

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: Chief William Scott, Police Department
Paul Henderson, Executive Director, Police Accountability

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: December 3, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 211203

Ordinance amending the Administrative Code to require the Police Commission, Police Department, and Department of Police Accountability to report quarterly on the number and status of requests for production of non-confidential peace officer personnel records.

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: victor.young@sfgov.org.

- c. Lisa Ortiz, Police Department
- Lili Gamero, Police Department
- Diana Oliva-Aroche, Police Department
- Sgt. Stacy Youngblood, Police Department



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 211203 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Status Report on Production of Peace Officer Personnel Records **Date Introduced:** 11/16/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code to require the Police Commission, Police Department, and Department of Police Accountability to report quarterly on the number and status of requests for production of non-confidential peace officer personnel records.

Sponsors: Preston; Walton, Ronen and Chan

History of Legislative File 211203

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	11/16/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	12/16/2021	

1 [Administrative Code - Status Report on Production of Peace Officer Personnel Records]

2

3 **Ordinance amending the Administrative Code to require the Police Commission, Police**
4 **Department, and Department of Police Accountability to report quarterly on the number**
5 **and status of requests for production of non-confidential peace officer personnel**
6 **records.**

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10 **Board amendment additions** are in double-underlined Arial font.
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12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

11

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

13

14 Section 1. Findings and Purpose.

15 (a) San Franciscans and the public more broadly have a right to know about the
16 conduct of peace officers, who have a duty to serve the public and enforce the law. In
17 addition, people accused of criminal activity have a particularized need to review non-
18 confidential peace officer personnel records in order to exercise their full constitutional rights.
19 Similarly, those harmed by police violence, and victims of police misconduct, and their
20 families, have a particularized need to review non-confidential peace officer personnel
21 records.

22 (b) State law now requires that certain peace officer personnel records previously
23 considered confidential under state law be made available to the public pursuant to the
24 California Public Records Act. San Franciscans and the public more broadly benefit from

25

1 transparency regarding the City's compliance with public records requests for non-confidential
2 peace officer personnel records.

3
4 Section 2. The Administrative Code is hereby amended by adding Section 96E,
5 consisting of Section 96E.1, to read as follows:

6
7 **CHAPTER 96E: STATUS REPORT ON**
8 **PRODUCTION OF PEACE OFFICER PERSONNEL RECORDS**

9
10 **SEC. 96E.1. REPORTING OBLIGATION OF POLICE COMMISSION, POLICE**
11 **DEPARTMENT, AND DEPARTMENT OF POLICE ACCOUNTABILITY.**

12 *(a) Reporting requirement. On a quarterly basis (the first Tuesday in February, May, August,*
13 *and November), the Police Commission, Police Department, and Department of Police Accountability*
14 *shall each submit a written report to the Board of Supervisors, covering the previous quarter (quarters*
15 *commencing January 1, April 1, July 1, and October 1). The report shall contain the following*
16 *information:*

17 *_____ (1) The total number of requests for non-confidential peace officer personnel records*
18 *that were received by the Department on or after January 1, 2019 and for which all the responsive*
19 *records requested have been produced;*

20 *_____ (2) The total number of requests for non-confidential peace officer personnel records*
21 *that were received by the Department on or after January 1, 2019 and for which all the responsive*
22 *records requested have not been produced;*

23 *_____ (3) The total number of requests for non-confidential peace officer personnel records*
24 *received by the Department on or after January 1, 2019 for which the Department has identified but*
25 *not yet produced responsive records because the responsive records require redactions;*

1 (4) The total number of requests for non-confidential peace officer personnel records
2 the Department received during the reporting period;

3 (5) The total number of pages of records the Department produced in the reporting
4 period in response to requests for non-confidential peace officer personnel records;

5 (6) The length of time each outstanding request for non-confidential peace officer
6 personnel records received by the Department on or after January 1, 2019 has been pending;

7 (7) The total number of hours Departmental and other City employees have spent
8 during the reporting period responding to requests for non-confidential peace officer personnel
9 records; and

10 (8) The date on which the Department expects to fulfill all requests for non-confidential
11 peace officer personnel records received on or after January 1, 2019.

12 (b) Definitions. For purposes of this Section 96E.1, the following definitions apply:

13 “Department” is a reference, individually, to each of the following: the Police Commission,
14 Police Department, and Department of Police Accountability.

15 A “request for non-confidential peace officer personnel records” includes a request covering
16 both confidential and non-confidential peace officer personnel records.

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

22
23 Section 4. Undertaking for the General Welfare. In enacting and implementing this
24 Chapter, the City is assuming an undertaking only to promote the general welfare. It is not

25 *///*

LEGISLATIVE DIGEST

[Administrative Code - Status Report on Production of Peace Officer Personnel Records]

Ordinance amending the Administrative Code to require the Police Commission, Police Department, and Department of Police Accountability to report quarterly on the number and status of requests for production of non-confidential peace officer personnel records.

Existing Law

The California Public Records Act requires state and local agencies to make public records available for inspection, subject to certain exceptions. Senate Bill 1421 (2018) required that certain peace officer or custodial officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers and custodial officers be made available for public inspection pursuant to the California Public Records Act.

There is no local law requiring the Police Commission, Police Department, or Department of Police Accountability to provide reports to the Board of Supervisors concerning the status of requests for the production of non-confidential peace officer personnel records that those departments have received and/or processed.

Amendments to Current Law

The proposed ordinance would require the Police Commission, Police Department, and Department of Police Accountability to provide quarterly reports to the Board of Supervisors containing the following information:

- (1) The total number of requests for non-confidential peace officer personnel records that were received by the Department on or after January 1, 2019 and for which all the responsive records requested have been produced;
- (2) The total number of requests for non-confidential peace officer personnel records that were received by the Department on or after January 1, 2019 and for which all the responsive records requested have not been produced;
- (3) The total number of requests for non-confidential peace officer personnel records received by the Department on or after January 1, 2019 for which the Department has identified but not yet produced responsive records because the responsive records require redactions;
- (4) The total number of requests for non-confidential peace officer personnel records the Department received during the reporting period;
- (5) The total number of pages of records the Department produced in the reporting period in response to requests for non-confidential peace officer personnel records;

- (6) The length of time each outstanding request for non-confidential peace officer personnel records received by the Department on or after January 1, 2019 has been pending;
- (7) The total number of hours Departmental and other City employees have spent during the reporting period responding to requests for non-confidential peace officer personnel records; and
- (8) The date on which the Department expects to fulfill all requests for non-confidential peace officer personnel records received on or after January 1, 2019.

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Introduction Form

By a Member of the Board of Supervisors or 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 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

From: [Preston, Dean \(BOS\)](#)
To: [Hernandez, Melissa G \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Subject: RE: For introduction: Administrative Code - Status Report on Production of Peace Officer Personnel Records
Date: Tuesday, November 16, 2021 4:01:22 PM

Approved.

Dean Preston
Supervisor, District 5

From: Hernandez, Melissa G (BOS) <melissa.g.hernandez@sfgov.org>
Sent: Tuesday, November 16, 2021 2:10 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Preston, Dean (BOS) <dean.preston@sfgov.org>; Saini, Nikita (BOS) <nikita.saini@sfgov.org>; Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Gallardo, Tracy (BOS) <tracy.gallardo@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>
Subject: For introduction: Administrative Code - Status Report on Production of Peace Officer Personnel Records

Good afternoon,

Attached please find an ordinance to be introduced today by Supervisor Preston, along with the associated legislative digest and Introduction form. Supervisor Preston is CC'd to confirm his approval of the introduction form.

The City Attorney has approved as to form (see Anne's email below). I'm also copying cosponsors and their legislative aides. Feel free to let me know if you need anything else!

Sincerely,
Melissa Hernandez
Legislative Aide
District 5, Supervisor Dean Preston

From: Pearson, Anne (CAT) <Anne.Pearson@sfcityatty.org>
Sent: Tuesday, November 16, 2021 11:11 AM
To: Hernandez, Melissa G (BOS) <melissa.g.hernandez@sfgov.org>
Cc: CLARK, JANA (CAT) <Jana.Clark@sfcityatty.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>
Subject: RE: Peace officer personnel records ordinance

Hi Melissa,

The ordinance and leg digest are attached and approved as to form.

Thanks,
Anne

Anne Pearson (she/her)
Deputy City Attorney
Office of City Attorney David Chiu
(646) 241-7670 Cell
(415) 554-4706 Direct
www.sfcityattorney.org
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

Please note that during the ongoing pandemic the best way to reach me is by email or cell phone. I check only occasionally any voicemail messages left on my direct work line above.

From: [Gee, Natalie \(BOS\)](#)
To: [Hernandez, Melissa G \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Cc: [Preston, Dean \(BOS\)](#); [Saini, Nikita \(BOS\)](#); [Hsieh, Frances \(BOS\)](#); [Gallardo, Tracy \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Ronen, Hillary](#)
Subject: RE: For introduction: Administrative Code - Status Report on Production of Peace Officer Personnel Records
Date: Tuesday, November 16, 2021 3:26:23 PM

Thank you, Melissa. Confirmed for President Walton.

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
President, Board of Supervisors
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670

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To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Preston, Dean (BOS) <dean.preston@sfgov.org>; Saini, Nikita (BOS) <nikita.saini@sfgov.org>; Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Gallardo, Tracy (BOS) <tracy.gallardo@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>
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