

1 [Administrative Code - Neighborhood Property Crime Units in Police Department]

2

3 **Ordinance amending the Administrative Code to create the Neighborhood Property**
4 **Crime Units at District stations Unit in the Police Department, ~~to be activated when the~~**
5 **~~Controller certifies that the Department is at the full staffing level mandated in the City~~**
6 **~~Charter, and to set minimum staffing levels 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.

11

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

13

14 Section 1. The Administrative Code is hereby amended by adding Sections 2A.84-1
15 through 2A.84-~~65~~, to read as follows:

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

18 Sections ~~2A.84-1 through 2A.84-7~~ shall be known and cited as the “The Safe
19 Neighborhoods 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~~
23 ~~seen a significant increase in crimes such as home burglaries, automobile break-ins, and~~
24 ~~automobile thefts. These kinds of crimes make residents feel unsafe in their homes and~~
25 ~~vehicles and on City streets and reduce the quality of life in San Francisco.~~

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

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

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

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

24
25 **SEC. 2A.84-13. PURPOSE AND INTENT.**

1 The purpose of the Safe Neighborhoods Ordinance Section 2A.84-1 et seq. is to do all of
2 the following:

3 (a) Strengthen existing structures within the Police Department to bolster the
4 Department's efforts to combat neighborhood property crime and improve coordination among
5 different divisions of the Department, including, but not limited to the Patrol Bureau Task
6 Force and the Crime Analysis Unit. Create the Neighborhood Crime Unit within the Police
7 Department.

8 (b) Require minimum staffing levels for the Unit.

9 (eb) Create Neighborhood Property Crime Units in each police district, and tTask
10 those Units with proactively and comprehensively investigating neighborhood property crime and
11 enforcing laws to deter neighborhood property crime, and when deployed to specific police districts, to
12 assist with responding to 911 and 311 calls for service related to neighborhood property crime.

13 (ec) Create transparency and accountability data metrics for neighborhood property crime
14 and the Unit's Police Department's efforts to combat such crime, with required reports to the Police
15 Commission and the Board of Supervisors.

16
17 **SEC. 2A.84-24. CREATION OF NEIGHBORHOOD PROPERTY CRIME UNITS;**
18 **SPECIFICATION OF DUTIES OF UNITS.**

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

21 (b) The Units shall be responsible for proactive and comprehensive deterrence and
22 investigation of property crime and quality of life violations throughout the various respective
23 neighborhoods within their District boundaries City through the use of neighborhood foot patrols and
24 community crime prevention, among other tactics.

1 (c) The Units may encompass several existing Police functions, at the discretion of the Chief of
2 Police and District Captains as delegated by the Chief, including but not limited to: the Patrol
3 Bureau Task Force, the Crime Analysis Unit, School Resource Officers, and the Special Projects Unit.
4 This Section 2A.84-42 is not intended to preclude officers who are not in the a Unit from performing
5 necessary or appropriate law enforcement functions not inconsistent with this Section in accordance
6 with the policies of the Chief of Police and the Police Department.

7 (d) The Units shall actively coordinate with each other and with other City departments
8 under the direction of the Chief of Police. police district captains, the 311 program, and the
9 Department of Emergency Management to respond to reports from witnesses or victims of
10 actual or suspected crime, including calls for help or service through 311, in the most prompt
11 and comprehensive manner possible, including through neighborhood foot patrols, which shall
12 be coordinated with district captains.

13 (e) Officers assigned to the Neighborhood Property Crime Units shall curtail and
14 investigate neighborhood property crimes whose nature, frequency, or pervasiveness impairs
15 the sense of security and quality of life of those who live or work in affected neighborhoods.
16 Such crimes include but are not limited to California Penal Code Sections 211 (Robbery), 459
17 (Auto Burglary and Residential/Commercial Burglary), 484, 487, and 488 (Theft of Property,
18 including bicycle thefts). All activities of each Unit shall be consistent with the Comprehensive
19 Property Crime Plan adopted by the Police Commission under Section 2A.84-4(a) and the
20 strategic plan for the Unit adopted by the Police Department under Section 2A.84-4(b).

21 (ef) The Safe Neighborhoods Ordinance is Section 2A.84-1 et seq. are not intended to
22 affect the existing discretion of the Chief of Police to establish a neighborhood crime unit even if
23 the make decisions regarding staffing levels of the Police Department do not reach the number of
24 full duty sworn officers mandated by the Charter. Rather, in accordance with subsection (a) of
25

1 ~~Section 2A.84-5, the intent of this ordinance is to require the Chief of Police to establish such~~
2 ~~a unit if the Charter mandated staffing levels are met or exceeded.~~

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4 **SEC. 2A.84-3. STAFFING OF NEIGHBORHOOD PROPERTY CRIME UNITS.**

5 Each year with the proposed annual budget for the Police Department, the Chief of
6 Police shall propose to the Police Commission a budget and level of staffing for each
7 Neighborhood Property Crime Unit.

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9 **SEC. 2A.84-4. COMPREHENSIVE NEIGHBORHOOD PROPERTY CRIME PLAN**
10 **AND NEIGHBORHOOD UNIT STRATEGIC PLANS.**

11 (a) Within six months of the effective date of the ordinance in Board File No.
12 160749, the Police Commission shall adopt a Comprehensive Property Crime Plan to address
13 property crime in neighborhoods throughout the City. The Plan shall include, at a minimum,
14 strategies for (1) encouraging full and open communication and collaboration among officers
15 in Neighborhood Property Crime Units and community members; (2) development of
16 neighborhood-specific priorities and strategies to reduce property crimes, (3) the assignment
17 of officers in Neighborhood Property Crime Units to foot patrols, and (4) ensuring productive
18 coordination among the Units in different Districts in the City, and (5) streamlining the sharing
19 of information and data with other City departments responsible for law enforcement, including
20 the District Attorney’s Office, to help investigate property crimes in a timely manner. In
21 addition, the Plan may set or recommend minimum dedicated staffing levels for specific Units,
22 and may include strategies for increasing staffing in those Units to recommended levels. The
23 Commission shall review the Plan at least once each fiscal year and may make changes that
24 the Commission deems appropriate.

1 (b) The Police Department shall develop and adopt a strategic plan for each
2 Neighborhood Property Crime Unit in the City. Each plan shall be consistent with the
3 Comprehensive Neighborhood Property Crime Plan, and shall, at a minimum, identify:

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

5 (2) A list of Penal Code and Police Code sections on which the Unit will focus.
6 With input from community members and organizations, the Department shall update the list
7 from time to time so that it remains consistent with the purpose of the Unit.

8 (3) A plan to monitor training and tactics related to enforcement strategy.

9 Within 12 months of the effective date of the ordinance in Board File No. 160749, the
10 Police Department shall submit these plans to the Police Commission for the Commission's
11 consideration and approval.

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13 **SEC. 2A.84-5. ANNUAL REPORTS.**

14 Between June 1 and July 1 each year, the Police Department shall submit to the Board
15 of Supervisors and the Police Commission a report on the Department's progress preventing
16 and enforcing property crime in the City, including data and metrics stemming from each
17 Neighborhood Property Crime Unit's work including work coordinated with other City
18 departments, with a particular focus on the disparate impacts in approaches, citations, and
19 arrests in terms of race, ethnicity, gender, age, and neighborhood or other geographic
20 measures.

21
22 ~~**SEC. 2A.84-5. CONTROLLER'S CERTIFICATION OF STAFFING AND CHIEF'S**~~
23 ~~**ASSIGNMENTS.**~~

24 (a) On or before December 31, 2016, and no less frequently than by December 31 of
25 each subsequent year, the Controller shall deliver to the Mayor, the Board of Supervisors, and

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

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

13 (c) Notwithstanding subsections (a) and (b), the Chief of Police may reassign on a
14 temporary basis any officers assigned to the Unit, in order to address an emergency or other
15 urgent law enforcement matter. The Chief of Police shall report such reassignments to the
16 Police Commission at its next regularly scheduled meeting, consistent with open meeting
17 noticing requirements, including the reason for the reassignment, which district stations are
18 affected, and an estimate of when reassigned officers are expected to return to regular
19 assignments.

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

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

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

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

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

23 ~~(d) No later than 120 days after the Controller's initial certification under subsection (a)~~
24 ~~of Section 2A.84-5 that the number of full duty sworn officers meets or exceeds the Charter~~
25 ~~requirement, the Police Department shall adopt a comprehensive written policy governing the~~

1 assignment and conduct of the Unit. The Police Commission shall review the policy at least
2 annually, but may review the policy or any of its specific aspects more frequently, at the
3 Commission's discretion. At a minimum, the policy shall include:

4 —— (1) Procedures for officers assigned to the Unit.

5 —— (2) A list of Penal Code and Police Code sections on which the Unit will focus.

6 With input from police district captains, community members and organizations, and/or Unit
7 officers, the Police Department shall update the list from time to time so that it remains
8 consistent with the purpose and intent of the Safe Neighborhoods Ordinance, and shall be
9 responsible for defining and monitoring training and tactics related to the enforcement
10 strategy.

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

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16 Section 2. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 JON GIVNER
25 Deputy City Attorney

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