

File No. 100529

Committee Item No. 2
Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee: Public Safety

Date: May 24, 2010

Board of Supervisors Meeting

Date 6/8/10

Cmte Board

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Completed by: Victor Young
Completed by: Victor Young

Date May 20, 2010
Date May 26, 2010

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

95

1/2/10

FILE NO. 100529

[Neighborhood Community Justice Task Force.]

1. Ordinance amending the San Francisco Administrative Code by adding Sections 5.70
2. through 5.75, to create a Neighborhood Community Justice Task Force to make
3. recommendations to the Board of Supervisors regarding the creation of restorative and
4. community justice programs; provide for the Task Force's membership, organization,
5. and duties; and set a sunset date for the Task Force.
6.

7. NOTE: Additions are single-underline italics Times New Roman;
8. deletions are ~~strike-through italics Times New Roman~~.
9. Board amendment additions are double-underlined;
10. Board amendment deletions are ~~strikethrough normal~~.

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

12. Section 1. **Findings.** The Board of Supervisors finds and declares as follows:

13. 1. In recent years, there have been complaints in some neighborhoods and
14. commercial corridors in the City and County of San Francisco regarding low-level quality-of-
15. life crimes, obstruction of sidewalks, drug-related crimes, and harassment of pedestrians.

16. 2. Many quality-of-life offenses are often not the result of criminal intent, but stem from
17. a dearth of social and health services as well as a lack of economic alternatives for
18. low-income San Franciscans.

19. 3. The City and County of San Francisco has in recent years moved away from
20. exclusive reliance on traditional criminal justice models and toward a combination of
21. restorative and community justice models and social services, such as those present in the
22. Tenderloin's Community Justice Center, collaborative courts such as the Behavioral Health
23. Court, Drug Court, and Dependency Drug Court, and the community courts in numerous San
24.

1 Francisco neighborhoods, combined with services that are necessary to make such programs
2 effective.

3 4. Other neighborhoods and commercial corridors could benefit from alternative
4 approaches to community justice, including restorative or community justice systems and
5 practices, in conjunction with social and health services that make them most effective, or that
6 provide options for San Franciscans before their engagement with the traditional or alternative
7 criminal justice systems.

8 5. Such systems and practices are most effective when rooted in existing community
9 structure and reflective of specific community needs and values. It is therefore important that
10 any such system be the result of a collaborative community process.

11
12 Section 2. The San Francisco Administrative Code is hereby amended by adding
13 Chapter 5, Article VIII, Sections 5.70 through 5.75, to read as follows:

14 **SEC. 5.70. ESTABLISHMENT.**

15 The Board of Supervisors hereby establishes a Neighborhood Community Justice Task Force
16 ("the Task Force") to make recommendations to the Board of Supervisors regarding the creation of
17 neighborhood-based restorative and community justice programs: The Task Force will focus on one
18 neighborhood or commercial corridor at a time ("the Neighborhood"). The first focus of the Task
19 Force will be the Haight-Ashbury neighborhood, and subsequent foci will be chosen by resolution of
20 the Board of Supervisors. With each subsequent neighborhood or commercial corridor focus, the Task
21 Force membership will change in order to maintain community-based decision making, and to
22 appropriately fill those seats that have location-based requirements, as described below.

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1 SEC. 5.71. MEMBERSHIP.

2 (a) Voting members of the Task Force generally shall be drawn from residents and businesses
3 of the Neighborhood, as well as individuals with an understanding of the needs of homeless and youth,
4 and the practices of restorative and other alternative justice models.

5 (b) The Task Force shall consist of seven voting members, appointed by the Board of
6 Supervisors as follows:

7 (1) Seat 1: A person who is currently a tenant in the Neighborhood.

8 (2) Seat 2: A person who is an owner of residential property in the Neighborhood.

9 (3) Seat 3: A person who is an owner of a business located in the Neighborhood.

10 (4) Seat 4: A person who has expertise in and practical experience with restorative
11 justice models.

12 (5) Seat 5: A person recommended by a neighborhood-based organization that
13 provides outreach or drop-in services for youth.

14 (6) Seat 6: A person recommended by a community-based organization that works
15 with homeless individuals.

16 (7) Seat 7: A person nominated by the Supervisor in whose District the Neighborhood
17 is located. If the Neighborhood is located in more than one Supervisorial District, the Board of
18 Supervisors, in selecting the Neighborhood for consideration by the Task Force, shall determine
19 which District includes the largest physical portion of the Neighborhood, and the Supervisor for
20 that District shall nominate the candidate for Seat 7.

21 (c) The Board of Supervisors may by resolution modify the Task Force membership set forth
22 above for those Neighborhoods subsequently designated for consideration, in order to best reflect the
23 demographics and specific needs of the Neighborhood.

24 (d) Representatives from the Small Business Commission, Human Services Agency,
25 Department of Public Health, Department of Children, Youth, and Families, Tenderloin's Community

1 Justice Center, Police Department, District Attorney, and Public Defender, shall serve as non-voting
2 members of the Task Force. The Clerk of the Board of Supervisors shall invite the Superior Court to
3 send a representative to participate as a non-voting member of the Task Force. All City departments,
4 commissions, boards, and agencies shall cooperate with the Task Force in conducting its business.

5
6 **SEC. 5.72. ORGANIZATION AND TERM OF OFFICE.**

7 (a) The term of office of voting members of the Task Force shall be one year. The terms of
8 office for all seven seats shall start from the date the last of the seven voting members of the Task Force
9 is appointed and sworn in.

10 (b) Voting members of the Task Force shall serve at the pleasure of the Board of Supervisors.
11 The Board of Supervisors anticipates asking the Neighborhood representatives in Seats 1, 2, 3, and 7 to
12 step down when the Task Force finishes its work in connection with their Neighborhood and the Board
13 selects a new Neighborhood for consideration.

14 (c) In the event a vacancy occurs during the term of office of any member, the Board of
15 Supervisors shall appoint a successor having the same qualifications for the unexpired term of the
16 office vacated.

17 (d) Services of the voting members of the Task Force shall be voluntary and members will
18 serve without compensation.

19 (e) The Human Services Agency shall provide administrative support for the Task Force.

20
21 **SEC. 5.73. POWERS AND DUTIES.**

22 (a) The Task Force shall hold meetings and hearings regarding the creation and operation
23 of a neighborhood based justice program.

1 (1) Conducting a needs assessment for the neighborhood, minimally entailing
2 focused service needs assessments for specific low-income populations, including homeless
3 people, and an assessment of availability and use of public spaces;

4 (2) Conducting an evaluation of public safety in the neighborhood, both
5 documented and perceived; and;

6 (3) Exploring and evaluating restorative and other justice models, keeping in
7 mind the specific needs and problems of the Neighborhood.

8 (b) The Task Force shall hold a minimum of two public hearings in the Neighborhood to
9 receive input from the community regarding restorative justice and other alternative justice models,
10 and the jurisdiction, organization, and procedures for a neighborhood-based justice program.

11 (c) The Task Force shall, using input from the public hearings and its own deliberations,
12 develop recommendations on:

13 (1) The jurisdiction, organization, and procedures of a neighborhood-based justice
14 program.

15 (2) Ways in which restorative justice practices and principles, and those of other
16 alternative justice models, should be incorporated into a neighborhood-based justice program.

17 (3) Social and health services that should be provided in conjunction with a
18 neighborhood-based justice program.

19 (d) No later than nine months after the date that all seven voting members of the Task Force
20 have been appointed, the Task Force shall submit its recommendations, including recommendations
21 regarding legislation and appropriations, to the Board of Supervisors.

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1 SEC. 5.74. MEETINGS.


2 The place, date and time of meetings of the Task Force shall be prescribed by rule of the Task
3 Force; provided, however that the Task Force shall hold a regular meeting not less than once every
4 month. All meetings shall, except as provided by general law, be open to the public.

5
6 SEC. 5.75. SUNSET.

7 The Task Force shall terminate by operation of law on July 1, 2015, unless the Board of
8 Supervisors by resolution extends its term.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12
13 By:


THOMAS J. OWEN
Deputy City Attorney

LEGISLATIVE DIGEST
(Amended in Committee, 5/10/2010)

[Neighborhood Community Justice Task Force.]

Ordinance amending the San Francisco Administrative Code by adding Sections 5.70 through 5.75, to create a Neighborhood Community Justice Task Force to make recommendations to the Board of Supervisors regarding the creation of restorative and community justice programs; provide for the Task Force's membership, organization, and duties; and set a sunset date for the Task Force.

Existing Law

City law does not currently provide for the systematic study of neighborhood-based community justice programs

Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to create a seven-member Neighborhood Community Justice Task Force to make recommendations to the Board of Supervisors regarding the creation of neighborhood-based restorative and community justice programs.

The Task Force would initially focus on the Haight-Ashbury neighborhood. It would then consider other neighborhoods and commercial corridors chosen by resolution of the Board of Supervisors. The Board could change the Task Force membership as programs for these new neighborhoods are studied.

The seven voting members of the Task Force, appointed by the Board of Supervisors, would consist of:

- A tenant in the neighborhood;
- An owner of residential property in the neighborhood;
- An owner of a business located in the neighborhood;

- A person with expertise in and practical experience with restorative justice models;
- A person recommended by a neighborhood-based organization that provides outreach or drop-in services for youth;
- A person recommended by a community-based organization that works with homeless individuals; and,
- A person nominated by the Supervisor in whose district the neighborhood is located.

Representatives from the Small Business Commission, Human Services Agency, Department of Public Health, Department of Children, Youth, and Families, Tenderloin's Community Justice Center, Police Department, District Attorney, and Public Defender, would serve as non-voting members of the Task Force. The City would also invite the Superior Court to send a representative to participate as a non-voting member of the Task Force.

The term of office of voting members of the Task Force would be one year, and they would serve at the pleasure of the Board of Supervisors. The Human Services Agency would provide administrative support for the Task Force.

The Task Force would hold meetings and hearings, including at least two meetings in the neighborhood under consideration, assessing the service needs for the neighborhood, evaluating public safety in the neighborhood, and evaluating restorative and other justice models. The Task Force would submit its recommendations to the Board of Supervisors, including recommendations regarding social and health services that should be provided in conjunction with a justice program.

The ordinance would automatically expire July 1, 2015, unless the Board of Supervisors by resolution extended its term.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

May 20, 2010

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RE: File No. 100529 Creation of Neighborhood Community Justice Task Force

Ordinance amending the San Francisco Administrative code by adding Sections 5.70 through 5.75, to create a Neighborhood Community Justice Task Force to make recommendations to the Board of Supervisors regarding the creation of restorative and community justice programs; provide for the Task Force's membership, organization, and duties; and set a sunset date for the Task Force.

Small Business Commission Recommendation: **Approval in conjunction with SBC recommendations for File No. 100233 [Prohibition on sitting or lying on public sidewalks]**

Dear Ms. Calvillo:

On May 10, 2010, the Small Business Commission heard and recommended approval to the Board of Supervisors for File No. 100529. The Commission continues to recommend approval of File No. 100233 with modification as specified in our response dated May 6, 2010. Furthermore, the Commission feels that both items will compliment each other and that File 100529 is an appropriate companion piece of legislation to File No. 100233.

The Small Business Commission supports restorative justice programs and commends President Chiu and the Public Safety Committee for adding a representative of the Commission to the list of non voting members of the proposed Neighborhood Community Justice Task Force. On April 27, 2010 Commission staff and several commissioners met with representatives from Larkin Street Youth, Coalition for Homelessness and the Homeless Youth Alliance. The discussion was positive, cordial and the dialogue helped all parties better understand each others concerns related to the proposed Sit/Lie ordinance. The creation of the task force will provide an opportunity for this spirit of cooperation to continue and expand, along with providing restorative justice opportunities in target neighborhoods.

The Small Business Commission thinks this ordinance, in conjunction with the proposed Sit/Lie law will address a number of concerns that small business merchants have expressed to the Commission relating to disruptive and intimidating conduct on sidewalks. Should the proposed Sit/Lie ordinance not be passed however, the Commission has concerns that the Neighborhood Community Task Force may not adequately address the underlying issues which led to the Sit/Lie proposal. Many behaviors, including

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6481



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GAVIN NEWSOM, MAYOR



verbally harassing employees and customers will remain a problem, along with other concerns outlined in our response to File No. 100233. We are also concerned that many components necessary to effective restorative justice programs, including increased social services, will not be an option during this difficult economic climate. Lastly, while the Haight Street merchant corridor is generally considered to be the most impacted by problem sidewalk behaviors, there are a number of other merchant corridors and districts which are in need of solutions. The timeline of implementing restorative justice programs beyond the Haight may not provide relief within an acceptable timeline.

The Small Business Commission looks forward to continuing a dialogue with the Board of Supervisors, the Mayor and neighborhood stakeholders to help make our vibrant commercial corridors more welcoming to business owners, employees, residents and shoppers alike.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisors Chiu, Mirkarimi, Dufty and Alioto-Pier
Nicolas King
Starr Terrell
Victor Young, Clerk of the Public Safety Committee

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(415) 554-6481



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CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

May 6, 2010

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RE: File No. 100233 [Prohibition on Sitting or Lying on City Sidewalks.]

Ordinance amending San Francisco Police Code by adding Section 168 to prohibit sitting or lying down upon a public sidewalk during specified hours and with exceptions for the disabled and others.

Small Business Commission Recommendation: Approval with modifications

Dear Ms. Calvillo:

On April 12, 2010, the Small Business Commission heard and recommended approval with modifications on File No. 100233.

The Commission found that sitting and lying on public sidewalks negatively impacts small businesses, particularly merchants in our busy commercial corridors, including Neighborhood Commercial Districts. For this reason, the Commission proposes modifying the ordinance to include only commercial corridors. This approach will direct attention to the areas where this ordinance is most needed. In addition to commercial corridors, the Commission also recommends applying this law to several commercial districts, including but not limited to Fisherman's Wharf, Showplace Square/Design District, and Union Square.

The Commission strongly supports the use of foot patrol beat officers to address crime in our merchant corridors. However, many alternatives to a Sit/Lie policy, including the enforcement of existing police code laws require a citizen's arrest before an officer can take action. In addition to the time commitment required to fill out paperwork and attend court if necessary, filling out a citizen's arrest can lead to retribution to the business or individuals who sign the arrest. Female business owners and employees in particular report that they have been subject to retribution when reporting crimes or asking the police for assistance while being harassed by persons sitting and lying on sidewalks. Furthermore, despite an increase in foot patrols along the busy Haight Street corridor, merchants report that individuals sitting or lying on the sidewalk have become increasingly troublesome, and are aware that they can harass and be vulgar without consequence.

Small Business merchants are subject to a number of City policies governing the maintenance of sidewalks, and the use of the sidewalk by their businesses is tightly regulated. Property owners own the sidewalks and the City requires that property owners to make this portion of their property available for public right away. For the majority of our small business, a condition of their lease is to maintain the sidewalk. Businesses and property owners must keep their sidewalks in a clean and well kept condition. Businesses are subject to citations and are fined for not keeping the sidewalk in front of their business clean and safe from any hazards. Businesses also must apply for permits for sidewalk seating, to sell merchandise outside their business and for A-frame advertising signs. Individuals sitting and lying on the sidewalks in front of these businesses need no permit, are

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1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
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not held accountable for their conduct and are not responsible for the blight they create. Here-in-lies a built in source of friction the City government has created.

Through public comment, the Commission heard feedback from dozens of merchants who have experienced harassment and intimidation by persons sitting and lying on public sidewalks. Groups of six or more persons sitting in front of businesses and vacant storefronts are not uncommon. The behavior exhibited by many of these persons, though often not criminal, also drives away patrons and discourages people from shopping in our vibrant neighborhoods and commercial areas. This reduces income to small business merchants, as well as revenue to the City in the form of sales taxes, payroll taxes that go to the general fund.

Because this legislation is being framed as targeting the homeless, the Small Business Commission wants to remind to the Board of Supervisors that the City is projected to receive \$128,853,000.00 in general fund revenue from sales tax and property tax in-lieu of sales tax for FY 09-10. Last year the Department of Public Health spent \$52,581,264.00 in general fund dollars on homeless related programs, 69% of its homeless service budget. The Department of Human Services Agency FY09-10 general fund budget for homeless-related service is \$62,465,119.00, 95% is allocated for to Community Based Organizations. These Community Based organizations not only rely on the general funds small business generates, many also rely on in-kind contributions for fundraisers and general support. There are many merchant areas in the City where homeless and merchant live copacetically and merchants provide support to these individuals.

The Small Business Commission requests that the Board of Supervisors give strong consideration to the fact that equally progressive Cities such as Santa Cruz, Berkeley and Seattle have enacted similar laws which, have been effective and have not been abused or resulted in gross violation of individual rights. The Small Business Commission also encourages the Public Safety Committee hold quarterly hearings on Sit/Lie prior to the 1 year report.

San Francisco's ground floor commercial business often have a high number of annual licenses and fees, are disproportionately impacted by the cost of graffiti, along with taking care of the City's public right-of-ways. We, the City ask a lot from these businesses. The Small Business Commission therefore, urges the Board of Supervisors to support these businesses, businesses which are so important to you and the vitality of your neighborhoods by voting to approve this legislation with the modification proposed by the Small Business Commission.

Sincerely,

Regina Dick-Endrizzi
Executive Director, Office of Small Business

cc. Supervisors David Chiu, Mirkairmi and Duffy
Starr Terrell
Gail Johnson, Clerk of the Public Safety Committee

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1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6481