

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: William Scott, Chief, Police Department  
Sophia Kittler, Mayor's Office  
Suzy Loftus, District Attorney  
Manohar Raju, Public Defender  
Vicki Hennessy, Sheriff

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee

DATE: October 30, 2019

SUBJECT: ORDINANCE MATTER INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following resolution, introduced by Supervisor Mar on October 22, 2019:

**File No. 191074**

**Ordinance amending the Administrative Code to require the Police Department to regularly report certain crime victim data pertaining to victims of Hate Crimes and other specified crimes (Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence, and Murder).**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Rowena Carr, Police Department  
Asja Steeves, Police Department  
Deirdre Hussey, Police Department  
Rachel Kilshaw, Police Commission  
Rebecca Peacock, Mayor's Office  
Andres Power, Mayor's Office  
Christine Soto DeBerry, Office of the District Attorney  
Max Szabo, Office of the District Attorney  
Johanna Saenz, Sheriff's Department  
Katherine Johnson, Sheriff's Department  
Nancy Crowley, Sheriff's Department

1 [Administrative Code - Crime Victim Data Reporting]

2  
3 **Ordinance amending the Administrative Code to require the Police Department to**  
4 **regularly report certain crime victim data pertaining to victims of Hate Crimes and other**  
5 **specified crimes (Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor**  
6 **Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence, and Murder).**

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

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

15 Section 1. Chapter 96A of the Administrative Code is hereby amended by revising  
16 Section 96A.1, revising the heading of Section 96A.3, adding new Section 96A.5, and  
17 renumbering existing Sections 96A.5, 96A.6, and 96A.7 as Sections 96A.6, 96A.7, and 96A.8  
18 respectively, to read as follows:

19 **SEC. 96A.1. DEFINITIONS.**

20  
21 For purposes of this Chapter 96A:

22  
23 *“Aggravated Assault” means the crime defined in Section 220 of the California Penal Code.*

24 *“Assault” means the crime defined in Section 245 of the California Penal Code.*

25 *“Battery” means the crime defined in Section 242 of the California Penal Code.*

1 "Burglary" means the crime defined in Section 459 of the California Penal Code.

2 "Detention" means an interaction between an Officer and an individual in which the  
3 Officer detains the individual.

4 "Domestic Violence" means the crime defined in Section 273.5 of the California Penal Code.

5 "Encounter" means a Detention or Traffic Stop where the Officer initiates activity based  
6 solely on the Officer's own observations or the observations and direction of another Officer,  
7 rather than on information provided by dispatch or reported by a member of the public.

8 "Gender Identity" means an individual's actual or perceived gender identity, or gender-  
9 related characteristics intrinsically related to an individual's gender or gender-identity,  
10 regardless of the individual's assigned sex at birth.

11 "Hate crime" means a crime defined in Section 422.55 of the California Penal Code.

12 "Location" means the address city block where the Encounter or reported crime occurred,  
13 or the closest address or intersection thereto.

14 "Motor Vehicle Theft" means the crime defined in Section 10851 of the California Penal Code.

15 "Murder" means the crime defined in Section 187 of the California Penal Code.

16 "Officer" means a peace officer as defined byin Section 830 of the California Penal  
17 Code, employed by the Police Department or Sheriff's Department.

18 "Personal Identifying Information" means any information that can, on its own or in  
19 combination with other information, be used to contact, track, locate, identify, or reasonably infer the  
20 identity of, a specific individual.

21 "Robbery" means the crime defined in Section 211 of the California Penal Code.

22 "Sexual Assault" means the crimes defined in Sections 261, 262, 264.1, 266c, 286, 287, 288,  
23 288.1, 288.5, 288.7, and 289 of the California Penal Code.

24 "Theft" means the crime defined in Section 484 of the California Penal Code.

25 "Traffic Stop" means an interaction between an Officer and an individual driving a

1 vehicle, in which the Officer orders the individual to stop the vehicle.

2 "Use of Force" means (a) for purposes of the Police Department, an Officer's use of  
3 force on an individual that is required to be reported by department policy, and (b) for  
4 purposes of the Sheriff's Department, an Officer's use of force on an individual that results in a  
5 known injury.

6 "Vandalism" means the crime defined in Section 594 of the California Penal Code.

7  
8 **SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING OF OFFICER ACTIVITY.**

9  
10 \* \* \* \*

11  
12 **SEC. 96A.5. QUARTERLY CRIME VICTIM DATA REPORTING.**

13  
14 On a quarterly basis (the first Tuesday in February, May, August, and November), the Police  
15 Department shall transmit a written report to the Mayor, the Board of Supervisors, and the Police  
16 Commission, and post that report on the Police Department website, covering the previous quarter  
17 (quarters commencing January 1, April 1, July 1, and October 1). The report shall include de-  
18 identified, aggregate data covering the previous quarter and de-identified, aggregate data for the year  
19 to date. The report shall contain the following information:

20 (a) For each reported Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor  
21 Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence incident, and Murder:

22 (1) The Location of the crime or crimes;

23 (2) The reported crime or crimes;

24 (3) The race or ethnicity of each victim;

25 (4) The sex and perceived Gender Identity of each victim; and

1           (5) The age of each victim.

2           (b) For each Hate Crime reported, if the information has been or will be reported to the  
3 California Department of Justice under Penal Code Section 13023:

4           (1) The Location of the crime or crimes;

5           (2) The reported crime or crimes;

6           (3) The disability, if any, of each victim;

7           (4) The gender or Gender Identity of each victim;

8           (5) The nationality of each victim;

9           (6) The race or ethnicity of each victim;

10          (7) The religion of each victim;

11          (8) The sexual orientation of each victim; and

12          (9) Association of the victim with a person or group with one or more of the actual or  
13 perceived characteristics listed above in subsections (b)(1)-(8).

14          (c) The report shall include the information listed in subsections (a) and (b) grouped by police  
15 district, and also city-wide.

16          (d) The report shall not include Personal Identifying Information.

17          (e) The reporting obligations under this Section 96A.5 are in addition to, and do not supplant,  
18 the reporting obligations to the Attorney General under Penal Code Section 13023.

19          (f) This Section 96A.5 shall not be interpreted to require the Police Department to collect data  
20 but instead requires only that the Police Department report available data.

21  
22  
23       **SEC. 96A.56. UNDERTAKING FOR THE GENERAL WELFARE.**

24  
25       \* \* \* \*

1           **SEC. 96A.67. NO CONFLICT WITH FEDERAL OR STATE LAW.**

2  
3           \*   \*   \*   \*

4  
5           **SEC. 96A.78. SEVERABILITY.**

6  
7           \*   \*   \*   \*

8  
9           Section 2. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor's veto of the ordinance.

13           Section 3. 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.

19  
20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_

23             
            JANA CLARK  
            Deputy City Attorney

24 n:\leganas\2019\2000038\01399729.docx

**LEGISLATIVE DIGEST**

[Administrative Code - Crime Victim Data Reporting]

**Ordinance amending the Administrative Code to require the Police Department to regularly report certain crime victim data pertaining to victims of Hate Crimes and other specified crimes (Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence, and Murder).**

Existing Law

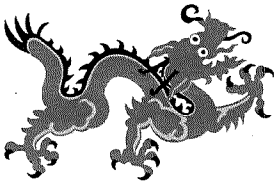
Administrative Code Chapter 96A requires the Police and Sheriff's Department to collect data regarding officers' encounters with citizens, and to report quarterly data regarding officers' encounters, arrests, and use of force.

Amendments to Current Law

This ordinance would amend Administrative Code Chapter 96A to require the Police Department to report quarterly crime victim data for each reported Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence incident, Murder, and Hate Crime.

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# Chinese American Democratic Club



華裔民主黨協會

San Francisco Board of Supervisors  
Honorable Norman Yee, President of the Board of Supervisors  
San Francisco City Hall,  
1 Dr Carlton B Goodlett Pl Suite 244  
San Francisco, CA 94102

Dear Honorable Norman Yee,

The General Membership of the Chinese American Democratic Club (CADC) has voted unanimously to support Supervisor Gordon Mar's calling on the San Francisco Police Department to release 10 years of aggregated citywide crime victim demographic data and legislation to require annual disclosure of victim demographics going forward.

Since 1958, CADC's mission has been to "foster active participation in the democratic process of government ... demand a high standard in government to seek justice and equality for all people...".

We strongly encourage your support of this legislation.

Yours truly,

*Bayard Fong*

Bayard Fong, CADC 1st Vice President  
(415) 672-9015

Cc: Board of Supervisors      Sandy Lee Fewer  
   Catherine Stefani  
   Aaron Peskin  
   Gordon Mar  
   Vallie Brown  
   Matt Haney  
   Rafael Mandelman  
   Hillary Ronen  
   Shamann Walton  
   Asha Safai

950 Grant Ave, 2<sup>nd</sup> Floor  
San Francisco CA 94108  
cadc.nationbuilder.com  
Info@sfcadc.org





## Chinese American Citizens Alliance

1044 Stockton Street  
San Francisco, CA 94108

Date: September 5, 2019

SUBJECT: Support for Aggregated Victim Demographic Data Legislation

TO: Mayor London Breed and San Francisco Board of Supervisors

FROM: Chinese American Citizens Alliance

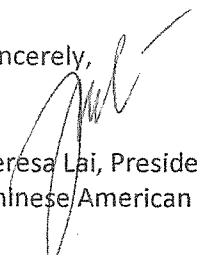
Dear Mayor Breed and President Yee,

For many years, the Chinese community has felt that many of our vulnerable elderly, immigrant, women, and monolingual community members are victims of crime. In addition, hate-motivated crimes in San Francisco have surged in the past few years increasing by 61% from 2017 to 2018. Nationally, hate crimes increased for three consecutive years since 2015. Since hate crimes require intent to be proven, without an obvious statement of hate against a certain community, many hate crimes go undocumented.

The mission of Chinese American Citizens Alliance is to promote the general welfare, legal rights, and happiness of the Chinese community and we feel that action must be taken to help the diverse communities impacted by violence and crime.

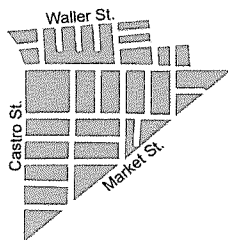
Chinese American Citizens Alliance fully supports Supervisor Gordon Mar's legislation to require annual disclosure of aggregated victim demographic data. This legislation will indicate whether certain communities or demographic groups are disproportionately victims of specific types of crimes and is critical to developing more effective crime prevention strategies, determining appropriate police staffing, identifying budget and resource priorities for public safety programs, and ensuring that all communities are safe.

Sincerely,



Teresa Lai, President  
Chinese American Citizens Alliance

Cc: Mayor London Breed  
Supervisor Sandra Lee Fewer; Supervisor Catherine Stefani;  
Supervisor Aaron Peskin; Supervisor Gordon Mar  
Supervisor Vallie Brown; Supervisor Matt Haney  
Supervisor Rafael Mandelman; Supervisor Hillary Ronen  
Supervisor Shamann Walton; Supervisor Asha Safai  
Norman Yee, President, BOS



## **Duboce Triangle Neighborhood Association**

PMB # 301, 2261 Market Street, San Francisco, CA 94114

(415) 267-1821 / [www.dtna.org](http://www.dtna.org)

**SUBJECT:** Support for Aggregated Victim Demographic Data Legislation

**TO:** President Yee, Board of Supervisors, and Mayor Breed

**FROM:** DTNA Board

Dear President Norman Yee and Mayor Breed,

The DTNA Board supports Supervisor Gordon Mar's proposed legislation to require disclosure of aggregated victim demographic data.

Over the past several years the DTNA and other neighborhood and public interest organizations have been frustrated by the unwillingness of the San Francisco Police Department to release aggregate data and long-term crime trends, especially in the area of clearance rates. We believe that San Francisco, like other cities, should publish yearly data showing ten-year trends in numbers of crimes citywide and broken down by neighborhood, including trends regarding what percentage of crimes are being solved, and why others are not. It is impossible for taxpayers to know whether the money they spend on public safety is being well spent without this information.

In addition, the DTNA Board finds it unacceptable that reasonable requests for data from sitting supervisors are rejected by the SFPD. That has been the experience of our last two supervisors, Scott Wiener and Rafael Mandelman. It is not possible for the legislative branch to do its job if it cannot access data that allows it to evaluate city departments.

We believe that Supervisor Mar's request for data was entirely reasonable – if a particular group of people are being targeted based on race, gender identity, or sexual orientation in our city, then that needs to be known. Legislators could then work with SFPD and the Mayor's office to craft a policy response. It is disappointing to us that it requires legislation for the SFPD to provide necessary information, but since that appears to be the case, we support the legislation.

We also hope that supervisors will work together in the next several months to craft broader legislation that would define specific benchmark data that the SFPD is required to provide, including statistics broken down by neighborhood, and clearance rates, noting how many were cleared because the perpetrator was prosecuted and convicted, how many because the District Attorney declined to prosecute, and how many because the victim declined to file charges, as well as the status of cases that have not been cleared. We further hope that Mayor Breed will sign such legislation and see that it is promptly implemented.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Honda'. The signature is written in a cursive style with a large initial 'E' and 'H'.

Erik Honda  
DTNA Vice-President, for the DTNA Board

Cc: Mayor London Breed  
Supervisor Sandra Lee Fewer  
Supervisor Catherine Stefani  
Supervisor Aaron Peskin  
Supervisor Gordon Mar  
Supervisor Vallie Brown  
Supervisor Matt Haney  
Supervisor Rafael Mandelman  
Supervisor Hillary Ronen  
Supervisor Shamann Walton  
Supervisor Asha Safai

**From:** Carla K <carlak\_56@yahoo.com>  
**Sent:** Thursday, September 19, 2019 10:17 AM  
**To:** mayorlondonbreed@sfgov.org; sandra.fewer@sfgov.org; catherine.stefani@sfgov.org; aaron.peskin@sfgov.org; gordon.mar@sfgov.org; vallie.brown@sfgov.org; matt.haney@sfgov.org; norman.yee@sfgov.org; rafael.mandelman@sfgov.org; shamann.walton@sfgov.org; hillary.ronen@sfgov.org; ahsha.safai@sfgov.org; board.of.supervisors@sfgov.org; sfpd.commission@sfgov.org  
**Cc:** Carla Kozak <carlak\_56@yahoo.com>  
**Subject:** GGHNA concerns regarding racially targeted crime statistics

Dear Mayor Breed and members of the Board of Supervisors:

Nationally, hate-motivated crimes have increased for three consecutive years since 2015. In San Francisco, hate crimes have surged in the past few years, increasing by 61% from 2017 to 2018.

Members of our community are concerned about racial targeting by criminals in response to a string of high-profile crimes targeting Chinese- and other Asian-American victims. Community members have been anxious about the brazen violence and robbery in broad daylight.

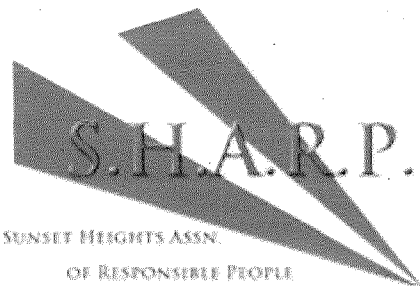
For many years, the Chinese community has felt that many elderly, immigrant, women, and monolingual community members are disproportionately victimized by crime. GGHNA fully supports Supervisor Gordon Mar's calling on the San Francisco Police Department to release the last 10 years of aggregated victim demographic data and legislation to require annual disclosure of aggregated victim demographic data going forward.

We believe this legislation will indicate whether certain communities or demographic groups are disproportionately victims of specific types of crimes and is critical to developing more effective crime prevention strategies, determining appropriate police staffing, identifying budget and resource priorities for public safety programs, and ensuring that all communities are safe.

Sincerely,

Carla Kozak

Secretary, Golden Gate Heights Neighborhood Association



October 1, 2019

President Norman Yee  
Board of Supervisors  
City Hall  
1 Dr. Carleton Goodlett Place  
San Francisco, CA 94102

Re: Victims Demographics legislation

Dear President Yee and Members of the Board of Supervisors,

We write to express the support of the Sunset Heights Association of Responsible People (SHARP) for Victims Demographics legislation authored by Supervisor Gordon Mar. Our neighborhood association believes this proposed legislation is needed to develop more effective crime prevention strategies and to ensure all communities are safe.

We agree the San Francisco Police Department ought to release years of aggregated victim demographic data, and we support legislation to require annual disclosure of victim demographic data going forward. This legislation is critical to developing more effective crime prevention strategies, determining appropriate police staffing, identifying budget and resource priorities for public safety programs.

Nationally, hate crimes have increased for several years while increasing in San Francisco increasing by 61 percent last year. Please support Supervisor Mar's call to release demographic crime data so we can better address these and other crimes.

Sincerely,

S.H.A.R.P. BOARD OF DIRECTORS

CC: Mayor London Breed

**From:** marlene tran <tranmarlene@yahoo.com>

**Date:** August 31, 2019 at 11:29:58 AM PDT

**To:**

**Cc:** Marlene Tran <tranmarlene@yahoo.com>

**Subject: Re: Support for Supervisor Mar's Legislation to Require Disclosure of Aggregated Victim Demographic Data**

VVAA support for Supervisor Gordon Mar's legislation to require disclosure of aggregated victim demographic data

Dear Supervisor,

In light of the recent and increasingly brutal crimes against our elderly Asian citizens, the Visitation Valley Asian Alliance is writing to support much-needed aggregated victim demographic data transparency legislation from Supervisor Gordon Mar's office.

In the 1980's when I moved to Visitation Valley, many crimes were targeted at the largely non-limited English speaking immigrants. However, victims were unable to make police reports because of language barriers, lack of access for them and LACK OF police data.

As their ESL instructor and multilingual neighbor, I organized monthly police meetings, initiated bilingual surveys, provided victims with translations in courts and police matters etc., I even offered, for free, to then Captain Bruce the use of my Leland Ave property to enable residents direct opportunities to communicate with law enforcement.

While the ethnic media has reported many of the crimes, the English media has only recently starting to write about the serious cases. In my 30 years of volunteer community work, I grieve for the many victims who suffered greatly because they did not get the services and resources they deserve.

Supervisor Mar's aggregated victim demographic data transparency legislation will provide annual disclosure of aggregated victim demographic data (race, age, gender identity, sexual orientation, disability, religion) for crimes that are committed. This aggregated data will help guide budget and resource priorities, police staffing, and crime prevention programs to keep our communities safe.

We fully support Gordon Mar's legislation because the much needed data will make San Francisco a safer City for all.

Sincerely,

Marlene Tran, Spokesperson  
Visitation Valley Asian Alliance (VVAA)

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**From:** Frank Noto <Frank@fnstrategy.com>  
**Sent:** Thursday, September 19, 2019 9:41 PM  
**To:** Breed, Mayor London (MYR)  
**Cc:** Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Walton, Shamann (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Board of Supervisors, (BOS)  
**Subject:** support for victim demographic data legislation

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and Supervisors,

Stop Crime SF fully supports Supervisor Gordon Mar's calling on the San Francisco Police Department to release the last 10 years of aggregated victim demographic data and legislation to require annual disclosure of aggregated victim demographic data going forward. This legislation will indicate whether certain communities or demographic groups are disproportionately victims of specific types of crimes and is critical to developing more effective crime prevention strategies, determining appropriate police staffing, identifying budget and resource priorities for public safety programs, and ensuring that all communities are safe.

Stop Crime SF is a grassroots group with more than 800 members. We are San Francisco residents with the mission to work together to reduce and prevent crime in our neighborhoods.

Nationally, hate crimes increased for three consecutive years since 2015 and hate-motivated crimes in San Francisco have surged in the past few years increasing by 61 percent from 2017 to 2018. Since hate crimes require intent to be proven, without an obvious statement of hate against a certain community, many hate crimes go undocumented.

This disturbing trend of increasing hate crimes against ethnic and religious minorities and the LGBT community cannot be tolerated.

Please support Supervisor Mar's call to release demographic crime data so we can better address hate crimes and other offenses.

Frank Noto  
President  
Stop Crime SF  
415-830-1502

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 OCT 22 4:59 PM  
Time stamp

or meeting date

BY 

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only