

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: Anna Kronenberg, Executive Director, Department of Emergency Management  
Naomi Kelly, City Administrator, Office of the City Administrator  
William Scott, Police Chief, Police Department  
Joanne Hayes-White, Chief, Fire Department  
Vicki Hennessy, Sheriff, Sheriff's Department

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

DATE: August 1, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Yee on July 25, 2017:

**File No. 170873**

**Ordinance amending the Administrative Code to prohibit City entities from using City resources to participate in Urban Shield and other programs that promote the militarization of law enforcement.**

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: Lynn Khaw, Office of the City Administrator  
Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Kelly Alves, Fire Department  
Theodore Toet, Sheriff's Department  
Katherine Gorwood, Sheriff's Department  
Eileen Hirst, Sheriff's Department

1 [Administrative Code - Prohibition on City Participation in Urban Shield and Other Programs  
2 that Promote the Militarization of Law Enforcement]

3 **Ordinance amending the Administrative Code to prohibit City entities from using City**  
4 **resources to participate in Urban Shield and other programs that promote the**  
5 **militarization of law enforcement.**

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

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

14 Section 1. The Administrative Code is hereby amended by adding Section 7.21, to  
15 read as follows:

16 **SEC. 7.21. PROHIBITION ON CITY PARTICIPATION IN URBAN SHIELD AND**  
17 **OTHER PROGRAMS THAT PROMOTE THE MILITARIZATION OF LAW ENFORCEMENT.**

18 (a) The purpose of this Section 7.21 is to prevent the City's resources from being  
19 used to promote the militarization of law enforcement. This Section is not intended to prohibit the use  
20 of City resources in training appropriate to the professional development of law enforcement personnel  
21 engaged in policing a civilian population.

22 (b) No department, agency, commission, officer, or employee of the City and County  
23 of San Francisco may use any City funds or other resources to participate in the exercise known as  
24 Urban Shield, or in any other exercise or program that includes law-enforcement training that  
25 promotes the militarization of law enforcement in a manner substantially similar to the law-  
enforcement training featured in Urban Shield.

1                   (c) No City department, agency, commission, officer, or employee may solicit or  
2 accept any kind of reimbursement from any other governmental entity—including, but not limited to,  
3 the Bay Area Urban Areas Security Initiative or the Federal government—for any expenses that City  
4 officers or employees incur in connection with their attendance at an exercise or program described in  
5 subsection (b).

6                   (d) Any City department, agency, or commission whose officers or employees have  
7 previously participated in Urban Shield shall, on or before June 30, 2018, report in writing to the  
8 Board of Supervisors and the Mayor to explain:

9                                 (1) Whether and how any of its officers or employees participate in any exercise  
10 or program held under the auspices of the Bay Area Urban Areas Security Initiative (including, but not  
11 limited to, Urban Shield); and

12                                 (2) How it intends to ensure that City funds or other resources are not used to  
13 promote the militarization of law enforcement.

14                   (e) Nothing in this Section 7.21 shall prohibit a City officer or employee from using  
15 paid leave (including, but not limited to, accrued vacation, floating holidays, or compensation time off)  
16 to attend an exercise or program described in subsection (b), provided that such use is otherwise  
17 consistent with the terms that govern the officer's or employee's use of paid leave.

18                   (f) Nothing in this Section 7.21 is intended to interfere, or shall be construed to  
19 interfere, with the duties of the Sheriff or the District Attorney under State law.

20                   (g) Nothing in this Section 7.21 is intended to interfere, or shall be construed to  
21 interfere, with any obligations or functions the City may hold or perform as Fiscal Agent for the Bay  
22 Area Urban Areas Security Initiative.

1 Section 2. The title of Chapter 7 of the Administrative Code shall be revised as  
2 follows:

3 **CHAPTER 7: DISASTER COUNCIL, EMERGENCY PREPAREDNESS**  
4 **AND RESPONSE, AND RELATED MATTERS**  
5

6 Section 3. Effective Date. This ordinance shall become effective 30 days after  
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
9 of Supervisors overrides the Mayor's veto of the ordinance.  
10

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

13 By:   
14 Matthew Lee  
15 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Administrative Code - Prohibition on City Participation in Urban Shield and Other Programs that Promote the Militarization of Law Enforcement]

**Ordinance amending the Administrative Code to prohibit City entities from using City resources to participate in Urban Shield and other programs that promote the militarization of law enforcement.**

### Background and Existing Law

The City participates in the Bay Area Urban Areas Security Initiative (Bay Area UASI), which is a consortium of twelve Northern California counties that receives funding from the U.S. Department of Homeland Security to guard against terrorist attacks and other catastrophic events. Urban Shield is an annual training exercise organized under the auspices of Bay Area UASI.

Urban Shield has attracted criticism on the ground that it promotes the militarization of law enforcement. Under current law, nothing prevents City entities from using City resources to participate in Urban Shield or in similar programs that are alleged to promote the militarization of law enforcement—and, in fact, City entities do participate in Urban Shield.

### Amendments to Current Law

This ordinance would prohibit the use of City funds or other resources to participate in Urban Shield, or in any other exercises or programs that include law-enforcement training that promotes the militarization of law enforcement in a manner substantially similar to the law enforcement training featured in Urban Shield. The ordinance would also prohibit City entities from accepting reimbursement from other governmental entities—including, in particular, Bay Area UASI and the federal government—to participate in such exercises or programs.

Additionally, the ordinance requires City entities that have previously participated in Urban Shield to report to the Board of Supervisors and the Mayor to explain whether and how they continue to participate in exercises or programs organized by Bay Area UASI, and how they intend to ensure that City funds or other resources are not used to promote the militarization of law enforcement.

Finally, the ordinance clarifies that it does not interfere with (1) City officers' or employees' ability to attend such exercises or programs using paid leave, (2) the state-law duties of the Sheriff and District Attorney, and (3) the City's obligations and functions as Fiscal Agent for Bay Area UASI.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 JUL 25 PM 3:18

AY \_\_\_\_\_ Time stamp *BJ*  
or meeting date

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. Question(s) 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):

Supervisor Yee

Subject:

Administrative Code - Prohibition on City Participation in Urban Shield

The text is listed:

See attached.

Signature of Sponsoring Supervisor:

*M. Yee*

For Clerk's Use Only