

[Anti-Homicide Plan; DNA Crime Lab Funding; Survivor Assistance; 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 Anti-Homicide Plan; require Police Department and District Attorney investigators to give homicide investigation a top priority; require full funding for forensic biology (DNA crime lab); create a Survivors' Advocate and a City fund to pay specified expenses for survivors of homicide victims; and, fund violence prevention programs identified in the Plan for the next five fiscal years in an amount not to exceed \$5 million per year.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2004, 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. ANTI-HOMICIDE PLAN, CRIME LAB FUNDING, SURVIVOR ASSISTANCE AND VIOLENCE PREVENTION.

It is the policy of the City and County of San Francisco to aggressively investigate and solve violent crimes, including but not limited to homicide and attempted homicide. The City and County of San Francisco 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 where violent crimes most often occurs. Accordingly, the City and

County of San Francisco will take the following actions to investigate and solve crimes, assist victims of homicide, attempted homicide and death by gunfire, and invest in violence prevention programs:

(a) Anti-Homicide Plan.

(1) Anti-Homicide Planning Council. There is hereby established an Anti-Homicide Planning Council, to be comprised of 27 members.

(A) Public Members: Fourteen members selected from the public, who must be residents of San Francisco, at least four of whom must be survivors of violent crime, at least two of whom must be youth under 23 and at least one of whom must be a representative from the African American Community Relations Board or any successor organization, an equal number appointed each by the Mayor and the Board of Supervisors;

(B) Official Members: The Mayor; the President of the Board of Supervisors or another Supervisor designated by the President of the Board; the Supervisor whose district included the highest number of homicides in 2004; 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; and a representative from the Youth Commission.

(2) Anti-Homicide Plan. By July 1, 2005, the Anti-Homicide Planning Council shall develop a draft Anti-Homicide Plan. Components shall include, but not be limited to: 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; information about violence prevention and job creation programs targeted at those at highest risk; status of each unsolved homicide case in San Francisco;

an evaluation of the City's forensic biology (DNA crime lab) capacity; and, reports from individual City departments and agencies, as needed.

(3) **Public Hearings.** By October 1, 2005, the Police Commission, Youth Commission and Juvenile Probation Commission shall hold hearings on the draft plan and offer recommendations.

(4) **Adoption of Plan.** By November 1, 2005, the Board of Supervisors shall adopt and forward to the Mayor for concurrence, a Final Anti-Homicide Plan. 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, and provide the amount per 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 2006-2007 through 2010-2011.

(b) **Homicide Investigation; DNA Crime Lab.** It is the policy of the City and County of San Francisco that investigation and prosecution of homicides and attempted homicides be given top priority. To that end, the District Attorney and Police Department shall prioritize homicide investigations and request additional resources if current resources are insufficient.

For Fiscal Years 2005-2006 and 2006-2007, the Controller shall make a determination of the cost needed to fully fund the forensic biology section of the Police Department to eliminate any backlog. The Mayor shall include, and the Board of Supervisors may not reduce or delete, this funding from the Annual Appropriations Ordinance.

This funding requirement shall apply to Fiscal Years 2007-2008 through 2010-2011, but only if the Board of Supervisors makes a determination that the public interest requires continuation of the funding.

(c) **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 Anti-Homicide Plan.

There is hereby established a Survivors' Fund to pay for 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 Anti-Homicide 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.

(d) **Violence Prevention Programs.** Pursuant to the Anti-Homicide Plan, the City Budget for Fiscal Years 2005-2006 through 2010-2011 shall include \$5 million per year, to be expended solely for violence prevention programs, including, but not limited to, conflict resolution, mediation, job and skills development, substance abuse treatment and mental health services. These programs must be targeted at those populations determined to be at highest risk of violence in our community.

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

By: _____
THOMAS J. OWEN
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