

[Administrative Code - San Francisco Homicide Reward Fund]

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

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 ~~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:

Section 1. Findings.

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

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

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

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

(a) Establishment of Fund. The San Francisco Homicide Reward Fund (the "Fund") is established as a category six fund to receive any monies appropriated or donated for the purpose of providing rewards as set forth in this Section 10.100-306. Donations to the Fund are deemed approved 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
16 than one year from the date of the incident; (B) the Police Department has exhausted all
17 investigative leads; and (C) assistance from the public and a reward are necessary to achieve an
18 arrest and conviction for the 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: 
10 THOMAS J. OWEN
11 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

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

File Number: 160023

Date Passed: April 05, 2016

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

March 10, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 10, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee

Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee

Absent: 1 - Mar

File No. 160023

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/8/2016

Date Approved