

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Vicki Hennessy, Sheriff, Sheriff's Office
Greg Suhr, Chief, Police Department
George Gascon, District Attorney, Office of the District Attorney
Dennis Herrera, City Attorney, Office of the City Attorney
Jeff Adachi, Public Defender, Office of the Public Defender
Karen L. Fletcher, Chief Adult Probation Officer, Adult Probation Department
Allen Nance, Chief Probation Officer, Juvenile Probation Department
Nicole Elliott, Liaison to the Board of Supervisors, Mayor's Office of Criminal Justice
Ben Rosenfield, City Controller, Office of the Controller

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: January 20, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Breed on January 12, 2016:

File No. 160023

Ordinance amending the Administrative Code to establish the San Francisco Homicide Reward Fund.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Kathy Gorwood, Sheriff's Office
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Jon Givner, Office of the City Attorney
LaShaun Williams, Adult Probation Department
Sheryl Cowan, Juvenile Probation Department
Todd Rydstrom, Office of the Controller
Peg Stevenson, Office of the Controller

1 [Administrative Code - San Francisco Homicide Reward Fund]

2
3 **Ordinance amending the Administrative Code to establish the San Francisco Homicide**
4 **Reward Fund.**

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. Findings.

14 (a) Since 2009, San Francisco has averaged approximately 50 homicides per year.

15 (b) Although the City has a general reward process that applies, in part, to cases of
16 willful misconduct resulting in someone's death, and periodically offers rewards in homicide
17 cases, it does not have a reward fund specifically for unsolved homicides.

18 Section 2. The Administrative Code is hereby amended by adding Section 10.100-306
19 to read as follows:

20 **SEC. 10.100-306. SAN FRANCISCO HOMICIDE REWARD FUND.**

21 (a) Establishment of Fund. The San Francisco Homicide Reward Fund (the "Fund") is
22 established as a category six fund to receive any monies appropriated or donated for the purpose of
23 providing rewards as set forth in this Section 10.100-306. Donations to the Fund are deemed approved
24 for acceptance and expenditure.

1 (b) Use of Fund. Monies in the fund shall be used exclusively by the Chief of Police in the
2 following manner:

3 (1) The Chief of Police may pay a reward to any person or persons providing
4 information that leads, in the judgment of the Chief after consultation with the District Attorney, to the
5 arrest and conviction of a person for the crimes of murder (Cal. Penal Code Sec. 187, as amended, or
6 any successor legislation) or manslaughter (Cal. Penal Code Sec. 192, as amended, or any successor
7 legislation) committed within the City. If more than one claimant is eligible for a reward under this
8 Section, the Chief of Police may divide the reward in a manner the Chief deems appropriate, but the
9 total reward in connection with a single incident, whether made to one person or divided among
10 several persons, may not exceed \$250,000.

11 (2) A person claiming a reward from the Fund may not have participated in the
12 planning, commission, or concealment of the crime, and the information provided by the person must
13 have been unknown to the Police Department or the District Attorney at the time it was provided.

14 (3) The Chief of Police shall pay a reward from the Fund only where the Chief
15 determines, in his or her judgment, that: (A) no one has been charged with the crime for more than one
16 year from the date of the incident; (B) the Police Department has exhausted all investigative leads; and
17 (C) assistance from the public and a reward are necessary to achieve an arrest and conviction for the
18 crime.

19 (4) Rewards are entirely in the Chief of Police's discretion and there is in no
20 circumstance a right to an award. The amount of the reward rests in the discretion of the Chief and
21 shall be based on, among other considerations, the nature of the crime, the length and difficulty of the
22 investigation and prosecution, and the usefulness of the information furnished by the person claiming
23 the reward.

24 (5) For the purposes of this Section 10.100-306, "conviction" shall mean a finding of
25 guilty following a trial, a plea of guilty or nolo contendere, or a plea of guilty or nolo contendere by

1 plea bargaining whether or not the guilty plea or nolo contendere plea is entered for violation of Penal
2 Code Sections 187 or 192.

3 (c) Administration of Fund.

4 (1) Any reference to the Chief of Police in this Section 10.100-306 shall include the
5 Chief's designee.

6 (2) Any individual reward of \$100,000 or more shall require Board of Supervisors
7 approval by resolution.

8 (3) The Chief of Police shall submit an annual written report to the Board of
9 Supervisors and the Controller within the first two weeks of July showing donations received, the
10 nature and amount of such donations, and the disposition thereof, together with a description of the
11 individual rewards paid from the Fund.

12 (4) To the extent permitted by law, the Chief of Police may keep confidential
13 information identifying individual reward recipients. This provision shall not be construed to require
14 the Chief to disclose other information that by law may be kept confidential.

15
16 Section 3. Undertaking for the General Welfare. In enacting and implementing this
17 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
18 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
19 is liable in money damages to any person who claims that such breach proximately caused
20 injury.

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

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

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9 By:


THOMAS J. OWEN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - San Francisco Homicide Reward Fund]

Ordinance amending the Administrative Code to establish the San Francisco Homicide Reward Fund.

Existing Law

Administrative Code Section 10.177-1 authorizes the Mayor to offer a reward, not to exceed \$100,000, for information leading to the identification, arrest, and conviction of any person whose willful misconduct results in injury or death to any person or who willfully damages, destroys or appropriates any property. The reward must be recommended by the Mayor and approved by the Board of Supervisors.

Section 10.177-1 covers, but is not specific to, unsolved homicides, and does not establish a specific fund for this purpose.

Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to establish the San Francisco Homicide Reward Fund (the "Fund") to receive donations or appropriations for the purpose of providing rewards as set forth in the ordinance. The Fund would be a category six fund, which means that the monies in the Fund would be deemed automatically appropriated for these purposes and the fund balance would be carried forward at the end of the budgetary cycle, but interest on the monies would go to the General Fund. Donations to the Fund would be deemed approved for acceptance and expenditure and would not require Board approval, even if in excess of \$10,000.

The proposal would authorize the Chief of Police to pay a reward to any person or persons providing information that lead, in the judgment of the Chief after consultation with the District Attorney, to the arrest and conviction of a person for the crimes of murder or manslaughter committed within the City, where the Chief determined that no one had been charged with the crime for more than one year from the date of the incident, the Police Department had exhausted all investigative leads, and a reward was necessary to achieve an arrest and conviction for the crime.

If more than one claimant was eligible for a reward, the Chief could divide the reward in a manner he or she deemed appropriate, but the total reward in connection with a single incident could not exceed \$250,000. A person claiming a reward from the Fund could not have participated in the planning, commission, or concealment of the crime, and the

information provided by the person must have been unknown to the Police Department or the District Attorney at the time it was provided.

Any individual reward of \$100,000 or more would require Board of Supervisors approval by resolution.

To the extent permitted by law, the Chief of Police could keep confidential information identifying individual reward recipients.

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