

1 [Victim-Witness Assistance Program and Victims of Violence Advisory Committee]
2 AMENDING ARTICLES 36 AND 36A OF THE SAN FRANCISCO ADMINISTRATIVE CODE
3 BY DELETING ARTICLE 36, SECTIONS 36.1 THROUGH 36.7, AND ARTICLE 36A,
4 SECTIONS 36A.1 THROUGH 36A.3 AND AMENDING SAN FRANCISCO ADMINISTRATIVE
5 CODE SECTION 2A.70 TO INCLUDE IN THE DUTIES OF THE OFFICE OF THE DISTRICT
6 ATTORNEY A VICTIM-WITNESS ASSISTANCE PROGRAM

7 Note: Additions are underlined; deletions are in ((double parentheses)).

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

9 Section 1. Article 36 of the San Francisco Administrative Code is hereby amended by
10 deleting Sections 36.1 through 36.7 as follows:

11 ((**SEC. 36.1. DECLARATION OF POLICY.** It is hereby declared that the policy of the City
12 and County of San Francisco is to provide assistance toward the rehabilitation of persons who
13 suffer as a direct result of violent crime and, to the extent practicable, to assist, encourage,
14 and facilitate the cooperation of the witnesses of crime with the criminal justice system except
15 as to payment of rewards, which subject is covered by other provisions of local law.

16 The City and County of San Francisco hereby finds that more public cooperation with
17 the criminal justice system is essential for the protection of the public from the ravages of
18 crime. The City and County further finds that the reduction of crime and the furtherance of
19 justice, both to persons accused of crime and to the general public, demand that the workings
20 of the criminal justice system be accessible, sensitive, comprehensible, and rapid.

21 **SEC. 36.2. ESTABLISHMENT, COMPOSITION, POLICY COMMITTEE.**

22 (a) Subject to the budget, fiscal and civil service provisions of the Charter, there is
23 hereby established a service to be known as the Victim/Witness Assistance Program in the
24 City and County of San Francisco in the Office of the District Attorney, and a Policy
25 Committee.

1 (b) The Policy Committee shall consist of the following persons or their designee:
2 the District Attorney, the Chief of Police, the Public Defender, the Director of Health Care
3 Services, the General Manager, Department of Social Services, the Chairperson of the
4 Commission of the Aging, the Chairperson on the Commission of the Status of Women, the
5 President of the San Francisco Barristers' Club, the Chair of the Public Protection Committee
6 of the Board of Supervisors of the City and County of San Francisco, the Director of the
7 Center for Special Problems, and the Director of Adult Probation. The Policy Committee shall
8 elect a chairperson from among its members. The term of office as chairperson shall be for
9 the calendar year or for that portion thereof remaining after each such chairperson is elected:
10 Members of the Policy Committee shall serve as such without compensation.

11 (c) The Policy Committee shall oversee general policy implementation and shall
12 determine the priority which various program goals shall be assigned. The Policy Committee
13 shall meet monthly, or as necessary. It shall review the progress of the program, its service to
14 both the victims of violent crime and to the witnesses thereof, and its ability to make the
15 criminal justice system more effectively serve the community.

16 (d) The Policy Committee shall facilitate liaison with all interested institutions and
17 community groups; it shall endeavor to create good working relationships with all volunteer
18 service organizations. With the assurance of equal treatment of all victims and witnesses, it
19 shall coordinate with among others, the Public Defender, the Juvenile Probation Department,
20 the Municipal Court, the Superior Court, the Juvenile Court, the Department of Social
21 Services, the Department of Public Health, the Sheriff, the State Board of Control, the
22 Department of Vocational Rehabilitation, and various social service and community groups
23 concerned with individuals affected with the criminal justice system. Emphasis shall be placed
24 on assuring proper treatment of the victims of sexual assault and of domestic violence and
25 victims who are senior citizens. The Policy Committee shall assure the concerns of both

1 community and institutional interests with respect to treatment of victims and witnesses are
2 carefully articulated and incorporated in policy implementation by the District Attorney.

3 (e) Subject to the budget, fiscal and Civil Service provisions of the Charter, an
4 executive director shall be appointed and shall be responsible for the day-to-day program
5 operations, including but not limited to supervision of staff and volunteer personnel,
6 coordination with other institutional and community agencies, budgeting and recruitment and
7 training volunteers.

8 (f) The Board of Supervisors, subject to its budgetary discretion and the successful
9 application for Federal grants to support the program shall provide funds to pay for such
10 personnel, services and facilities as may be reasonably necessary to enable the District
11 Attorney to exercise his powers and perform his duties under this ordinance.

12 **SEC. 36.3. POWERS AND DUTIES.**

13 The program shall provide, to the extent it is feasible, the following:

14 (a) Liaison Services. Program staff shall provide liaison services for victims and
15 witnesses of crimes to better enable these persons to participate in and fully understand the
16 criminal justice system. The staff shall, for both victims and witnesses, including those
17 involved with the Juvenile Court and the Youth Guidance Center:

18 (1) Assure that victims and witnesses are made aware of exactly what is expected
19 of them by the judicial system and the purpose of various steps in the investigation and
20 litigation.

21 (2) Assure that all persons who work with victims of sexual assault and family
22 violence are made sensitive to the special problems peculiar to the victims of such crimes.

23 (3) Assure that victims and witnesses are kept apprised of the progress of the case
24 in which they are involved.

1 (4) Establish an on-call system (whereby victims and witnesses may avoid long
2 waits) to notify persons scheduled to appear when, in reality, their appearance will be
3 required.

4 (5) Assist and educate witnesses in participating in the criminal justice process.

5 (6) Encourage victims and witnesses to develop a more positive attitude toward the
6 criminal justice system, and to cooperate more fully with police, the district attorney, and the
7 public defender and private defense counsel.

8 (7) Encourage criminal justice agencies, including the police, the district attorney,
9 the public defender and private defense counsel, to give more consideration and personal
10 attention to victims and witnesses.

11 (8) Provide bilingual assistance (in both Spanish and Chinese) to victims and
12 witnesses with little or no familiarity with English.

13 (b) Services Assistance. The program staff will assist victims of crime in obtaining a
14 quicker recovery from the effects of violent crime by providing referral and assistance to
15 victims and witnesses to crimes. The services shall include, among others:

16 (1) Provision of liaison and referral to special counseling facilities for the victims of
17 violent sexual assault and domestic violence.

18 (2) Making proper referrals to community service agencies in order to assure that
19 victims suffering from emotionally traumatic assaults may recover as expeditiously as
20 possible.

21 (3) Referral of injured victims, as appropriate, to rehabilitation facilities.

22 (4) Establishment of a child-care and transportation capability for victims and
23 witnesses who need such services in order to attend court appearances and interviews.

24 (c) Economic Assistance. The project staff shall:
25

1 (1) Increase the number of qualified applicants for State Compensation to victims of
2 violent crime.

3 (2) Reduce the time required for victims to receive State Compensation; assist
4 victims in preparing complete and detailed claims; assist the State by providing local
5 verification and evaluation.

6 (3) Provide liaison with local welfare authorities for victims in need of immediate
7 financial assistance.

8 (d) Research and Evaluation. The research and evaluation component shall gather
9 and classify data on victims of violent crimes by area, type of offense, service needs, cost of
10 county benefits, cost for State Compensation, response by authorities, processing and turn-
11 around times, socio-economic status, and attitudes towards the criminal justice system; the
12 research and evaluation component will gather, classify and keep data on witnesses in
13 criminal proceedings by area, type of proceeding, service needs, costs for fees, time spent in
14 service, and attitudes towards the criminal justice system, and make determinations relative to
15 cost-effectiveness for the provision of services to witnesses. The research and evaluation
16 component shall prepare a year-end report on the effectiveness of the program.

17 (e) Volunteers. All program components shall provide a means for volunteers
18 approved by the Policy Committee to work within the criminal justice system and will promote
19 cooperative educational programs for students in criminal justice and related fields. The
20 services and offices of the Volunteer Service Bureau of the Bay Area Crusade shall be used
21 to the maximum extent possible. Program staff shall provide community education and
22 publicity in order to make citizens aware of the availability of victim/witness services.

23 (f) The above enumerated powers and duties shall not be deemed exclusive. The
24 Program's Policy Committee shall have the power to adopt and to direct its staff to undertake
25 other duties reasonably related to, or necessary for, the assistance of the victims of crime.

1 **SEC. 36.4. CONFIDENTIALITY OF RECORDS.** All information and data collected from
2 and regarding individual victims (and/or relating to particular witnesses, defendants or
3 prospective defendants) shall remain confidential. No action taken by the Policy Committee
4 shall contravene prohibitions against disclosure of confidential criminal records as contained
5 in the California Penal Code, the California Government Code, regulations of the State
6 Attorney General, or laws or regulations promulgated or administered or enforced by the U.S.
7 Department of Justice. The District Attorney shall advise the Policy Committee on all matters
8 regarding the confidentiality of criminal records.

9 **SEC. 36.5. FUNDING.** The program may request, solicit, receive and disburse funds from
10 governmental and nongovernmental sources under the provisions of Article XV, Sections
11 10.170 and 10.170-1 of the San Francisco Administrative Code.

12 **SEC. 36.6. REPORTS.** On the first Monday of March, the District Attorney shall submit an
13 annual report to the Board of Supervisors and to members of the Policy Committee. Such
14 report shall include, but not be limited to, a review of the status of services to victims,
15 recommendations for the development and coordination of services for victims, progress
16 made by the office in performing its duties, and a statement of goals for the following year.

17 **SEC. 36.7. SEVERABILITY.** If any part or provision of this ordinance, or the application
18 thereof to any person or circumstance is held invalid, the remainder of the ordinance,
19 including the application of such part or provision to other persons or circumstances, shall not
20 be affected thereby and shall continue in full force and effect. To this end the provisions of this
21 ordinance are severable.))

22 Section 2. Article 36A of the San Francisco Administrative Code is hereby amended by
23 deleting Sections 36A.1 through 36A.3 as follows:

24 ((**SEC. 36A.1. ESTABLISHMENT; ADVISORY COMMITTEE.** There is hereby
25 established a Victims of Violence Advisory Committee (hereinafter referred to as "Advisory

1 Committee") composed of representatives from City departments and community agencies for
2 the purpose of analyzing data and policies relating to the services provided to victims of
3 violent crimes and advising the Board of Supervisors of recommendations to develop and
4 coordinate services for individuals affected by violent crime. The Advisory Committee shall
5 also facilitate coordination of services and sharing of resources among community agencies
6 and City departments that serve victims of violence.

7 **SEC. 36A.2. COMPOSITION.** The Victims of Crime Advisory Committee shall be
8 composed of 19 members. Each member of the Board of Supervisors shall appoint one
9 member to the Advisory Committee, and appointees shall represent community organizations
10 which provide victim services. Five of the 11 initially appointed members, as determined by
11 lot, shall be appointed to two-year terms, and the remaining six members, as well as all
12 members subsequently appointed to serve full terms, shall be appointed to four-year terms.
13 The remaining eight members of the Committee shall be composed of: (a) one representative
14 from each of the following six City departments as designated by the head of his or her
15 department: Department of Social Services, Department of Public Health — Division of Mental
16 Health, District Attorney, Adult Probation Department, Police Department, and Juvenile
17 Probation Department; (b) the Presiding Judge of the Superior Court and the Presiding Judge
18 of the Municipal Court shall each designate an appropriate representative, and such
19 representatives shall also serve as members of the Advisory Committee. These eight
20 designated members shall serve at the pleasure of their appointing authority. All Advisory
21 Committee members shall serve without compensation and may be reappointed.

22 In making their appointments, the Supervisors shall consult with persons and
23 organizations interested and providing services to victims of violence. The appointees to the
24 Advisory Committee shall be residents of the City and County of San Francisco, and shall be
25 broadly representative of the various community interests in San Francisco.

1 **SEC. 36A.3. PURPOSE AND DUTIES, REPORT.** The Advisory Committee shall
2 submit to the Board of Supervisors a report analyzing data and findings relating to community
3 and City services provided to victims of violence, and such report shall include, but not be
4 limited to, recommendations regarding the following:

- 5 (1) The organizational structure that imparts victim services;
6 (2) Policies that affect the development of programs to serve effectively victims of
7 violence;
8 (3) The interagency and interdepartment organization that facilitates the
9 coordination of services and sharing of resources.

10 The Advisory Committee shall provide a public forum for the purpose of soliciting
11 suggestions and recommendations from the general public as to the most appropriate ways of
12 providing services to victims of violence and forming recommendations to maintain consumer
13 guided services. The Advisory Committee shall review the public testimony, and shall include
14 a summary and analysis of said testimony in its report to the Board of Supervisors.

15 The Advisory Committee shall annually submit a report to the Board of Supervisors, the
16 first one of which shall be due within one year of the appointment of all initial members to the
17 Committee.))

18 Section 3. San Francisco Administrative Code Section 2A.70 is hereby amended to
19 read as follows:

20 **SEC. 2A.70. DISTRICT ATTORNEY.** Any amount required by the District Attorney
21 from time to time from the District Attorney's special fund shall be requisitioned by the District
22 Attorney, stating the general purpose for which required, whereupon the Controller shall draw
23 his warrant therefor and the claim be paid as provided for payment of other warrants by the
24 Treasurer. All such sums may be used by the District Attorney solely as provided by general
25 law and the District Attorney shall file vouchers with the Controller at the end of each fiscal

1 year showing what disposition the District Attorney has made of any moneys received from
2 such fund and the particular purpose for which it was disbursed, provided that, if a criminal
3 proceeding be pending or under investigation, vouchers for moneys disbursed in such
4 proceeding or investigation need not be filed until the trial of the criminal proceeding be ended
5 or the investigation concluded. No portion of the fund shall be used for compensation or
6 remuneration of full-time assistants or employees.

7 There shall be a Victim-Witness Assistance Program. The District Attorney shall work
8 with other City Departments and public and private entities to provide assistance to victims
9 and witnesses of crimes pursuant to Part 4, Title 6, Chapter 4, Article 2 of the California Penal
10 Code. The program shall comply with the standards and the evaluation and reporting
11 procedures set forth in Article 2 of the California Penal Code. The District Attorney Victim-
12 Witness Assistance Program is the major provider of victim/witness assistance in the City and
13 County of San Francisco. The Program may request, solicit, receive and disburse funds from
14 governmental and non-governmental sources under the provisions of Article XV, Sections
15 10.170 and 10.170-1 of the San Francisco Administrative Code.

16 There shall be a Warrant and Bond Office. The District Attorney shall appoint an
17 assistant to have charge of the Warrant and Bond Office to be designated Warrant and Bond
18 Deputy, and such additional assistants and clerks as may be provided by the budget and
19 appropriation ordinances. No person shall be appointed Warrant and Bond Deputy who is not
20 at the time of his or her appointment qualified to practice law in all the courts of this State. The
21 Warrant and Bond Deputy shall keep his or her office open continuously night and day for the
22 transaction of business; the Warrant and Bond Deputy shall draw and approve with his or her
23 signature all complaints and warrants in criminal actions to be prosecuted in the Municipal
24 Courts and any inferior court established by law in this City and County and possessing
25

1 criminal jurisdiction; the Warrant and Bond Deputy shall have custody of all bail bonds and
2 appeal bonds taken in such courts.

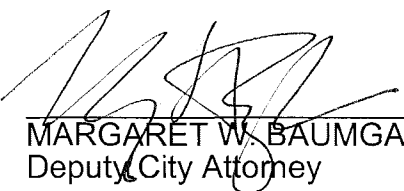
3 The Warrant and Bond Deputy may issue bail bonds and appeal bonds and order the
4 discharge from custody of the persons for whom such bonds are approved by a magistrate.
5 The Warrant and Bond Deputy may fix cash bail in misdemeanor cases where arrests are
6 made without warrants and may take cash bail in all cases arising in the Municipal Court and
7 any inferior court established by law in this City and County and possessing criminal
8 jurisdiction, and may order the discharge from custody of the persons for whom cash bail is
9 deposited with the Warrant and Bond Deputy.

10 In the matter of fixing bail and ordering the release of prisoners the Warrant and Bond
11 Deputy shall be subject to the judges of the Municipal Court and the judges of any court in the
12 City and County empowered by law to act as magistrates.

13
14 APPROVED AS TO FORM:

15 LOUISE H. RENNE, City Attorney

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18 By:


MARGARET W. BAUMGARTNER
Deputy City Attorney

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SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

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3/24/00



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 000538

Date Passed:

Ordinance amending Articles 36 and 36A of the San Francisco Municipal Code (Administrative Code), by deleting Article 36, Sections 36.1 through 36.7, and Article 36A, Sections 36A.1 through 36A.3 and amending San Francisco Administrative Code Section 2A.70 to include in the duties of the Office of the District Attorney a Victim-Witness Assistance Program.

May 8, 2000 Board of Supervisors — PASSED ON FIRST READING

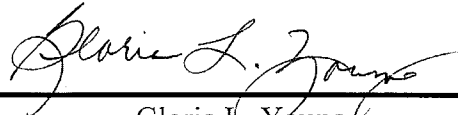
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 15, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 000538

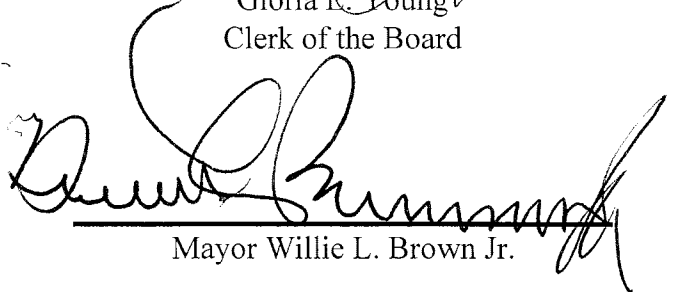
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on **May 15, 2000** by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 26 2000

Date Approved



Mayor Willie L. Brown Jr.