



George Gascón
District Attorney

SAN FRANCISCO DISTRICT ATTORNEY GEORGE GASCON
SUPPLEMENTAL WRITTEN TESTIMONY
FOR 06/25/13 HEARING
LITTLE HOOVER COMMISSION
SACRAMENTO, CA

Thank you to the Little Hoover Commission members for the opportunity to testify at the June 25, 2013 Hearing on Criminal Justice Sentencing. This supplemental written testimony will serve as an addendum to the written testimony provided for the November 27, 2012 meeting of the Little Hoover Commission, regarding the creation of the San Francisco Sentencing Commission. This summary includes an update on the progress of the San Francisco Sentencing Commission, an overview on the Alternative Sentencing Planner – an innovative strategy for realignment sentencing – and San Francisco split sentencing trends.

I am honored to lead, in collaboration with my San Francisco criminal justice partners, successful implementation of Public Safety Realignment, one of the greatest public safety reforms California has seen in decades. This success results not from one county alone, but requires a statewide commitment toward appropriate sentences, in-custody rehabilitation programs, victim services and offender supervision. These smart approaches to sentencing and reentry are hard on crime while at the same time thoughtful on people. San Francisco is utilizing evidence-based individualized approaches to ensure that the needs of the victim and community are met while simultaneously holding offenders accountable. This necessary combination results in increased public safety and reduced victimization.

San Francisco Sentencing Commission Progress

The Sentencing Commission was created by County Ordinance 10-12, which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3. The purpose of the Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco's criminal justice resources. The Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors.

Meetings

The Sentencing Commission has held three meetings since formation. Full agendas and meeting minutes are available at <http://www.sfdistrictattorney.org/>. Meeting dates and key activities are provided below.

August 8, 2012

- Adopted Sentencing Commission By-Laws
- Reviewed Mission, Powers and Duties
- Reviewed Two Year Work Plan Draft

December 12, 2012

- Reviewed January 2008- June 2011 Data on Adult Arrest Activity in San Francisco
- Reviewed Superior Court 1992-2011 Data on Felony Sentencing
- Reviewed Sentencing Legislation before the California State Legislature 2013 Session
- Reviewed Juvenile Probation Department 2007-2011 data on referrals and petitions
- Reviewed resources for Sentencing Commission research

April 3, 2013

- Reviewed National Summary of Successful Sentencing Reform
 - Reviewed California Realignment Sentencing Trends
 - Reviewed San Francisco Sentencing Trends
 - Reviewed San Francisco Alternative Sentencing Planner Program
 - Reviewed current Realignment Research
-

Commitment to Data Analysis

During the August 8, 2012 inaugural meeting of the Sentencing Commission, members unanimously expressed a commitment to use accessible and credible data to drive the decision making and priorities of the Commission's work. Accessible and credible data not only provides common information for all members to guide prioritization and decision making, it also provides the opportunity to communicate progress and success; and the opportunity to educate the public. As a result of this commitment, the December 12, 2012 meeting of the Sentencing Commission included several presentations on local adult and juvenile sentencing trends, and the April 3, 2013 meeting presentations focused on state and local realignment sentencing and supervision trends.

Staff Research Support

The Sentencing Commission is staffed by the District Attorney's Office. During the first six months of implementation, it became evident that the Commission would need additional research support to fulfill its codified powers and duties. In January 2013, the National Council on Crime and Delinquency (NCCD) began providing research support and technical assistance to the Sentencing Commission.

Future Activities

The next meeting of the San Francisco Sentencing Commission is scheduled for July 24, 2013 and will cover drug law reform.

Realignment Sentencing Strategies*Alternative Sentencing Planner*

San Francisco has many innovative practices that are being utilized to ensure the successful implementation of Realignment. In February 2012, my office launched the Alternative Sentencing Planner (ASP), a new approach which effectively addresses the causes of crime, hold offenders accountable and preserves public safety.

The (ASP) Alternative Sentencing Planner gives prosecutors additional information about alternative criminal justice sanctions. The ASP staff is available on all 1170 (h) cases as well as other selected cases where an alternative to a pure jail/prison sentence may be possible. The ASP assists prosecutors in the identification of safe, effective sanctions that will address the offenders criminogenic needs and help advance public safety. For defendants to be eligible for an alternative sentence, the assigned prosecutor must allow the alternative sentence, and the defendant must agree to follow all of the sanctions identified by the District Attorney's Office.

Since the first full year of implementation the Alternative Sentencing Planner has reviewed over a thousand 1170(h) eligible and non-1170(h) eligible defendants. At the request of Assistant District Attorneys, the ASP conducted either in-depth reviews or less intensive "consults" for a total of 160 defendants; specifically, 128 in-depth reviews and 32 consults. Approximately 37% of these were 1170(h) eligible cases. This demonstrates that prosecutors find the ASP services useful for serious violent cases, in addition to the non-serious non-violent non sex offense cases. In the 2013-2014 year, our office will be working to secure resources so that we can add additional ASP positions.

Commitment to Tracking Outcomes

To ensure that the implementation of Public Safety Realignment is successful – success defined by lower recidivism rates, safer communities and victims made whole – we must have strong partnerships and leadership amongst our criminal justice leaders. San Francisco Adult Probation Chief Wendy Still and I have invested significant time and resources in both using evidence to inform best practices and developing systems to measure our Realignment outcomes. We have seen the products of this investment and evidence of this collaboration through the November 2012 release of the Report, *Public Safety Realignment in San Francisco: The First 12 Months*.

<http://www.sfgov3.org/index.aspx?page=3783>

Measuring what we do is the only way we will ultimately be able to encourage other jurisdictions to adopt the practices we know to be successful. In addition, it provides the opportunity to recognize when we need to shift priorities to advance public safety. Together with our criminal justice partners and key auxiliary services, we are tracking how Public Safety Realignment has impacted those sentenced and those returning to the community. As a result of this work, representatives from several City departments meet to discuss data. This commitment to regular review allows San Francisco to best respond to the needs of victims, offenders and communities.

San Francisco Split Sentencing

In addition to integrating direct consult and in-depth review from the ASP into the prosecutorial framework of my office, we provided extensive training on Public Safety Realignment to SFDA staff. From October 1, 2011 to September 30, 2012, the SFDA Training Division held a total of 97 office trainings. The training topics ranged from trial court skills to administrative processes. The ASP and Policy Team worked with the Training Division to ensure that training time and content incorporated shifts in practice and law resulting from Public Safety Realignment. Ten additional trainings were held with the specific goal of enhancing staff understanding and awareness of reentry services and community programs. Topics included Residential Treatment Programs, Understanding Addiction, Veteran Services, Behavioral Health and Mental Health Treatment Options, In-Custody Programs, Recidivism Best Practices and Collaborative Courts, and Split Sentencing. Staff has found these trainings both informative and empowering. Not only does Public Safety Realignment require district attorney's offices to think differently, but prosecutors, victim service staff and investigators need concrete tools to make the best decisions for public safety in the long-term. The comprehensive trainings provided by the SFDA Training Division provide those tools.

This training set the foundation for prosecutors to tailor sentences to make the best use of local resources while preserving community safety. As a result the City and County of San Francisco has the one of the lowest new admission rates to state prison for non-violent offenders, and approximately 60% of 1170(h) sentences are Split Sentences for the second year of Public Safety Realignment - an increase from 50% in the first year.

Criminal justice agencies can no longer take a costly, one-size fits all approach to changing criminal behavior, thinking, and anti-social attitudes. I believe that the approaches outlined above will increase public safety, reduce victimization and reduce recidivism in San Francisco. It is my hope that other district attorney's offices – and the communities they serve – also will benefit from these strategies.



George Gascón
District Attorney

SAN FRANCISCO DISTRICT ATTORNEY GEORGE GASCON
WRITTEN TESTIMONY FOR 11/27/12 HEARING
LITTLE HOOVER COMMISSION
SACRAMENTO, CA

Thank you for the invitation to share with you the formation, authority, procedures and goals of the San Francisco Sentencing Commission. I regret that I am unable to present this testimony to you in person. I have designated Tara Regan Anderson, Grants and Policy Manager, from my office to present my testimony for the November 27, 2012 proceedings. Mrs. Anderson staffs the San Francisco Sentencing Commission and is most qualified to respond to your questions.

Realignment challenges us to think differently at a time when the criminal justice system is failing us. We must rise to the challenge; take on the serious policy changes that are needed to do our job effectively. I believe that pursuing an effective, fair and efficient sentencing system for San Francisco enhances public safety and creates a livable, sustainable San Francisco community. Through my over 30 years of law enforcement experience, I know that to fix the criminal justice outcomes in the areas where we are failing, we must start at the beginning. In San Francisco we have the lowest state incarceration rate and experience the highest rates of recidivism. For these reasons I led the development of the San Francisco Sentencing Commission - the first of its kind local sentencing commission.

As documented in the Little Hoover Commission 2007 report "Solving California's Corrections Crisis: Time is Running Out," previous attempts to create a California Sentencing Commission have failed. We are in the position to learn from the work of the United States Sentencing Commission, 21 state level commissions and the District of Columbia Sentencing and Criminal Code Revision Commission. However the City and County of San Francisco has developed the first of its kind local sentencing commission comprised of city and county leadership and expertise. The San Francisco Sentencing Commission, an initiative of the District Attorney's Office, was created through local legislation to analyze sentencing patterns and outcomes, to advise the Mayor, Board of Supervisors, and other City departments on the best approaches to reduce recidivism, and to make recommendations for sentencing reforms that advance public safety and utilize best practices in criminal justice.

Formation

I would like to express gratitude to County Supervisors Malia Cohen and Scott Weiner for sponsoring the San Francisco Sentencing Commission Ordinance that was unanimously supported by the Board of Supervisors and the Mayor in February 2012. In addition, I would like to thank my colleague Adult Probation Chief Wendy Still for her partnership in the development of the Sentencing Commission.

The San Francisco Sentencing Commission (hereafter referred to as Sentencing Commission) is a comprehensive collaborative with 13 member seats. Each seat represents a valuable perspective on criminal justice proceedings; from time of arrest to post release and the critical access points

for support services provided to victims and survivors of crime. Together we are asking tough questions that will lead to well informed decisions that preserve public safety, hold offenders accountable, support victims and ultimately create safe and livable communities in San Francisco.

The Sentencing Commission was created by County Ordinance 10-12 which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3. The ordinance and relevant sections of the administrative code are included as attachments to this written testimony. This legislation dictates who is on the Sentencing Commission, and how we conduct ourselves.

List of member seats:

District Attorneys' Office, Public Defender's Office, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Police Department, Department of Public Health, Reentry Council, Superior Court, Member of a nonprofit org serving victims chosen by the Family Violence Council, Member of non-profit org working with ex-offenders chosen by the Reentry Council, Sentencing Expert chosen by the Board of Supervisors, and an Academic Researcher with expertise in data analysis appointed by the Mayor.

The membership of the commission was developed to ensure representation from City and County partners directly involved in the criminal justice system, and those who come in contact with it. In addition to this practical and service experience, the commission includes experts in sentencing and statistical analysis. These are essential components to the commission membership and will contribute to the development of data-informed, sustainable improvements to our sentencing practices. While this membership will serve as a core of the Sentencing Commission's work, we are inviting broader participation to present to and inform the proceedings of the commission.

Authority

The Sentencing Commission is established by Article XXV Chapter 5.250 of the San Francisco Administrative Code. The purpose of the Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco's criminal justice resources. The Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors. The powers and duties of the Sentencing Commission include:

- Review and assess sentencing approaches locally and compare to other jurisdictions.
- Review and assess the City's capacity and utilization of services and alternatives to incarceration throughout the criminal justice continuum, including pre-adjudication and post-release.
- Review and assess the Justice Reinvestment Initiative recommendations to invest in best practices to reduce recidivism.
- Develop a recommended system of uniform definitions of recidivism for City departments to track and report on the outcomes of various criminal sentences and City programs meant to aid in reducing recidivism.

- Develop data collection standards and recidivism reporting standards.
- Develop and recommend department specific goals to reduce recidivism for the City departments represented on the Sentencing Commission, and other relevant City departments.
- Make recommendations regarding changes that should be made to the Penal Code and any other state laws to remove barriers to effective implementation of best practices in criminal justice.
- Facilitate trainings on best practices in sentencing for various criminal justice agencies.
- Share information and work in collaboration with the Reentry Council, established pursuant to the San Francisco Administrative Code, and the Community Corrections Partnership, as established by the California Penal Code.

Procedures

The Sentencing Commission will submit annual reports to the Mayor's Office and the Board of Supervisors, by December 31 of each year. The December 31, 2013 report will include recommendations on whether the Sentencing Commission should continue to operate and if so whether the Board of Supervisors shall consider legislative changes that would enhance the capacity of the Sentencing Commission to achieve the goals underlying Ordinance 10-12.

Data Sources

The Sentencing Commission will utilize existing data sources to meet the powers and duties outlined in Ordinance 10-12. These include but are not limited to the Case Management System (CMS) and Justice Tracking Information System (JUSTIS).

Case Management System (CMS)

Built in 1974, by Owens Information Systems, CMS is the current database for recording all arrests, charges, court events, sentences and dispositions in San Francisco. The data is input by all the public safety departments, including Police, Sheriff, Adult Probation, District Attorney, and Courts.

Justice Tracking Information System, JUSTIS

JUSTIS is a multi-year program to integrate all CCSF criminal justice agency case management systems. This includes multiple related and dependent criminal justice agency projects. The integration is based on "spoke connections" to central Hub and replaces the aging mainframe CABLE CJIS system. Ultimately this project will improve Criminal Justice data gathering/sharing capabilities. The process is lead by the JUSTIS Governance Council.

Membership includes Police, Sheriff, Public Defender, Emergency Management, Mayor's Office of Criminal Justice, Juvenile Probation, Superior Court, Adult Probation, District Attorney, Department on Status of Women, and Department of Technology.

The District Attorney's Office also is in the process of hiring a Chief Information Officer and working to create DA Stat – the prosecutorial equivalent of CompStat for police – which will use benchmarks and measures for improving our effectiveness. DA Stat will be a valuable tool in the coming years.

Goals

I envision that the goal of the Sentencing Commission is to establish and maintain an effective, fair, and efficient sentencing system for San Francisco that enhances public safety and creates a

livable San Francisco. In the end we will have a sentencing system that retains meaningful judicial discretion, avoids unwarranted disparity, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options.

Locally we have demonstrated excellence in the use of criminal justice strategies that result in focusing resources on our most violent offenders, holding those offenders accountable, and restoring victims and communities.

I believe we are leaders for the state in the implementation of criminal justice realignment and have a local partnership committed to its success. This is exemplified by the fact that our jails are at the lowest population in decades, while other county jails are overflowing. While we have demonstrated success, we must continue to hold offenders accountable.

Over the course of the next two years the Sentencing Commission will:

- Evaluate effective and appropriate sentences for the most violent offenders.
- Explore opportunities for drug law reform.
- Examine inconsistencies in the penal code related to realignment sentencing.
- Identify and define the most important factors that reduce recidivism.

We have a collective responsibility to ensure that individuals receive appropriate sentences and do not re-victimize our communities. Good sentencing practices prevent individuals from hurting again. I see this body proposing real change to Sacramento and implementing changes in our own local practices within the latitude of current law.

When we are thoughtful in our response to crime and set the right consequences for those responsible we preserve the safety of our communities.

Print

San Francisco Administrative Code

**ARTICLE XXV:
SAN FRANCISCO SENTENCING COMMISSION**

- Sec. 5.250. Establishment and Purpose: San Francisco Sentencing Commission.
- Sec. 5.250-1. Membership and Organization.
- Sec. 5.250-2. Powers and Duties.
- Sec. 5.250-3. Sunset Clause.

Editor's Note:

Former Article XXV ("Library Citizens Advisory Committee") expired by operation of its sunset clause on 3/1/2007.

SEC. 5.250. ESTABLISHMENT AND PURPOSE: SAN FRANCISCO SENTENCING COMMISSION.

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

(Added by Ord. [10-12](#), File No. 111050, App. 2/2/2012, Eff. 3/3/2012)

(Former Sec. 5.250 added by Ord. 94-04, File No. 020585, App. 5/27/2004; expired 3/1/2007)

SEC. 5.250-1. MEMBERSHIP AND ORGANIZATION.

(a) **Members.** The Commission shall consist of 12 members, or 13 members if the Superior Court agrees to provide one member. The head or chair of each of the following agencies and bodies shall serve on or will assign one staff member to serve on the Commission as a voting member: District Attorney; Public Defender; Adult Probation; Juvenile Probation; Sheriff; Police; the Department of Public Health; the Reentry Council, and the Superior Court, assuming it agrees to participate on the Commission. In addition, the following additional voting members will be appointed: a member of a nonprofit organization that works with victims, chosen by the Family Violence Council; a member of a nonprofit organization that works with ex-offenders, chosen by the Reentry Council; a sentencing expert chosen by the Board of Supervisors; and an academic researcher with expertise in data analysis appointed by the Mayor.

(b) **Quorum.** 10 members of the Commission shall constitute a quorum, and the Commission shall have

the authority to act on the vote of a majority of the quorum.

- (c) **Officers.** The District Attorney or his or her designee shall chair the Commission.
- (d) **Staff Support.** The District Attorney's Office shall provide staff support and administrative assistance to the Commission.
- (e) **Meeting Frequency.** The Commission shall meet at least three times a year.

(Added by Ord. [10-12](#), File No. 111050, App. 2/2/2012, Eff. 3/3/2012)

SEC. 5.250-2. POWERS AND DUTIES.

The Commission shall have the following powers and duties:

- (a) Review and assess sentencing approaches locally and compare to other jurisdictions.
- (b) Review and assess the City's capacity and utilization of services and alternatives to incarceration throughout the criminal justice continuum, including pre-adjudication and post-release.
- (c) Review and assess the Justice Reinvestment Initiative recommendations to invest in best practices to reduce recidivism.
- (d) Develop a recommended system of uniform definitions of recidivism for City departments to track and report on the outcomes of various criminal sentences and City programs meant to aid in reducing recidivism.
- (e) Develop data collection standards and recidivism reporting standards.
- (f) Develop and recommend department specific goals to reduce recidivism for the City departments represented on the Sentencing Commission, and other relevant City departments.
- (g) Make recommendations regarding changes that should be made to the Penal Code and any other state laws to remove barriers to effective implementation of best practices in criminal justice.
- (h) Facilitate trainings on best practices in sentencing for various criminal justice agencies.
- (i) Share information and work in collaboration with the Reentry Council, established pursuant to the San Francisco Administrative Code *, and the Community Corrections Partnership, as established by the California Penal Code.
- (j) In December 2012, and on an annual basis thereafter, submit a report to the Mayor and the Board of Supervisors summarizing the findings of the Commission and making recommendations on the aforementioned categories.
- (k) Nothing in this legislation shall infringe on any agency's legally mandated responsibilities in the criminal justice system, and, as such, recommendations are not statutorily binding on any City department.

(Added by Ord. [10-12](#), File No. 111050, App. 2/2/2012, Eff. 3/3/2012)

*** Editor's Note:**
See Ch. 5, Art. I (Secs. 5.1-1 et seq.).

SEC. 5.250-3. SUNSET CLAUSE.

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

(Added by Ord. [10-12](#), File No. 111050, App. 2/2/2012, Eff. 3/3/2012)

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[Administrative Code - The San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-3 to: (1) establish the San Francisco Sentencing Commission; (2) set forth the Commission's purpose, powers and duties; and (3) establish membership criteria.

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

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

Section 1. Findings.

1. After AB 109 and AB 117 take effect on October 1, 2011, and criminal justice "Realignment" begins, San Francisco will face increasing responsibility for custody and supervision of criminal offenders, and will experience additional pressure on the criminal justice system at a time of significant budgetary constraints.

2. Although San Francisco has a demonstrated commitment to reformed criminal justice strategies that prioritize evidence based practices, without a comprehensive review of local ~~custody and sentencing approaches~~ practices, San Francisco is at risk of an ever increasing local custody population without experiencing reduced crime or recidivism rates, thereby risking the waste of both financial resources and human potential.

3. San Francisco already suffers from high recidivism rates, and unless strategies shift, recidivism rates will likely remain high after Realignment begins. Recidivism rates for San Francisco offenders released from state prison for the first time is 77% and for re-paroles from San Francisco, the recidivism rate is 78%.

1 4. Programs such as electronic monitoring, in home supervision, out of custody
2 cognitive behavioral therapy, and other community corrections alternatives have been
3 effectively implemented through the Sheriff's Department and other agencies and could be
4 expanded. These programs can reduce recidivism of nonviolent, non-serious offenders and
5 may be better options than local custody for nonviolent non-serious offenders in San
6 Francisco.

7 5. Rates of incarceration and recidivism in San Francisco also significantly impact
8 communities of color, particularly African Americans. According to recent data, African
9 Americans make up 6.8% of San Francisco's population and 61% of the people paroled to
10 San Francisco.

11 6. With limited statewide analysis on sentencing practices, local jurisdictions need
12 to review sentencing practices and ~~public safety strategies in order~~ to reduce recidivism, hold
13 offenders accountable, assess and address the impact on communities of color, and
14 efficiently and effectively use public resources.

15 7. Providing As the City has already observed through existing alternative
16 programs, providing alternatives to incarceration for some offenders, both pre-trial and post-
17 conviction, can effectively protect public safety, reduce offender recidivism, stabilize families
18 and communities, and cost less than incarceration, which saves limited City resources.

19 8. To address these issues, the City needs to create an advisory body to analyze
20 sentencing patterns and outcomes, advise the Mayor, Board of Supervisors and other City
21 departments on the best approaches to reduce recidivism, and make recommendations for
22 sentencing reforms that advance public safety and utilize best practices in criminal justice.

23 Section 2. The San Francisco Administrative Code is hereby amended by adding
24 Article XXV, Sections 5.250 through 5.250--4, to read as follows:
25

1 Article XXV. SAN FRANCISCO SENTENCING COMMISSION

2 SEC. 5. 250. – ESTABLISHMENT AND PURPOSE: SAN FRANCISCO SENTENCING
3 COMMISSION.

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

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

9 SEC. 5.250-1. - MEMBERSHIP AND ORGANIZATION.

10 (a) Members. The Commission shall consist of 12 members, or 13 members if the Superior
11 Court agrees to provide one member. The head or chair of each of the following agencies and bodies
12 shall serve on or will assign one staff member to serve on the Commission as a voting member: District
13 Attorney; Public Defender; Adult Probation; Juvenile Probation; Sheriff; Police; the Department of
14 Public Health; the Reentry Council, and the Superior Court, assuming it agrees to participate on the
15 Commission. In addition, the following additional voting members will be appointed: a member of a
16 nonprofit organization that works with victims, chosen by the Family Violence Council; a member of a
17 nonprofit organization that works with ex-offenders, chosen by the Reentry Council; a sentencing
18 expert chosen by the Board of Supervisors; and an academic researcher with expertise in data analysis
19 appointed by the Mayor.

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

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

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

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

1
2 SEC. 5.250-2. - POWERS AND DUTIES.

3 The Commission shall have the following powers and duties:

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

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

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

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

13 (e) Develop data collection standards and recidivism reporting standards.

14 (f) Develop and recommend department specific goals to reduce recidivism for the City
15 departments represented on the Sentencing Commission, and other relevant City departments.

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

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

19 (i) Share information and work in collaboration with the Reentry Council, established
20 pursuant to the San Francisco Administrative Code, and the Community Corrections Partnership, as
21 established by the California Penal Code.

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

1 (k) Nothing in this legislation shall infringe on any agency's legally mandated
2 responsibilities in the criminal justice system, and, as such, recommendations are not statutorily
3 binding on any City department.

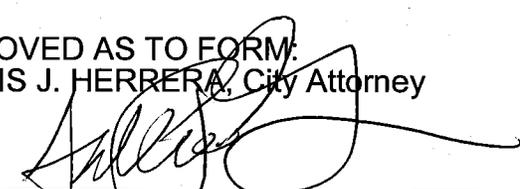
4 SEC. 5.250-3. SUNSET CLAUSE.

5 This legislation shall expire on June 1, 2015, unless the Board of Supervisors adopts an
6 ordinance continuing its existence. The Commission shall submit a report to the Board of Supervisors
7 no fewer than six months prior to the expiration date recommending whether the Commission should
8 continue to operate, and if so, whether the Board of Supervisors shall consider legislative changes that
9 would enhance the capacity of the Commission to achieve the goals underlying this ordinance. The
10 Commission's recommendations shall include drafts of ordinances that would implement its
11 recommendations.

12 Section 3. Effective Date. This ordinance shall become effective 30 days from the
13 date of passage.

14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:

17 
18 SALLIE P. GIBSON
19 Deputy City Attorney
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21
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23
24
25



City and County of San Francisco

Tails Ordinance

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

File Number: 111050

Date Passed: January 24, 2012

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-3 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

November 03, 2011 Rules Committee - CONTINUED

November 17, 2011 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

November 17, 2011 Rules Committee - RECOMMENDED AS AMENDED

December 06, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

January 10, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

January 10, 2012 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

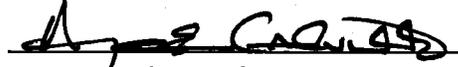
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

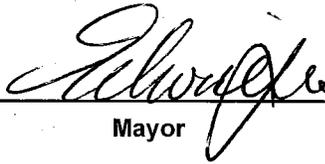
January 24, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 111050

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
1/24/2012 by the Board of Supervisors of the
City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved