

1 [Administrative Code - Reauthorizing the San Francisco Sentencing Commission]

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

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

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

13 Section 1. Background.

14 (a) Ordinance No. 10-12 established the San Francisco Sentencing Commission
15 (“Sentencing Commission”) to encourage the development of criminal sentencing strategies
16 that reduce recidivism, prioritize public safety and victim protection, emphasize fairness,
17 employ evidence-based best practices, and efficiently utilize San Francisco’s criminal justice
18 resources. Codified as Chapter 5, Article XXV of the Administrative Code, the Sentencing
19 Commission is scheduled to sunset on June 1, 2015 pursuant to Administrative Code Section
20 5.250-3.

21 (b) Administrative Code Section 5.250-3 provides that Chapter 5, Article XXV will not
22 sunset if the Board of Supervisors adopts an ordinance continuing its existence. Section
23 5.250-3 also states that the Sentencing Commission shall submit a report to the Board of
24 Supervisors recommending whether the Sentencing Commission should continue to operate
25 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.

1 (c) At the Sentencing Commission meeting of December 18, 2014, the Sentencing
2 Commission recommended that it continue to operate. This recommendation is contained in a
3 report dated December 18, 2014, in the form of a letter to all members of the Board of
4 Supervisors. The letter, including all attachments, is on file with the Clerk of the Board of
5 Supervisors in File No. 150332.

6 Section 2. Reauthorization of Sentencing Commission

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

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

13 **SEC. 5.250. ESTABLISHMENT AND PURPOSE: SAN FRANCISCO SENTENCING**
14 **COMMISSION.**

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

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

20 **SEC. 5.250-1. MEMBERSHIP AND ORGANIZATION.**

21 (a) Members. The Commission shall consist of 12 members, or 13 members if the
22 Superior Court agrees to provide one member. The head or chair of each of the following
23 agencies and bodies shall serve on or will assign one staff member to serve on the
24 Commission as a voting member: District Attorney; Public Defender; Adult Probation;
25 Juvenile Probation; Sheriff; Police; the Department of Public Health; the Reentry Council, and

1 the Superior Court, assuming it agrees to participate on the Commission. In addition, the
2 following additional voting public members will be appointed: a member of a nonprofit
3 organization that works with victims, chosen by the Family Violence Council; a member of a
4 nonprofit organization that works with ex-offenders, chosen by the Reentry Council; a
5 sentencing expert chosen by the Board of Supervisors; and an academic researcher with
6 expertise in data analysis appointed by the Mayor.

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

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

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

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

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

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

20 **SEC. 5.250-2. POWERS AND DUTIES.**

21 The Commission shall have the following powers and duties:

22 (a) Review and assess sentencing approaches locally and compare to other
23 jurisdictions.

1 (b) Review and assess the City's capacity and utilization of services and alternatives
2 to incarceration throughout the criminal justice continuum, including pre-adjudication and post-
3 release.

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

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

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

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

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

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

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

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

4 **SEC. 5.250-3. SUNSET CLAUSE.**

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

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

17 Section 5. Retroactivity. The provisions of this ordinance shall be retroactive to June
18 1, 2015 if the effective date of the ordinance occurs after that date. Notwithstanding the
19 effective date of this ordinance, it is the intent of the Board of Supervisors that the authority
20 conferred on the Sentencing Commission shall be without interruption, and that the incumbent
21 members of the Sentencing Commission shall continue to hold their seats until they are
22 removed by their appointing authorities ~~without reappointment until the expiration of their~~
23 ~~respective terms.~~

24 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the “Note” that appears under
4 the official title of the ordinance.

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

8 By: _____
9 Jana Clark
Deputy City Attorney

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