



Chesa Boudin
District Attorney

October 28, 2021

Supervisor Catherine Stefani
San Francisco Board of Supervisors
City Hall, Second Floor
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: File Number 210605 Proposed Ordinance Amending the Administrative Code - Domestic Violence Data Reporting

Dear Supervisor Stefani,

This letter is in response to the proposed Ordinance Amending the Administrative Code establishing reporting requirements for the San Francisco Police Department and the San Francisco District Attorney's Office. Addressing intimate partner violence is a top priority for my office. Under my leadership, the District Attorney's Office works to ensure that we are using the most effective interventions available to address interpersonal violence. As part of Domestic Violence Awareness Month, our office hosted a convening to highlight the voices of survivors and experts to discuss the complex nature of interpersonal violence and identify solutions that better serve domestic violence survivors. Just yesterday, my office held a ceremony with survivors, law enforcement partners; and victim advocates to honor domestic violence survivors and hear their powerful stories. These survivor, community, and law enforcement partnerships are critical to enhance interventions to end the cycles of violence and foster long lasting healing.

In addition, my office is strongly committed to providing greater transparency to the work of the criminal legal system. We have made publicly available dashboards and datasets accessible via the San Francisco District Attorney's Office website and DataSF, the online open data portal administered by the City and County of San Francisco. To that end, we are invested in collaborating to streamline information sharing amongst law enforcement partners, and happy to provide the data requested. However, we do want to raise a number of concerns we have regarding the efficacy of these statistics for truly measuring the scope of interpersonal violence in San Francisco or for assessing the efficacy of the City's efforts to break the cycle of violence and support healthy, safe families. We have outlined key areas of concern below regarding the limitations of the proposed reporting requirements for accurately measuring the prevalence of family violence or the effectiveness of responses aimed to reduce and eliminate abusive behaviors.

Definition of Domestic Violence

As proposed, the ordinance would amend Chapter 96D and define "Domestic Violence" to mean the crime defined in Section 273.5 and the crimes punishable under Section 243(e)(1), of the California Penal Code. This overlooks the fact that domestic violence is defined by Family Code

6211 and Penal Code 13700; consequently, domestic violence incidents, arrests, and charging decisions are based on the nature of the relationship— not the numeric Penal Code section that would be used in prosecuting the case. All fifty-eight counties follow this legal definition and make charging decisions in this manner. The proposed reporting requirement would therefore codify a new definition for Domestic Violence, limited to two Penal Code sections. This will obscure the full scope of resources directed by the San Francisco Police Department and the District Attorney's Office toward addressing domestic violence.

As a result, we recommend that the draft Ordinance be amended to define Domestic Violence as outlined in Family Code 6211 and Penal Code 13700 for the purpose of reporting from the San Francisco District Attorney's Office.

Limitations of Requested Data Elements

As proposed, SEC. 96D.2(a)(2)(B) would require the District Attorney's Office to produce summary aggregate case outcomes data that we believe are of limited value to a meaningful assessment of the success of investments made toward eradicating intimate partner violence and supporting survivors. In particular, the requested statistics outlined in the ordinance overlook the wide array of victim services and advocacy that my office provides to survivors of domestic violence, irrespective of whether a criminal case is being pursued. These services include but are not limited to, assistance applying for civil protective orders, crisis support services and counseling, guidance to navigate the criminal justice system, referrals to local resources and services, support at court hearings, and a wide variety of both short term and ongoing support. All of these services are critical for giving survivors the tools and support that they need to escape dangerous situations or, where appropriate, to engage in safe, successful family reunifications with rehabilitated partners.

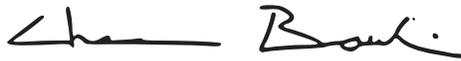
In addition, the requested statistics include no indicators of the efficacy of City and County of San Francisco funded domestic violence interventions. Of particular concern is the absence of any requirement for data on the implementation and effectiveness of the year-long court-ordered certified batterer's intervention programs (BIP) overseen by the San Francisco Adult Probation Department. It is critical that we gain greater insight into a person's ability to access these services in a timely manner, the completion rates of these programs, or, most importantly, the effectiveness of these programs for ending the cycle of family violence and ultimately, where appropriate, facilitating safe, successful family reunions. For the City and County of San Francisco to achieve the ultimate goal of eradicating intimate partner violence, it is critical that we not only track the involvement of criminal justice agencies such as SFPD and SFDA, but that we also measure the efficacy of the interventions and supports that we provide.

Lastly, I want to highlight specific concerns regarding the current limitations of both the San Francisco Superior Court and District Attorney's Office databases that impede accurate reporting on all of the proposed data elements. In particular, other than an acquittal or conviction, most of the dispositional or case outcomes values requested in the proposed ordinance are best understood as point-in-time indicators. These charge level and case level outcomes can change quickly. For example, a case that is diverted can turn into a dismissal or a conviction, depending on the defendants' ability to successfully complete the terms of their diversion. Similarly,

providing statistics on case dismissals provides no insight into the underlying reason for the dismissal, including whether it is the result of a successful diversion.

I urge you to adopt a more comprehensive approach to measuring San Francisco's response to domestic violence, as outlined in this letter. Members of my team and I welcome the opportunity to meet to discuss our suggestions and concerns in further detail. Please feel free to contact me if you have additional questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Chesa Boudin". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping underline.

Chesa Boudin
District Attorney

Cc: Supervisor Mar
Supervisor Haney
Supervisor Melgar
Supervisor Safai
Chief Scott, San Francisco Police Department