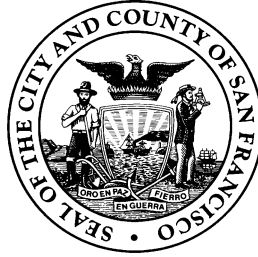


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Greg Suhr, Chief, Police Department
Ross Mirkarimi, Sheriff, Sheriff's Department
George Gascon, District Attorney, Office of the District Attorney
Jeff Adachi, Public Defender, Office of the Public Defender
Emily Murase, PhD, Executive Director, Department on the Status of Women

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: September 29, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Kim on September 22, 2015. This matter is being referred to your department for informational purposes.

File No. 150944

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

If you wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Christine Fountain, Police Department
Katherine Gorwood, Sheriff's Department
Cristine Soto Deberry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Minouche Kandel, Department on the Status of Women
Elizabeth Newman, Department on the Status of Women

[Administrative Code - Establishing the Safer Schools Sexual Assault Task Force]

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

The Administrative Code is hereby amended by adding Chapter 5, Article X, Sections 5.10-1 through 5.10-7, to read as follows:

ARTICLE X:

SAFER SCHOOLS SEXUAL ASSAULT TASK FORCE

Sec. 5.10-1. Creation of Task Force.

Sec. 5.10-2. Findings.

Sec. 5.10-3. Membership.

Sec. 5.10-4. Organization and Terms of Office.

Sec. 5.10-5. Duties.

Sec. 5.10-6. Meetings and Procedures.

Sec. 5.10-7. Sunset.

1 **SEC. 5.10-1. CREATION OF TASK FORCE.**

2 *The Board of Supervisors hereby establishes the Safer Schools Sexual Assault Task Force (the*
3 *"Task Force") of the City and County of San Francisco.*

4
5 **SEC. 5.10-2. FINDINGS.**

6 *(a) American women aged 18 to 24 are at the highest risk of sexual assault victimization*
7 *compared to women in all other age groups.*

8 *(b) In 2013 alone, colleges and universities reported over 5,000 forcible sex offenses to the*
9 *U.S. Department of Education. Forty-one percent of schools have not conducted a single investigation*
10 *of a sexual assault complaint in the last five years, and only 10 to 25% of students found responsible*
11 *for sexual assault were permanently expelled from campus. Approximately 80% of sexual assault*
12 *crimes against undergraduate women go unreported to the police. Only 16% of student survivors of*
13 *sexual assault received assistance from a victim services agency that provides aid in recovery.*
14 *guidance through the criminal justice system, and/or assistance in obtaining restitution. A chronic lack*
15 *of training of on-campus personnel hampers sexual assault investigations and disciplinary processes,*
16 *often creating conditions that result in retraumatization of survivors.*

17 *(c) There are more than 105,000 students in San Francisco, enrolled in the more than 20*
18 *local colleges and universities. The City and County of San Francisco has long been dedicated to a*
19 *survivor-centered approach in its anti-violence work, in which the survivor's wishes, safety, and well-*
20 *being take priority in all procedures.*

21 *(d) The survivor-centered Campus Safety and Accountability Act ("CASA") was introduced*
22 *on February 26, 2015, by a bipartisan coalition in the United States Senate, led by Senators Claire*
23 *McCaskill and Kirsten Gillibrand. CASA is a critical piece of public safety legislation intended to*
24 *curtail the epidemic of sexual violence on college and university campuses by protecting and*
25 *empowering students, strengthening accountability and transparency for schools, and establishing*

1 penalties for noncompliance. Under CASA, colleges and universities would be required to designate
2 confidential advisors to serve as a resource for survivors of assault, and to coordinate support services
3 and accommodations for survivors, providing information about reporting options, and guidance or
4 assistance in reporting the crime to campus authorities and/or local law enforcement. CASA would
5 ensure that the confidential advisor, as well as all those responsible for investigating these crimes, and
6 all those participating in disciplinary proceedings, will receive specialized training so that they have a
7 firm understanding of the nature of these crimes and their effect on survivors. CASA would require
8 colleges and universities to enter into memoranda of understanding with local law enforcement
9 agencies to delineate responsibilities and share information so that when an assault occurs, both
10 campus authorities and local authorities can focus on solving the crime rather than debating
11 jurisdiction. In March 2015, the Board of Supervisors unanimously adopted and the Mayor signed
12 Resolution No. 80-15 expressing the City's support for CASA.

13 (e) In September 2014, the Governor signed into law California Senate Bill 967, commonly
14 known as the "Yes Means Yes" law, adding Section 67386 to the Education Code. The Yes Means Yes
15 law requires the governing boards of each community college district, the Trustees of the California
16 State University, the Regents of the University of California, and the governing boards of independent
17 postsecondary institutions, in order to receive state funds for student financial assistance, to adopt
18 policies concerning sexual assault, domestic violence, dating violence, and stalking that include certain
19 elements, including an affirmative consent standard in the determination of whether consent was given
20 by a complainant. The law also requires these governing boards, to the extent feasible, to enter into
21 memoranda of understanding or other agreements or collaborative partnerships with on-campus and
22 community-based organizations to refer students for assistance or make services available to students.
23 The law further requires the governing boards to implement comprehensive prevention and outreach
24 programs addressing sexual assault, domestic violence, dating violence, and stalking.
25

1 (f) The overarching purposes of CASA and the Yes Means Yes law are to reverse the cover-
2 up culture that exists on campuses by encouraging colleges and universities to prevent sexual assaults,
3 get rid of sexual predators, and educate students and university officials about the problem. These
4 laws should have a significant positive impact on the health and safety of the tens of thousands of
5 students who reside and study in San Francisco. But the benefits and impacts of CASA and Yes Means
6 Yes are only obtainable if these laws are fully implemented at the local level.

7
8 **SEC. 5.10-3. MEMBERSHIP.**

9 (a) The Task Force shall consist of seven members, appointed as follows:

10 (1) Seat 1 shall be held by a current or former employee, officer, or volunteer at a
11 rape crisis center in the Bay Area, with experience or expertise in prevention, education, outreach,
12 resources, and services for survivors of sexual assault, appointed by the Board of Supervisors.

13 (2) Seat 2 shall be held by a person with experience as a peer educator addressing
14 prevention, education, or outreach regarding sexual assault, appointed by the Board of Supervisors.

15 (3) Seat 3 shall be held by an advocate for survivors or witnesses of sexual assault,
16 with expertise or experience in criminal justice proceedings or resources and support services for
17 survivors of sexual assault, appointed by the Board of Supervisors.

18 (4) Seat 4 shall be held by a survivor of sexual assault or an employee or
19 representative from an organization that represents or counsels survivors, appointed by the Board of
20 Supervisors.

21 (5) Seat 5 shall be held by an employee, officer, or other representative of a local
22 college, university, or other institution of higher education in the City, with experience or expertise in
23 protocols, laws, and resources addressing sexual assault on campus, appointed by the Board of
24 Supervisors.

1 (6) Seat 6 shall be held by an employee of the District Attorney's Office, appointed
2 by the District Attorney.

3 (7) Seat 7 shall be held by an employee of the Police Department with experience
4 working in the Department's Special Victims Unit, appointed by the Chief of Police.

5 (b) If the District Attorney or the Chief of Police does not appoint a member to serve in Seat
6 6 or 7 within 30 days following the effective date of Ordinance No. _____, creating the Task Force,
7 the Board of Supervisors may appoint a member of the public to fill the seat for the life of the Task
8 Force.

9
10 **SEC. 5.10-4. ORGANIZATION AND TERMS OF OFFICE.**

11 (a) Each member shall serve at the pleasure of the member's appointing authority, and
12 shall serve for the life of the Task Force unless removed by the appointing authority.

13 (b) If a vacancy occurs in any seat on the Task Force, the appointing authority for the
14 vacated seat shall appoint a successor to that seat.

15 (c) Members of the Task Force shall receive no compensation, except that the members in
16 seats 6 and 7 may receive their regular salaries for time spent on the Task Force if they are serving in
17 an official capacity as representatives of their departments.

18 (d) Any member who misses three regular meetings of the Task Force without the express
19 approval of the Task Force at or before each missed meeting shall be deemed to have resigned from the
20 Task Force ten days after the third unapproved absence. The Task Force shall inform the appointing
21 authority of the resignation, and for resignations in Seats 1 through 5, the Task Force shall also inform
22 the Clerk of the Board.

23 (e) The Department on the Status of Women shall provide clerical and administrative
24 support and staffing for the Task Force.
25

1 **SEC. 5.10-5. DUTIES.**

2 (a) No later than six months after the inaugural meeting of the Task Force, the Task Force
3 shall submit to the Board of Supervisors a written report analyzing relevant State and federal laws
4 regarding on-campus sexual assault, recommending best practices for colleges and universities in the
5 City to reduce sexual assault, and recommending any steps that the City could take, including changes
6 in law or policy, to assist those institutions toward that goal.

7 (b) All City departments, commissions, boards, and agencies shall cooperate with the Task
8 Force in conducting its business.

9
10 **SEC. 5.10-6. MEETINGS AND PROCEDURES.**

11 (a) The Task Force shall hold its inaugural meeting not more than 30 days after a quorum of
12 the Task Force, defined as a majority of seats, has been appointed. There shall be at least ten days'
13 notice of the inaugural meeting. Following the inaugural meeting, the Task Force shall hold a regular
14 meeting not less than once every month until the sunset date set forth in Section 5.10-7.

15 (b) The Task Force shall elect its own officers and may establish rules for its own organization
16 and procedures.

17
18 **SEC. 5.10-7. SUNSET.**

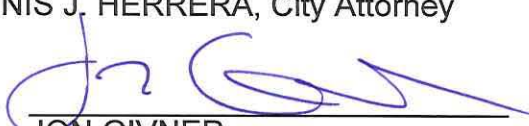
19 Unless extended by ordinance, this Article X shall expire by operation of law, and the Task
20 Force shall terminate, six months after the Task Force's inaugural meeting. After the expiration of the
21 Task Force, the City Attorney shall cause this Article to be removed from the Administrative Code.

22
23 Section 2. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:

7 
8 JON GIVNER
9 Deputy City Attorney

10 n:\legana\as2015\1500364\01043021.doc