

File No. 180188

Committee Item No. 16

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date April 11, 2018

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
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OTHER (Use back side if additional space is needed)

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Completed by: Alisa Somera Date April 6, 2018

Completed by: _____ Date _____

1 [Administrative Code - Repealing Traffic Stop Data Collection and Reporting Requirements]

2
3 **Ordinance amending the Administrative Code to repeal law enforcement data collection**
4 **and reporting requirements associated with traffic stops, detentions, and arrests.**

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

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

13 Section 1. Findings and Purpose.

14 (a) Assembly Bill 953 (AB 953), the Racial and Identity Profiling Act (RIPA) of 2015,
15 codified in Government Code section 12525.5, requires each local agency that employs
16 peace officers to annually report to the Attorney General data on all stops conducted by the
17 agency's peace officers, including the time, date, and location of the stop, and the reason for
18 the stop. RIPA defines "stop" to include any detention by a peace officer of a person, or any
19 peace officer interaction with a person in which the peace officer conducts a search, including
20 a consensual search, of the person's body or property in the person's possession or control.
21 RIPA also requires that a law enforcement agency that employs 1,000 or more peace officers
22 issue its first annual report by April 1, 2019. Finally, RIPA requires the Attorney General to
23 issue implementing regulations.

24 (b) On November 15, 2017, the Attorney General issued RIPA implementation
25 regulations. (California Code of Regulations, Title 11, Chapter 19, §§ 999.224-999.229.).

1 Those regulations require that, beginning July 1, 2018, local agencies must collect stop data
2 and report the data to the California Department of Justice (DOJ).

3 (c) Administrative Code Chapter 96A, Ordinance No. 166-15, enacted October 23,
4 2015, requires local law enforcement to collect and report to the Mayor, the Board of
5 Supervisors, the Police Commission, and the Human Rights Commission, data associated
6 with traffic stops, detentions, and arrests – data that RIPA will require local law enforcement to
7 collect and report. RIPA's stop data collection and reporting requirements substantially
8 duplicate Chapter 96A's requirements. The purpose of this ordinance is to repeal the data
9 collection and reporting requirements associated with traffic stops, detentions, and arrests,
10 effective July 1, 2018, to avoid duplicative state and local collection and reporting
11 requirements.

12 Section 2. The Administrative Code, Chapter 96A, is hereby amended by revising
13 Sections 96A.2 and 96A.3, to read as follows:

14
15 **SEC. 96A.2. DATA COLLECTION.**

16 (a) When an Officer conducts an Encounter, the Officer shall collect and record the
17 following information:

18 (1) The date, time, and Location of the Encounter;

19 (2) The reason for the Encounter (e.g., the statutory or code provision(s) that
20 the Officer believes the individual subject to the Encounter violated, the individual's behavior
21 that justified the Officer's decision to engage in the Encounter, or any other legal basis the
22 Officer relied on to justify the Encounter, etc.);

23 (3) If the Officer conducted a search during the Encounter, the type of search
24 (e.g., pat search, vehicle search, full body search);

1 (4) The disposition of the Encounter (e.g., warning, citation, arrest, release with
2 no further action or admonishment);

3 (5) The race or ethnicity, sex, and approximate age of (A) all individuals subject
4 to the Detention, (B) the driver of a vehicle stopped during a Traffic Stop, and/or (C) the
5 passengers of a vehicle stopped during a Traffic Stop, if the Officer has reasonable suspicion
6 to detain such passengers. The Officer may collect information on age and sex by verbally
7 asking the individual or by requesting to see identification. The Officer may collect information
8 on race or ethnicity by verbally asking the individual. If the individual refuses to provide the
9 information sought pursuant to this subsection (a)(5), the Officer will note that the individual
10 refused the request;

11 (6) The name and star number of each Officer who participated in the
12 Encounter;

13 (7) For Encounters conducted by Officers employed by the Police Department,
14 the Officer shall record the police district to which the Officer is assigned, if any.

15 (b) If two or more Officers conduct an Encounter, the information required by
16 subsection (a) need be recorded by only one of the Officers.

17 (c) The Officer shall promptly report the information recorded pursuant to subsection
18 (a) to the Officer's employing agency in the manner specified by the agency. To the extent not
19 already in place, the Police Department and the Sheriff's Department shall create systems for
20 collecting and storing the information reported by Officers pursuant to this Section 96A.2.

21 (d) The Police Department and the Sheriff's Department shall retain the information
22 reported by Officers pursuant to this Section 96A.2 for a minimum of five years after the fiscal
23 year in which the Officer reported it.

24 (e) If during an Encounter, the Officer is required to interrupt the Encounter to respond
25 to an emergency and the Officer is unable to collect the information required by this Section

1 96A.2, the Officer shall be exempt from reporting the information required by this Section
2 96A.2.

3 (f) This Section 96A.2 shall expire by operation of law on July 1, 2018.

4 **SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING.**

5 On a quarterly basis (the first Tuesday in February, May, August, and November), the
6 Police Department and the Sheriff's Department respectively shall send a written report to the
7 Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission,
8 covering the previous quarter (quarters commencing January 1, April 1, July 1, and October
9 1). ~~The first reports shall be due on June 30, 2016, and shall include the data required by this Section~~
10 ~~96A.3 for arrests and Use of Force only. Beginning in June 2017, the reports shall fully comply with~~
11 ~~the requirements of this Section.~~ The reports shall contain the following information for the
12 reporting period:

13 (a) For Encounters:

- 14 (1) The total number;
- 15 (2) The total number broken down by race or ethnicity, age, and sex;
- 16 (3) The total number of searches performed broken down by race or ethnicity,
17 age, and sex;
- 18 (4) The total number of each type of search performed;
- 19 (5) For each type of search performed, the total number broken down by race or
20 ethnicity, age, and sex;
- 21 (6) The total number of each type of disposition, and the total number for each
22 disposition broken down by race or ethnicity, age, and sex; and
- 23 (7) The data for Encounters required to be reported by this subsection (a) shall
24 be reported separately for Detentions and Traffic Stops;
- 25

1 (b) For Use of Force:

2 (1) The total number of Uses of Force;

3 (2) The total number of Uses of Force that resulted in death to the person on
4 whom an Officer used force; and

5 (3) The total number of Uses of Force broken down by race or ethnicity, age,
6 and *gender identity*~~sex~~;

7 (c) For arrests:

8 (1) The total number; and

9 (2) The total number broken down by race or ethnicity, age, and sex.

10 (d) The reports shall also include data regarding the reasons for Encounters and
11 arrests. The departments shall develop categories to collect and report this information (e.g.,
12 for Detentions and arrests: reasonable suspicion or probable cause based on observation,
13 known probationer or parolee, consent, etc.; e.g., for Traffic Stops: moving violations,
14 equipment violations, stops based on suspicion of other criminal conduct, etc.). The
15 departments shall explain in the report each category, and shall report the number of
16 Detentions, Traffic Stops, and arrests for each category. The departments shall also report the
17 total number of each category broken down by race or ethnicity, age, and sex.

18 (e) For purposes of Use of Force reporting, the report shall include data for each time
19 a Use of Force occurred during the reporting period, and shall not be limited to Use of Force
20 during a Traffic Stop or Detention.

21 (f) The Police Department shall obtain from the Department of Police Accountability
22 ("DPA") and include in its report the total number of complaints for the reporting period
23 received by DPA that DPA characterizes as allegations of bias based on race or ethnicity,
24 gender, or Gender Identity. The Police Department shall also obtain from DPA and include in
25 its report the total number of DPA complaints closed during the reporting period that DPA

1 characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity,
2 and the total number of each type of disposition for such complaints.

3 (g) The reports of the Sheriff's Department may separate data for the department's
4 custody division and the department's field division.

5 (h) The department may include in the report any other information the department
6 concludes will assist in understanding the information required by subsections (a)-(g) of this
7 Section 96A.3. Where subsections (a)-(d) require that total numbers be broken down by race
8 or ethnicity, or sex, the department shall also calculate and report the applicable percentages
9 for each group.

10 (i) Notwithstanding any other provision of this Chapter 96A, including this Section 96A.3,
11 subsections (a), (c), and (d) of this Section 96A.3 shall expire by operation of law immediately
12 following the submission of the quarterly report due on August 7, 2018, for the quarter commencing
13 April 1, 2018.

14
15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

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1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 JANA CLARK
12 Deputy City Attorney

13 n:\egana\as2018\1700358\01256473.docx

LEGISLATIVE DIGEST

[Administrative Code - Repealing Traffic Stop Data Collection and Reporting Requirements]

Ordinance amending the Administrative Code to repeal law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests.

Existing Law

Current law requires local law enforcement agencies to collect and report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission, data associated with traffic stops, detentions, and arrests.

Amendments to Current Law

This ordinance repeals the law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests.

Background Information

Effective July 1, 2018, state law will require local law enforcement to collect and report stop data collection. State law collection and reporting requirements substantially duplicate Chapter 96A's current requirements. The purpose of this ordinance is to repeal the data collection and reporting requirements associated with traffic stops, detentions, and arrests, to avoid duplicative state and local collection and reporting requirements.

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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, Police Chief, Police Department
Vicki Hennessy, Sheriff, Sheriff's Department
Sheryl Evans Davis, Director, Human Rights Commission
Joyce Hicks, Executive Director, Department of Police Accountability

FROM:  Alisa Somera, Legislative Deputy Director
Rules Committee

DATE: March 6, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Cohen on February 27, 2018:

File No. 180188

Ordinance amending the Administrative Code to repeal law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests.

If you have 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 or by email at: alisa.somera@sfgov.org.

c: Rowena Carr, Police Department
Kristine Demafeliz, Police Department
Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Nancy Crowley, Sheriff's Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2010 FEB 27 PM 3:36
 BY Time stamp
 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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:



For Clerk's Use Only