

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.

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

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Section 1. Background.

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(a) Ordinance No. 10-12 established the San Francisco Sentencing Commission

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("Sentencing Commission") to encourage the development of criminal sentencing strategies

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that reduce recidivism, prioritize public safety and victim protection, emphasize fairness,

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employ evidence-based best practices, and efficiently utilize San Francisco's criminal justice

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resources. Codified as Chapter 5, Article XXV of the Administrative Code, the Sentencing

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Commission is scheduled to sunset on June 1, 2015 pursuant to Administrative Code Section

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5.250-3.

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(b) Administrative Code Section 5.250-3 provides that Chapter 5, Article XXV will not

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sunset if the Board of Supervisors adopts an ordinance continuing its existence. Section

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5.250-3 also states that the Sentencing Commission shall submit a report to the Board of

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Supervisors recommending whether the Sentencing Commission should continue to operate

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and, if so, whether the Board of Supervisors should consider amendments that would

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enhance the capacity of the Sentencing Commission to further its goals, along with draft

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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 5.250-2 and 5.250-3, to read as follows:

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

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

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

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

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

1 following additional voting members will be appointed: a member of a nonprofit organization  
2 that works with victims, chosen by the Family Violence Council; a member of a nonprofit  
3 organization that works with ex-offenders, chosen by the Reentry Council; a sentencing expert  
4 chosen by the Board of Supervisors; and an academic researcher with expertise in data  
5 analysis appointed by the Mayor.

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

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

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

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

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

13 The Commission shall have the following powers and duties:

14 (a) Review and assess sentencing approaches locally and compare to other  
15 jurisdictions.

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

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

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

24 (e) Develop data collection standards and recidivism reporting standards.  
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1 (f) Develop and recommend department specific goals to reduce recidivism for the  
2 City departments represented on the Sentencing Commission, and other relevant City  
3 departments.

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

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

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

12 (j) In December 2012, and on an annual basis thereafter, submit a report to the Mayor  
13 and the Board of Supervisors summarizing the findings of the Commission and making  
14 recommendations on the aforementioned categories.

15 (k) Nothing in Article XXV ~~this legislation~~ shall infringe on any agency's legally  
16 mandated responsibilities in the criminal justice system, and, as such, recommendations are  
17 not statutorily binding on any City department.

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

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

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

7 Section 5. Retroactivity. The provisions of this ordinance shall be retroactive to June  
8 1, 2015 if the effective date of the ordinance occurs after that date. Notwithstanding the  
9 effective date of this ordinance, it is the intent of the Board of Supervisors that the authority  
10 conferred on the Sentencing Commission shall be without interruption, and that the incumbent  
11 members of the Sentencing Commission shall continue to hold their seats without  
12 reappointment until the expiration of their respective terms.

13 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
17 additions, and Board amendment deletions in accordance with the "Note" that appears under  
18 the official title of the ordinance.

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20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_  
23 Jana Clark  
24 Deputy City Attorney

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