

File No. 160081

Committee Item No. 6

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date February 25, 2016

Board of Supervisors Meeting

Date March 1, 2016

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date February 22, 2016

Completed by: Derek Evans Date February 25, 2016

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to
2 Investigate All Officer-Involved Shootings]

3 **Motion ordering submitted to the voters an ordinance amending the Administrative**
4 **Code to require the Office of Citizen Complaints to investigate all officer-involved**
5 **shootings, at an election to be held on June 7, 2016.**

6
7 MOVED, That the Board of Supervisors hereby submits the following ordinance to the
8 voters of the City and County of San Francisco, at an election to be held on June 7, 2016.

9
10 **Ordinance amending the Administrative Code to require the Office of Citizen**
11 **Complaints to investigate all officer-involved shootings.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or
16 parts of tables.

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

18 Section 1. The Administrative Code is hereby amended by adding a new
19 Section 96.11 and re-numbering the current Section 96.11 as Section 96.12, to read as
20 follows:

21 **SEC. 96.11. INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS.**

22 *The OCC shall conduct a timely and complete investigation of any incident occurring within the*
23 *City and County of San Francisco in which a member of the uniformed ranks of the San Francisco*
24 *Police Department discharges a firearm resulting in the physical injury or death of a person, even if*
25 *the discharge is accidental. The Police Department and its officers and employees shall provide the*

1 OCC with prompt and full cooperation and assistance in connection with the OCC's investigations
2 under this Section 96.11.

3
4 **SEC. 96.12 ~~96.11~~. SEVERABILITY.**

5 If any provision, subdivision, section, paragraph, phrase or clause of this Chapter or the
6 application thereof is for any reason held to be invalid or unconstitutional by a court of
7 competent jurisdiction, such decision shall not affect the validity of the remainder of this
8 Chapter. The remainder of this Chapter shall remain effective and enforceable to the fullest
9 extent allowed by law. All clauses and provisions of this Chapter are hereby declared to be
10 severable.

11
12 Section 2. Scope of Ordinance. In enacting this ordinance, the People of the City and
13 County of San Francisco intend to amend only those words, phrases, paragraphs,
14 subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other
15 constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions
16 or deletions, in accordance with the "Note" that appears under the official title of the
17 ordinance.

18
19 Section 3. Undertaking for the General Welfare. In enacting and implementing this
20 ordinance, the City is assuming an undertaking only to promote the general welfare. The City is
21 not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
22 is liable in money damages to any person who claims that such breach proximately caused injury.

1 Section 4. No Conflict with Federal or State Law. Nothing in this ordinance shall be
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any federal
3 or state law.

4
5
6 APPROVED AS TO FORM:

7 DENNIS J. HERRERA, City Attorney

8
9 By:


THOMAS J. OWEN
Deputy City Attorney

10
11
12 n:\vegana\as2015\1600379\01076986.docx

LEGISLATIVE DIGEST

[Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer-Involved Shootings]

Motion ordering submitted to the voters an ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

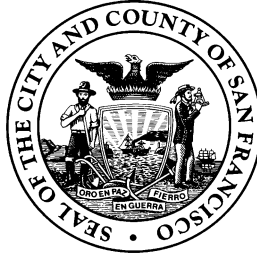
Existing Law

Charter Section 4.127 creates an Office of Citizen Complaints ("OCC") within the Police Department. The OCC is charged with promptly, fairly and impartially investigating all complaints of police misconduct or allegations that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department. All City departments, officers and employees must promptly and fully cooperate with the OCC in carrying out its duties.

Amendments to Current Law

The proposal is a motion to submit an ordinance to the voters that would require the OCC to investigate any incident occurring within the City in which a police officer fired a gun killing or physically injuring someone, even if no one files a complaint. The ordinance would also require the Police Department and its officers and employees to cooperate with the OCC's investigations of such shootings.

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

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Katy Tang, Chair
Rules Committee

FROM: Derek Evans, Assistant Clerk

DATE: February 25, 2016

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, March 1, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, March 1, 2016. This item was acted upon at the Rules Committee Meeting on Thursday, February 25, 2016, at 11:00 a.m., by the votes indicated.

Item No. 14 File No. 160081

[Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer Involved Shootings]

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Katy Tang - Aye
Supervisor Eric Mar - Aye
Supervisor Malia Cohen - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Acting Legislative Deputy Director
Jon Givner, Deputy City Attorney



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

February 24, 2016

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

RE: File 160081 – Initiative Ordinance requiring Office of Citizens' Complaints investigations

Dear Ms. Calvillo,

Should the proposed initiative ordinance be approved by the voters, in my opinion, it would have a moderate effect on the cost of government. The ordinance requires that the Office of Citizen Complaints (OCC) investigate all incidents in which a uniformed police officer discharges a weapon resulting in injury or death. The ordinance can be expected to marginally increase the number of investigations performed by the OCC and increase some administrative and training costs for the agency. OCC investigators' salaries range from \$78,900 to \$105,100 depending on their experience and seniority. The overall budget for the OCC was approximately \$5 million as of the fiscal year 2015-2016 budget. The Controller's Office will provide further cost information as the proposal develops.

Sincerely,

Ben Rosenfield

Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

February 2, 2016

File No. 160081

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On January 26, 2016, Supervisor Cohen introduced the following proposed Initiative Ordinance for the June 7, 2016, Election:

File No. 160081 Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer Involved Shootings

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Derek Evans, Committee Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

Not considered a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

BOS 11, Rules, Copies
File No 160081

Lagunte, Richard (BOS)

From: Board of Supervisors, (BOS)
Sent: Friday, February 19, 2016 8:35 AM
To: BOS-Supervisors
Cc: Evans, Derek
Subject: FW: Police Commission Resolution 16-13 - File No. 160081
Attachments: res 16-13 Support of Charter Amendment.pdf

From: SFPD, Commission (POL)
Sent: Thursday, February 18, 2016 5:26 PM
To: Lee, Edwin (ADM) <edwin.lee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>
Cc: Hicks, Joyce (OCC) <joyce.hicks@sfgov.org>; Kilshaw, Rachael (POL) <Rachael.Kilshaw@sfgov.org>; Suzy Loftus (suzyloftus@hotmail.com) <suzyloftus@hotmail.com>
Subject: Police Commission Resolution 16-13

Honorable Mayor Lee and Honorable Board of Supervisors,

Please see attached Police Commission Resolution 16-13 supporting Supervisor Cohen's proposed Charter Amendment to increase the OCC's jurisdiction to investigate officer-involved shootings.

Thank you,
Risa Tom
San Francisco Police Commission
1245 Third Street, 6th Floor
San Francisco, CA 94158
(415) 837-7070

CONFIDENTIALITY NOTICE: This communication and its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

February 18, 2016

Honorable Mayor Edwin Lee
City Hall, Room 200
San Francisco, CA 94103

Honorable Board of Supervisors
City Hall, Room 244
San Francisco, CA 94103

Dear Honorable Mayor Lee and Honorable Board of Supervisors:

At the meeting of the Police Commission on Wednesday, February 17, 2016, the following resolution was adopted:

RESOLUTION NO. 16-13

RESOLUTION SUPPORTING SUPERVISOR COHEN'S PROPOSED CHARTER AMENDMENT TO INCREASE THE OCC'S JURISDICTION TO INVESTIGATE OFFICER INVOLVED SHOOTINGS

WHEREAS, the OCC's current jurisdiction is to investigate officer-involved shootings only when a complaint is filed;

WHEREAS, on January 26, 2016, Supervisor Malia Cohen introduced a proposed Charter amendment to increase the OCC's jurisdiction to investigate officer-involved shootings;

WHEREAS, this Charter amendment would enable the OCC to immediately begin investigations in all San Francisco Police Department officer-involved shootings resulting in death or serious bodily injury; therefore be it

RESOLVED, that the San Francisco Police Commission supports Supervisor Malia Cohen's proposed Charter amendment to increase the OCC's jurisdiction to investigate officer-involved shootings.

AYES: Commissioners Loftus, Turman, Marshall, DeJesus, Mazzucco, Melara, Hwang

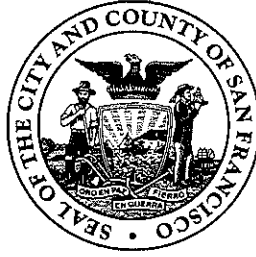
Very truly yours,

Sergeant Rachael Kilshaw
Secretary
San Francisco Police Commission

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 FEB 19 AM 8:51

cc: Director J. Hicks/OCC

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: Ben Rosenfield, City Controller

FROM: Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: February 2, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Rules Committee has received the following proposed legislation, introduced by Supervisor Cohen on January 26, 2016. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2), and Rules of Order 2.22.3.

File No. 160081 Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer Involved Shootings

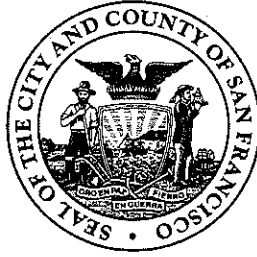
Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-7702 or email derek.evans@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the City Controller
Maura Lane, Office of the City Controller

BOARD of SUPERVISORS



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February 2, 2016

File No. 160081

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On January 26, 2016, Supervisor Cohen introduced the following proposed Initiative Ordinance for the June 7, 2016, Election:

File No. 160081 Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer Involved Shootings

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Derek Evans, Committee Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

BOARD of SUPERVISORS



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MEMORANDUM

TO: John Arntz, Director, Department of Elections
Jon Givner, Office of the City Attorney
Nicole Elliot, Mayor's Office
Joyce Hicks, Executive Director, Office of Citizen Complaints

FROM: Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: February 2, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Rules Committee has received the following proposed legislation, introduced by Supervisor Cohen on January 26, 2016. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 160081 Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer Involved Shootings

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns please call me at (415) 554-7702 or email derek.evans@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.



DENNIS J. HERRERA
City Attorney

THOMAS J. OWEN
Deputy City Attorney

Direct Dial: (415) 554-4679
Email: thomas.owen@sfgov.org

MEMORANDUM

TO: Hon. Malia Cohen
Member, Board of Supervisors

FROM: Thomas J. Owen
Deputy City Attorney

DATE: January 26, 2016

RE: *Officer-Involved Shootings*
Motion Submitting Initiative Ordinance, dated 1/26/2016
(Our File No. 1600379)

Enclosed are the signed original and two copies of a motion submitting an ordinance to the voters, dated 1/26/2016, as well as a legislative digest.

I will send you electronic copies later today.

Encl.

cc (by e-mail): Mawuli Tugbenyoh
Jon Givner
Alicia Cabrera
Paul Zarefsky
Melissa Millsaps

n:\legana\as2016\1600379\01077203.docx

Member, Board of Supervisors
District 4



City and County of San Francisco

*Orig: Rules clerk ✓
copy: COB, Leg. Deputy*

KATY TANG

DATE: February 18, 2016
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Katy Tang 
Chairperson
RE: Rules Committee
COMMITTEE REPORT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 FEB 18 PM 2:46
BY: 

Pursuant to Board Rule 4.20, as Chair of the Rules Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on March 1, 2016, as a Committee Report:

160081 Initiative Ordinance - Admin Code - Requiring the Office of Citizens Complaints to Investigate All Officer Involved Shootings

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

This matter will be heard at the Rules Committee Regular Meeting on Thursday, February 25, 2016, at 11:00 a.m.

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):

Cohen; Breed, *CAMPAS*

Subject:

[]

The text is listed below or attached:

Ordinance Amending the Administrative Code to Require the Office of Citizen Complaints to Investigate All Officer-Involved Shootings.

Signature of Sponsoring Supervisor: *Melvin Cohen*

For Clerk's Use Only: