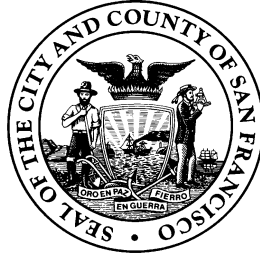


BOARD of SUPERVISORS



City Hall
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: Ben Rosenfield, City Controller

FROM: Derek Evans, Clerk, Rules Committee
Board of Supervisors

DATE: June 24, 2016

SUBJECT: INITIATIVE ORDINANCE - HEARING MATTER INTRODUCED
November 8, 2016 Election

The Board of Supervisors' Rules Committee has received the following Hearing to consider the Initiative Ordinance submitted by Supervisor Wiener on June 21, 2016.

**File No. 160733 Hearing - Initiative Ordinance - Administrative Code -
Neighborhood Crime Unit in Police Department**

Hearing to consider the proposed initiative ordinance submitted by four of more Supervisors to the voters at the November 8, 2016, Election, entitled "Ordinance amending the Administrative Code to create the Neighborhood Crime Unit in the Police Department, to be activated when the Controller certifies that the Department is at the full staffing level mandated in the City Charter, and to set minimum staffing levels for and assign duties to the Unit."

These matters are being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3. Please review and prepare a financial analysis on the proposed measures prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7702 or email: derek.evans@sfbgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

DEPARTMENT OF ELECTIONS

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 JUN 21 PM 4:51

BY BT

Submittal Form
For Proposed Initiative Measure(s)
Prior to the Submittal
to the
Department of Elections

By 4 or more Board of Supervisors or the Mayor

I, hereby submit the following proposed initiative measure(s) for hearing before the Board of Supervisors, Rules Committee prior to the submittal of the proposed initiative measure to the Department of Elections. (Prop C. Nov. 2007)

This matter is for the November 8th, 2016 Election.

Sponsor(s): Supervisor

Scott Wiener 6/21/16

SUBJECT: The Safe Neighborhoods Initiative

The text is listed below or attached:

Signature of Sponsoring Supervisor(s)

Melissa Cohen

Signature of Sponsoring Supervisor(s)

Jeffrey

Signature of Sponsoring Supervisor(s)

Mark G. J.

6/21/16

Time Stamp by Clerk's Office:

SAN FRANCISCO
FILED
2016 JUN 21 PM 4:47
DEPARTMENT OF ELECTRICITY

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

DEPARTMENT OF ELECTIONS
**PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY FOUR OR MORE
SUPERVISORS TO THE VOTERS AT THE NOVEMBER 8, 2016 ELECTION.**

[Under Charter Section 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than *45 days prior* to deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance - Administrative Code - Neighborhood Crime Unit in Police Department]

Ordinance amending the Administrative Code to create the Neighborhood Crime Unit in the Police Department, to be activated when the Controller certifies that the Department is at the full staffing level mandated in the City Charter, and to set minimum staffing levels for and assign duties to the Unit.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman 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. The Administrative Code is hereby amended by adding Sections 2A.84-1 through 2A.84-7, to read as follows:

SEC. 2A.84-1. TITLE.

Sections 2A.84-1 through 2A.84-7 shall be known and cited as the "The Safe Neighborhoods Ordinance."

SEC. 2A.84-2. FINDINGS.

Violent crime in San Francisco is at an historic low, but the City's neighborhoods have seen a significant increase in crimes such as home burglaries, automobile break-ins, and automobile thefts.

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

These kinds of crimes make residents feel unsafe in their homes and vehicles and on City streets and reduce the quality of life in San Francisco.

As a result of an accelerated police hiring plan that includes recent and immediately upcoming police academy classes in fiscal year 2016-2017, the City is on track to meet the Charter-mandated minimum staffing level of not less than 1,971 full duty sworn officers (Charter Section 4.127) by the end of 2017. This increase in law enforcement presence is expected to help deter some of this neighborhood crime, as well as lead to more and faster investigations and prosecutions.

The Police Department has several different units, all of which share partial responsibility for preventing, investigating, and making arrests related to neighborhood crime. The purpose of this reorganization and setting of a minimum staffing level is to ensure that this important police work is consolidated within one command structure, and receives the staffing necessary to accomplish its mission.

By creating one consolidated unit with dedicated staffing – the Neighborhood Crime Unit – the Police Department will be better able to respond to 311 and 911 calls, to proactively police areas of the City in which neighborhood crime is prevalent, and to work with the Department of Public Health, the Department of Homelessness and Supportive Housing, and the Human Services Agency to ensure that homeless people have access to critical services, such as shelter, housing, and mental health and drug addiction services.

As the Neighborhood Crime Unit conducts its work, it should develop sophisticated metrics to not only proactively police the neighborhoods through foot patrols, but also to ensure that their law enforcement actions are not having disproportionate negative impacts on any one community, specifically communities of color. The Police Commission should hold the Unit accountable in this regard, and set policy to remedy disproportionate impacts, should any exist.

SEC. 2A.84-3. PURPOSE AND INTENT.

The purpose of the Safe Neighborhoods Ordinance is to do all of the following:

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

(a) Create the Neighborhood Crime Unit within the Police Department.

(b) Require minimum staffing levels for the Unit.

(c) Task the Unit with proactively and comprehensively investigating neighborhood crime and enforcing laws to deter neighborhood crime, and when deployed to specific police districts, to assist with responding to 911 and 311 calls for service related to neighborhood crime.

(d) Create transparency and accountability data metrics for neighborhood crime and the Unit's efforts to combat such crime, with required reports to the Police Commission.

SEC. 2A.84-4. CREATION OF NEIGHBORHOOD CRIME UNIT; SPECIFICATION OF DUTIES OF UNIT.

(a) There shall be a Neighborhood Crime Unit within the Police Department, as prescribed by Sections 2A.84-5 and 2A.84-6.

(b) The Unit shall be responsible for proactive and comprehensive deterrence and investigation of crime and quality of life violations throughout the various neighborhoods within the City through the use of neighborhood foot patrols, among other tactics.

(c) The Unit may encompass several existing Police functions, at the discretion of the Chief of Police, including but not limited to: the Patrol Bureau Task Force, the Crime Analysis Unit, School Resource Officers, and the Special Projects Unit. This Section 2A.84-4 is not intended to preclude officers who are not in the Unit from performing necessary or appropriate law enforcement functions not inconsistent with this Section in accordance with the policies of the Chief of Police and the Police Department.

(d) The Unit shall actively coordinate with police district captains, the 311 program, and the Department of Emergency Management to respond to reports from witnesses or victims of actual or suspected crime, including calls for help or service through 311, in the most prompt and comprehensive manner possible, including through neighborhood foot patrols, which shall be coordinated with district captains.

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

(e) The Safe Neighborhoods Ordinance is not intended to affect the existing discretion of the Chief of Police to establish a neighborhood crime unit even if the staffing levels of the Police Department do not reach the number of full duty sworn officers mandated by the Charter. Rather, in accordance with subsection (a) of Section 2A.84-5, the intent of this ordinance is to require the Chief of Police to establish such a unit if the Charter-mandated staffing levels are met or exceeded.

SEC. 2A.84-5. CONTROLLER'S CERTIFICATION OF STAFFING AND CHIEF'S ASSIGNMENTS.

(a) On or before December 31, 2016, and no less frequently than by December 31 of each subsequent year, the Controller shall deliver to the Mayor, the Board of Supervisors, and the Chief of Police a report certifying the number of full duty sworn officers employed by the Police Department. If the Controller's certification finds that on the date of certification there are at least 1,971 full duty sworn officers, as required by Charter Section 4.127, the Chief of Police shall, in accordance with the provisions of this Section 2A.84-5 and Section 2A.84-6, assign no fewer than 3% of all sworn personnel to the Neighborhood Crime Unit. This assignment shall occur no later than 120 days after the Controller's certification that the number of full duty sworn officers meets or exceeds the Charter requirement.

(b) Before the reassignment of sworn personnel to the Neighborhood Crime Unit mandated by subsection (a) occurs, the Chief of Police, within 60 days of the Controller's certification, shall deliver to the Police Commission a Neighborhood Crime Unit Deployment Plan, which shall specify the number of personnel at the distinct ranks of officer, sergeant, and lieutenant or above, and the number of civilian personnel, deployed to the Unit.

(c) Notwithstanding subsections (a) and (b), the Chief of Police may reassign on a temporary basis any officers assigned to the Unit, in order to address an emergency or other urgent law enforcement matter. The Chief of Police shall report such reassignments to the Police Commission at its next regularly scheduled meeting, consistent with open meeting noticing requirements, including the

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

reason for the reassignment, which district stations are affected, and an estimate of when reassigned officers are expected to return to regular assignments.

(d) If the number of full duty sworn officers in the Police Department certified by the Controller as specified in subsection (a) is initially less than the Charter-required number, the Chief of Police is not required to establish the Neighborhood Crime Unit. If the Unit is established but a later certification by the Controller falls below the Charter-required number, the Chief of Police is not required to maintain the Unit. But in either event the Chief of Police would retain the discretion to have such a unit within the Police Department.

SEC. 2A.84-6. DUTIES OF OFFICERS IN NEIGHBORHOOD CRIME UNIT.

(a) Officers assigned to the Neighborhood Crime Unit shall curtail and investigate neighborhood crimes whose nature, frequency, or pervasiveness impairs the sense of security and quality of life of those who live or work in affected neighborhoods. Such crimes include but are not limited to California Penal Code Sections 211 (Robbery), 459 (Auto Burglary and Residential/Commercial Burglary), 484, 487, and 488 (Theft of Property, including bicycle thefts), 594 (Vandalism), and aggressive/harassing behavior such as Police Code Section 122 (Aggressive Pursuit).

(b) In addition to their policing responsibilities, officers assigned to the Neighborhood Crime Unit shall also coordinate with the Department of Public Health, Department of Homelessness and Supportive Housing, Human Services Agency, and other departments to address violations of law relating to unlawful street behavior, including but not limited to violations of Police Code Sections 22 (Obstructing the Sidewalk), 120-2 (Aggressive Solicitation/Panhandling), and 168 (Promotion of Civil Sidewalks), with a focus on transitioning people off the streets and into shelter, housing, and critical health services.

(c) The Unit shall conduct recurring meetings with or among police district captains, community members and organizations, and Unit officers to develop policing priorities and strategies that include, among other things, (1) a plan for encouraging full and open communication and

2016 JUN 21 PM 4:47

collaboration among Unit officers and community members, (2) development and implementation of neighborhood-specific priorities and strategies to combat criminal activity, and (3) assignment of Unit officers to foot patrols.

(d) No later than 120 days after the Controller's initial certification under subsection (a) of Section 2A.84-5 that the number of full duty sworn officers meets or exceeds the Charter requirement, the Police Department shall adopt a comprehensive written policy governing the assignment and conduct of the Unit. The Police Commission shall review the policy at least annually, but may review the policy or any of its specific aspects more frequently, at the Commission's discretion. At a minimum, the policy shall include:

(1) Procedures for officers assigned to the Unit.

(2) A list of Penal Code and Police Code sections on which the Unit will focus. With input from police district captains, community members and organizations, and/or Unit officers, the Police Department shall update the list from time to time so that it remains consistent with the purpose and intent of the Safe Neighborhoods Ordinance, and shall be responsible for defining and monitoring training and tactics related to the enforcement strategy.

(3) An annual report to the Police Commission on data and metrics stemming from the Unit's work, with a particular focus on disparate impacts in approaches, citations, and arrests in terms of race, ethnicity, gender, age, and neighborhood or other geographic measures.

SEC. 2A.84-7. AMENDMENT OR REPEAL.

The Safe Neighborhoods Ordinance may be amended or repealed by a vote of the People at a City election. It may also be amended by an ordinance passed by a two-thirds' vote of the Board of Supervisors and signed by the Mayor, so long as such amendments are consistent with and further the intent of the Safe Neighborhoods Ordinance.

SAN FRANCISCO
FILED

2016 JUN 21 PM 4:47

Section 2. **Conflicting Initiative Measures.** If this initiative measure and another measure addressing neighborhood safety or the assignment of police appear on the same ballot, and a majority of the voters vote in favor of this measure and the other measure but this measure receives more votes than the other measure, this measure alone shall become valid, binding, and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this measure receives fewer votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding, and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 3. **Effective Date.** This ordinance shall become effective the day after the November 8, 2016 election.

* * *

SUBMITTED.

Scott Wiener

Member, Board of Supervisors

Date:

6/21/16

Maria Chen

Member, Board of Supervisors

Date:

6/21/16

Jeff Tang

Member, Board of Supervisors

Date:

6/21/16

Maria E. Jones

Member, Board of Supervisors

Date:

6/21/16

n:\legan\as2016\1600823\01115070.docx