File No. 120351

Committee Item No. 4
Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

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Committee PUBLIC SAFETY

Date 4/19/12

Board of Supervisors Meeting

Date 5/1/2012

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Completed by: Gail Johnson Date 4/13/12
Completed by: [illegible] Date 4/25/2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Administrative Code - Police Department Participation in Federal Counterterrorism Activities]

Ordinance amending the San Francisco Administrative Code by adding Section 2A.74 to: 1) set City policy regarding Police Department participation in federal counterterrorism activities; 2) require a public discussion at the Police Commission before the execution of any Memorandum of Understanding with the Federal Bureau of Investigation regarding the Joint Terrorism Task Force; and 3) set an annual reporting requirement.

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. The San Francisco Administrative Code is hereby amended by adding Section 2A.74, to read as follows:

SEC. 2A.74. POLICE DEPARTMENT PARTICIPATION IN FEDERAL COUNTERTERRORISM ACTIVITIES.

(a) The City and County of San Francisco, including but not limited to the San Francisco Police Department, may assist federal agencies on the Federal Bureau of Investigation ("FBI") Joint Terrorism Task Force or any successor task force, joint operation, assignment or enforcement activity (collectively, "JTTF") in preventing and investigating possible acts of terrorism and other criminal activity only in a manner that is fully consistent with the laws of the State of California, including but not limited to the inalienable right to privacy guaranteed by Article 1, Section 1 of the California Constitution, as well as the laws and policies of the City and County of San Francisco and, as applicable to the Police Department, that Department's policies, procedures, and orders.

(b) Before execution of any Memorandum of Understanding or other written agreement, contract or arrangement (collectively, "MOU") between the San Francisco Police Department and the FBI regarding the Police Department's participation on the JTTF, or any amendment to an existing MOU with the FBI regarding the JTTF, the Chief of Police shall submit the proposed MOU and any related Department General Orders or Bureau Orders for discussion and public comment at an open meeting of the Police Commission.

(c) By January 31 of each year, the Chief of Police shall provide to the Police Commission a public report with appropriate public information on the Police Department's work with the JTTF in the prior calendar year, including any issues related to compliance with this Section.

Section 2. Effective Date. This ordinance shall become effective 30 days from the date of passage.

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

By: KATHARINE HOBIN PORTER
Deputy City Attorney