

File No. 160749

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Board of Supervisors Date September 29, 2016

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Referral FYI - 07/06/2016
- PRESIDENTIAL ACTION NEWU (TRANSFER) - 07/14/2016
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Completed by: Erica Major Date September 21, 2016

Completed by: _____ Date _____

1 [Administrative Code - Neighborhood Crime Unit in Police Department]

2
3 **Ordinance amending the Administrative Code to create the Neighborhood Crime Unit in**
4 **the Police Department, to be activated when the Controller certifies that the Department**
5 **is at the full staffing level mandated in the Charter, and to set minimum staffing levels**
6 **for and assign duties to the Unit.**

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. The Administrative Code is hereby amended by adding Sections 2A.84-1
16 through 2A.84-6, to read as follows:

17 **SEC. 2A.84-1. TITLE.**

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

20
21 **SEC. 2A.84-2. FINDINGS.**

22 Violent crime in San Francisco is at an historic low, but the City's neighborhoods have seen a
23 significant increase in crimes such as home burglaries, automobile break-ins, and automobile thefts.
24 These kinds of crimes make residents feel unsafe in their homes and vehicles and on City streets and
25 reduce the quality of life in San Francisco.

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

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

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

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

22
23 **SEC. 2A.84-3. PURPOSE AND INTENT.**

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

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

1 **(b) Require minimum staffing levels for the Unit.**

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

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

7
8 **SEC. 2A.84-4. CREATION OF NEIGHBORHOOD CRIME UNIT; SPECIFICATION OF**
9 **DUTIES OF UNIT.**

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

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

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

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

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

6
7 **SEC. 2A.84-5. CONTROLLER'S CERTIFICATION OF STAFFING AND CHIEF'S**
8 **ASSIGNMENTS.**

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

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

23 (c) Notwithstanding subsections (a) and (b), the Chief of Police may reassign on a temporary
24 basis any officers assigned to the Unit, in order to address an emergency or other urgent law
25 enforcement matter. The Chief of Police shall report such reassignments to the Police Commission at

1 its next regularly scheduled meeting, consistent with open meeting noticing requirements, including the
2 reason for the reassignment, which district stations are affected, and an estimate of when reassigned
3 officers are expected to return to regular assignments.

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

10
11 **SEC. 2A.84-6. DUTIES OF OFFICERS IN NEIGHBORHOOD CRIME UNIT.**

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

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

1 (c) The Unit shall conduct recurring meetings with or among police district captains,
2 community members and organizations, and Unit officers to develop policing priorities and strategies
3 that include, among other things, (1) a plan for encouraging full and open communication and
4 collaboration among Unit officers and community members, (2) development and implementation of
5 neighborhood-specific priorities and strategies to combat criminal activity, and (3) assignment of Unit
6 officers to foot patrols.

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

13 (1) Procedures for officers assigned to the Unit.

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


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

22
23 Section 2. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:


7 JON GIVNER
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[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 Charter, and to set minimum staffing levels for and assign duties to the Unit.

Existing Law

The Police Department has several different units, all of which share partial responsibility for preventing, investigating, and making arrests related to neighborhood crime.

Amendments to Current Law

The proposed ordinance would create the Neighborhood Crime Unit within the Police Department. Unit would be responsible for deterrence and investigation of crime and quality-of-life violations in neighborhoods through the use of neighborhood foot patrols, among other tactics. The Unit would 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 crimes. Officers assigned to the Unit would be required to 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, with a focus on transitioning people off the streets and into shelter, housing, and critical health services.

The Chief of Police would not be required to establish or maintain the Unit unless the Controller certifies that there are at least 1,971 full duty sworn officers in the Department. By December 31 each year, the Controller would be required to issue a report certifying the number of full duty sworn officers employed by the Police Department. If there are at least 1,971 full duty sworn officers, then the Chief of Police would be required to assign no fewer than 3% of all sworn personnel to the Neighborhood Crime Unit. The ordinance would allow the Chief of Police to temporarily reassign officers assigned to the Unit, in order to address an emergency or other urgent law enforcement matter.

The ordinance would also require the Department to adopt a written policy governing the assignment and conduct of the Unit. The Police Commission would be required to review the policy at least once a year.

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: Toney D. Chaplin, Acting Chief of Police, Police Department
Sergeant Rachael Kilshaw, Police Commission
Ben Rosenfield, City Controller, Office of the Controller
Nancy Alfaro, Director, 311
Anne Kronenberg, Executive Director, Department of Emergency Management
Barbara A. Garcia, Director, Department of Public Health
Jeff Kositsky, Director, Department of Homelessness and Supportive Housing
Trent Rhorer, Executive Director, Human Services Agency

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: July 6, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Yee on June 28, 2016:

File No. 160749

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 Charter, and to set minimum staffing levels for and assign duties to the Unit.

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:
Christine Fountain, Police Department
Todd Rydstrom, Office of the Controller
Andy Maimoni, 311
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Krista Ballard, Human Services Agency

President, District 5
BOARD of SUPERVISORS



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BOS-11, COB
LEG Dep., PSNS,
GAOI Dep.
C.A.
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London Breed

PRESIDENTIAL ACTION

Date: 7/13/2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 160749 Yee
(Primary Sponsor)

Title. Administrative Code - Neighborhood Crime II

From: Public Safety & Neighborhood Services Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

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BOARD OF SUPERVISORS
SAN FRANCISCO

London Breed, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach 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 a Imperative Form.

Sponsor(s):

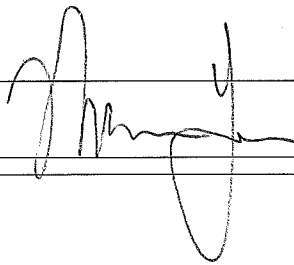
Supervisor Yee

Subject:

Administrative Code - Neighborhood Crime Unit in Police Department

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: