and only 10 to 25% of students found responsible
11 for sexual assault were permanently expelled from campus. Approximately 80% of sexual assault
12 crimes against undergraduate women go unreported to the police. Only 16% of student survivors of
13 sexual assault received assistance from a victim services agency that provides aid in recovery,
14 guidance through the criminal justice system, and/or assistance in obtaining restitution. A chronic lack
15 of training of on-campus personnel hampers sexual assault investigations and disciplinary processes,
16 often creating conditions that result in retraumatization of survivors.

17 (c) There are more than 105,000 students in San Francisco, enrolled in the more than 20
18 local colleges and universities. The City and County of San Francisco has long been dedicated to a
19 survivor-centered approach in its anti-violence work, in which the survivor’s wishes, safety, and well-
20 being take priority in all procedures.

21 (d) The survivor-centered Campus Safety and Accountability Act (“CASA”) was introduced
22 on February 26, 2015, by a bipartisan coalition in the United States Senate, led by Senators Claire
23 McCaskill and Kirsten Gillibrand. CASA is a critical piece of public safety legislation intended to
24 curtail the epidemic of sexual violence on college and university campuses by protecting and
25 empowering students, strengthening accountability and transparency for schools, and establishing

1 penalties for noncompliance. Under CASA, colleges and universities would be required to designate
2 confidential advisors to serve as a resource for survivors of assault, and to coordinate support services
3 and accommodations for survivors, providing information about reporting options, and guidance or
4 assistance in reporting the crime to campus authorities and/or local law enforcement. CASA would
5 ensure that the confidential advisor, as well as all those responsible for investigating these crimes, and
6 all those participating in disciplinary proceedings, will receive specialized training so that they have a
7 firm understanding of the nature of these crimes and their effect on survivors. CASA would require
8 colleges and universities to enter into memoranda of understanding with local law enforcement
9 agencies to delineate responsibilities and share information so that when an assault occurs, both
10 campus authorities and local authorities can focus on solving the crime rather than debating
11 jurisdiction. In March 2015, the Board of Supervisors unanimously adopted and the Mayor signed
12 Resolution No. 80-15 expressing the City's support for CASA.

13 (e) In September 2014, the Governor signed into law California Senate Bill 967, commonly
14 known as the "Yes Means Yes" law, adding Section 67386 to the Education Code. The Yes Means Yes
15 law requires the governing boards of each community college district, the Trustees of the California
16 State University, the Regents of the University of California, and the governing boards of independent
17 postsecondary institutions, in order to receive state funds for student financial assistance, to adopt
18 policies concerning sexual assault, domestic violence, dating violence, and stalking that include certain
19 elements, including an affirmative consent standard in the determination of whether consent was given
20 by a complainant. The law also requires these governing boards, to the extent feasible, to enter into
21 memoranda of understanding or other agreements or collaborative partnerships with on-campus and
22 community-based organizations to refer students for assistance or make services available to students.
23 The law further requires the governing boards to implement comprehensive prevention and outreach
24 programs addressing sexual assault, domestic violence, dating violence, and stalking.

1 (f) The overarching purposes of CASA and the Yes Means Yes law are to reverse the cover-
2 up culture that exists on campuses by encouraging colleges and universities to prevent sexual assaults,
3 get rid of sexual predators, and educate students and university officials about the problem. These
4 laws should have a significant positive impact on the health and safety of the tens of thousands of
5 students who reside and study in San Francisco. But the benefits and impacts of CASA and Yes Means
6 Yes are only obtainable if these laws are fully implemented at the local level.

7
8 **SEC. 5.10-3. MEMBERSHIP.**

9 (a) The Task Force shall consist of ~~seven~~ ten members, appointed as follows:

10 (1) Seat 1 shall be held by a current or former employee, officer, or volunteer at a
11 rape crisis center in the Bay Area, with experience or expertise in prevention, education, outreach,
12 resources, and services for survivors of sexual assault, appointed by the Board of Supervisors.

13 (2) Seat 2 shall be held by a person with experience as a peer educator addressing
14 prevention, education, or outreach regarding sexual assault, appointed by the Board of Supervisors.

15 (3) Seat 3 shall be held by an advocate for survivors or witnesses of sexual assault,
16 with expertise or experience in criminal justice proceedings or resources and support services for
17 survivors of sexual assault, appointed by the Board of Supervisors.

18 (4) Seat 4 shall be held by a survivor of sexual assault or an employee or
19 representative from an organization that represents or counsels survivors, appointed by the Board of
20 Supervisors.

21 (5) Seat 5 shall be held by an employee, officer, or other representative of a local
22 college, university, or other institution of higher education in the City, with experience or expertise in
23 protocols, laws, and resources addressing sexual assault on campus, appointed by the Board of
24 Supervisors.

1 (6) Seat 6 shall be held by an employee, officer, or other representative of a
2 local college, university, or other institution of higher education in the City, with experience or
3 expertise in protocols, laws, and resources addressing sexual assault on campus, appointed
4 by the Board of Supervisors.

5 (67) Seat 67 shall be held by an employee of the District Attorney's Office, appointed
6 by the District Attorney.

7 (78) Seat 78 shall be held by an employee of the Police Department with experience
8 working in the Department's Special Victims Unit, appointed by the Chief of Police.

9 (9) Seat 9 shall be held by the Director of the Department on the Status of
10 Women or a designee appointed by the Director.

11 (10) Seat 10 shall be held by an employee of the Department of Public Health
12 with experience or expertise in the area of sexual assault, appointed by the Director of Health.

13 (b) If the District Attorney, or the Chief of Police, or the Director of Health does not
14 appoint a member to serve in Seat 6 or 7, 8, or 10, or if the Director of the Department on the
15 Status of Women declines to serve or appoint a designee to Seat 9, within 30 days following the
16 effective date of the ordinance in Board File Ordinance No. 150944, creating the Task Force, the
17 Board of Supervisors may appoint a member of the public to fill the seat for the life of the Task Force.

18
19 **SEC. 5.10-4. ORGANIZATION AND TERMS OF OFFICE.**

20 (a) Each member shall serve at the pleasure of the member's appointing authority, and
21 shall serve for the life of the Task Force unless removed by the appointing authority.

22 (b) If a vacancy occurs in any seat on the Task Force, the appointing authority for the
23 vacated seat shall appoint a successor to that seat.

1 (c) Members of the Task Force shall receive no compensation, except that the members in
2 seats ~~6~~ and 7, 8, 9, and 10 may receive their regular salaries for time spent on the Task Force if they
3 are serving in an official capacity as representatives of their departments.

4 (d) Any member who misses three regular meetings of the Task Force without the express
5 approval of the Task Force at or before each missed meeting shall be deemed to have resigned from the
6 Task Force ten days after the third unapproved absence. The Task Force shall inform the appointing
7 authority of the resignation, and for resignations in Seats 1 through ~~6~~5, the Task Force shall also
8 inform the Clerk of the Board.

9 (e) The Department on the Status of Women shall provide clerical and administrative
10 support and staffing for the Task Force.

11
12 **SEC. 5.10-5. DUTIES.**

13 (a) No later than ~~six~~ 12 months after the inaugural meeting of the Task Force, the Task
14 Force shall submit to the Board of Supervisors a written report analyzing relevant State and federal
15 laws regarding on-campus sexual assault, recommending best practices for colleges and universities in
16 the City to reduce sexual assault, and recommending any steps that the City could take, including
17 changes in law or policy, to assist those institutions toward that goal.

18 (b) All City departments, commissions, boards, and agencies shall cooperate with the Task
19 Force in conducting its business.

20
21 **SEC. 5.10-6. MEETINGS AND PROCEDURES.**

22 (a) The Task Force shall hold its inaugural meeting not more than 30 days after a quorum of
23 the Task Force, defined as a majority of seats, has been appointed. There shall be at least ten days'
24 notice of the inaugural meeting. Following the inaugural meeting, the Task Force shall hold a regular
5 meeting not less than once every month until the sunset date set forth in Section 5.10-7.

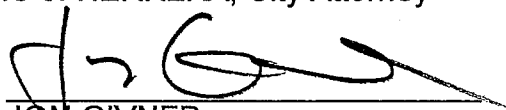
1 **(b) The Task Force shall elect its own officers and may establish rules for its own organization**
2 **and procedures.**

3
4 **SEC. 5.10-7. SUNSET.**

5 **Unless extended by ordinance, this Article X shall expire by operation of law, and the Task**
6 **Force shall terminate, ~~six~~12 months after the Task Force's inaugural meeting. After the expiration of**
7 **the Task Force, the City Attorney shall cause this Article to be removed from the Administrative Code.**
8

9 Section 2. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: 
17 JON GIVNER
18 Deputy City Attorney

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20
21
22
23
24
25

LEGISLATIVE DIGEST
(Amended in Committee 4/28/16)

[Administrative Code - Establishing the Safer Schools Sexual Assault Task Force]

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

Existing Law

There is currently no task force or other City advisory body dedicated to advising the Board of Supervisors regarding policies to reduce sexual assault at educational institutions.

Amendments to Current Law

The proposed ordinance would create a Safer Schools Sexual Assault Task Force. The Task Force would last for 12 months, at the end of which it would submit to the Board of Supervisors a written report analyzing relevant State and federal laws regarding on-campus sexual assault, recommending best practices for colleges and universities in the City to reduce sexual assault, and recommending steps that the City could take to assist those institutions toward that goal.

The Task Force would have ten members. The Board of Supervisors would appoint six members, including:

- A current or former employee, officer, or volunteer at a rape crisis center in the Bay Area;
- A person with experience as a peer educator addressing prevention, education, or outreach regarding sexual assault;
- An advocate for survivors or witnesses of sexual assault;
- A survivor of sexual assault or an employee or representative from an organization that represents or counsels survivors; and
- Two representatives of local colleges, universities, or other institutions of higher education in the City, with experience or expertise in protocols, laws, and resources addressing sexual assault on campus.

The other four seats would be held by:

- An employee of the District Attorney's Office, appointed by the District Attorney;
- An employee of the Police Department with experience working in the Department's Special Victims Unit, appointed by the Chief of Police;

- An employee of the Department of Public Health, appointed by the Director of Health;
and
- The Director of the Department on the Status of Women or the Director's designee.

Background Information

This legislative digest reflects amendments adopted by the Rules Committee on April 26, 2016 to increase the number of seats on the Task Force and to extend the life of the Task Force from six to 12 months.

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Rules Committee – April 28, 2016

Item 6 – Establishing the Safer Schools Sexual Assault Task Force (Kim)

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

Requested Amendments:

- a) Extend duration of task force to 12 months
- b) Add seat to the task force for a Department of Public Health representative with expertise in the area of sexual assault
- c) Add seat for the Director of the Department on the Status of Women or her proxy
- d) Add second seat for institution of higher education



California
LEGISLATIVE INFORMATION

AB-1475 Sexual assault response team. (2015-2016)

Assembly Bill No. 1475

CHAPTER 210

An act to add Chapter 12 (commencing with Section 13898) to Title 6 of Part 4 of the Penal Code, relating to sexual abuse.

[Approved by Governor August 13, 2015. Filed with Secretary of State August 13, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1475, Cooper. Sexual assault response team.

Existing law authorizes any county to establish and implement a sexual assault felony enforcement (SAFE) team program for the purpose of reducing violent sexual assault offenses in the county through proactive surveillance and arrest of habitual sexual offenders and strict enforcement of registration for sex offenders, and to provide community education about ways to protect individuals and families from sexual assault.

This bill would authorize each county to establish an interagency sexual assault response team (SART) program for the purpose of providing a forum for interagency cooperation and coordination to effectively address the problem of sexual assault. The members of the team would be representatives of specified public and private agencies and organizations. The bill would require each SART to, among other things, evaluate the effectiveness of individual agency and interagency protocols and systems by conducting case reviews involving sexual assault.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 12 (commencing with Section 13898) is added to Title 6 of Part 4 of the Penal Code, to read:

CHAPTER 12. County Sexual Assault Response Team (SART) Program

13898. (a) Each county may establish and implement an interagency sexual assault response team (SART) program for the purpose of providing a forum for interagency cooperation and coordination, to assess and make recommendations for the improvement in the local sexual assault intervention system, and to facilitate improved communication and working relationships to effectively address the problem of sexual assault in California.

(b) Each SART program shall be established and implemented pursuant to the provisions of this chapter.

13898.1. (a) Each SART may consist of representatives of the following public and private agencies or organizations:

(1) Law enforcement agencies.

Youth Commission
 City Hall ~ Room 345
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4532



(415) 554-6446
 (415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION MEMORANDUM

TO: Derek Evans, Assistant Clerk, Rules Committee
FROM: Youth Commission
DATE: Tuesday, November 17, 2015
RE: Referral response to BOS Files No. 150944

At our **Monday, November 16, 2015** meeting, the Youth Commission voted to support the following motion:

To support BOS File No. 150944—Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

During discussion on this item, youth commissioners submitted the following comments regarding this legislation:

Youth commissioners would like to support the task force's engagement with existing student groups and student-led initiatives. Youth commissioners would be happy to help with outreach to potential applicants to the task force.

Youth Commissioners thank the Board of Supervisors for their attention to issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Chair, Luis Avalos-Nunez
 Adopted on November 16, 2015
 2015-2016 San Francisco Youth Commission

Evans, Derek

From: Carpenter, Adele
Sent: Tuesday, November 17, 2015 5:11 PM
To: Evans, Derek
Cc: Guzman, Monica (BOS); Calvillo, Angela (BOS)
Subject: YC Referral Responses to 150940, 150944, 151109
Attachments: 1516-RBM-08.pdf; 1516-RBM-09.pdf; 1516-RBM-10.pdf

Hi, Derek,

Happy Tuesday. Attached, please find three YC responses to three pieces of legislation under consideration by the BOS Rules committee (150940, 150944, 151109): the Parks Charter Amendment, Sexual Assault Task Force Ordinance, and the Filipino Heritage District Resolution. Please let me know if you have any questions or I can provide any further documentation.

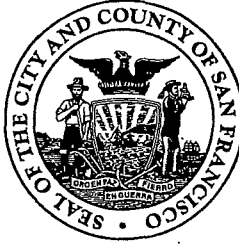
Best,

Adele Failes-Carpenter
Director
San Francisco Youth Commission
Office: (415) 554-7112 | Fax: (415) 554-6140

Visit the official [Youth Commission site](#) and [YC facebook page](#).
Sign up for [our newsletter](#).

Complete a Board of Supervisors [Customer Satisfaction form](#).

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Adele Failes-Carpenter, Director, Youth Commission
FROM: Derek Evans, Clerk, Rules Committee
DATE: November 13, 2015
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following legislation, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150944

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

Please return this cover sheet with the Commission's response to Derek Evans, Clerk, Rules Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

No Comment

Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Greg Suhr, Chief, Police Department
Ross Mirkarimi, Sheriff, Sheriff's Department
George Gascon, District Attorney, Office of the District Attorney
Jeff Adachi, Public Defender, Office of the Public Defender
Emily Murase, PhD, Executive Director, Department on the Status of Women

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: September 29, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Kim on September 22, 2015. This matter is being referred to your department for informational purposes.

File No. 150944

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

If you wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Christine Fountain, Police Department
Katherine Gorwood, Sheriff's Department
Cristine Soto Deberry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Minouche Kandel, Department on the Status of Women
Elizabeth Newman, Department on the Status of Women

Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Tuesday, September 29, 2015 2:00 PM
To: Suhr, Greg (POL); Mirkarimi, Ross (SHF); Gascon, George (DAT); Adachi, Jeff (PDR); Murase, Emily (WOM)
Cc: Newman, Elizabeth (WOM); Kandel, Minouche (WOM); Fountain, Christine (POL); Gorwood, Kathy; DeBerry, Cristine (DAT); Szabo, Max (DAT); Somera, Alisa (BOS)
Subject: REFERRAL FYI (150944) Administrative Code - Establishing the Safer Schools Sexual Assault Task Force
Attachments: 150944 FYI.pdf

Greetings:

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to Alisa.Somera@sfgov.org at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

Thank You.

Sent on behalf of Alisa Somera, Assistant Clerk, Rules Committee.

Erica Major

Assistant Committee Clerk

Board of Supervisors

Jr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

15 SEP 22 PM 2:11

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Kim

Subject:

Safer Schools Sexual Assault Task Force

The text is listed below or attached:

Please see attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: