

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Chief William Scott, Police Department
Police Commission
Micki Callahan, Director, Department of Human Resources

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: May 26, 2020

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 200511

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to require the Police Commission to hold a public hearing once a year regarding community policing and foot patrols; and to make related amendments to the Administrative Code to require the Commission, in consultation with the Chief of Police, to establish a neighborhood safety unit in the Police Department and a community policing policy, and to require foot patrols in crime-impacted areas within the boundaries of each police district station with standards governing the operation of the foot patrols, and to require the Department to submit biannual reports to the Commission and the Board of Supervisors on the effectiveness of deploying foot patrols in those crime-impacted areas; at an election to be held on November 3, 2020.

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) 554-7723 or email: victor.young@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: Andres Power, Mayor's Office
 Rebecca Peacock, Mayor's Office
 Kanishka Cheng, Mayor's Office
 Patrick Ford, Ethics Commission
 Rowena Carr, Police Department
 Asja Steeves, Police Department
 Sergeant Rachael Kilshaw, Police Commission
 Jayne Campbell, Police Commission
 Carol Isen, Department of Human Resources
 Mawuli Tugbenyoh, Department of Human Resources

1 [Charter Amendment and Initiative Ordinance - Community Policing and Foot Patrols]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on November**

4 **3, 2020, to amend the Charter of the City and County of San Francisco to require the**

5 **Police Commission to hold a public hearing once a year regarding community policing and**

6 **foot patrols; and to make related amendments to the Administrative Code to require the**

7 **Commission, in consultation with the Chief of Police, to establish a neighborhood safety**

8 **unit in the Police Department and a community policing policy, and to require foot patrols**

9 **in crime-impacted areas within the boundaries of each police district station with standards**

10 **governing the operation of the foot patrols, and to require the Department to submit**

11 **biannual reports to the Commission and the Board of Supervisors on the effectiveness of**

12 **deploying foot patrols in those crime-impacted areas.**

13

14 The Board of Supervisors hereby submits to the qualified voters of the City and County,

15 at an election to be held on November 3, 2020, a proposal to amend the Charter of the City and

16 County and the San Francisco Administrative Code, as follows:

17 NOTE: **Unchanged Charter text and uncodified text** are in plain font.

18 **Additions** are *single-underline italics Times New Roman font*.

19 **Deletions** are ~~*strike-through italics Times New Roman font*~~.

20 **Asterisks (* * * *)** indicate the omission of unchanged Charter subsections.

21 Section 1. FINDINGS.

22 (a) The San Francisco Police Department (“SFPD”) is committed to community

23 policing, which is defined as a philosophy and organizational strategy in which the police work

24 collaboratively with community members, community-based organizations, other City agencies,

25

1 and community stakeholders, in order to reduce violent crime, create safer communities, and
2 enhance the health and vibrancy of neighborhoods in San Francisco.

3 (b) Community policing requires that the SFPD have an understanding of the
4 traditions, culture, and history of the neighborhoods in which police officers serve. Likewise,
5 community policing requires that the SFPD provide information to the community, so that
6 community members gain an understanding of police practices and procedures, and of the
7 traditions and culture of the law enforcement profession.

8 (c) The report of the President’s Task Force on 21st Century Policing, United States
9 Department of Justice, found that community policing and police interventions must be
10 implemented with strong policies and training in place, rooted in an understanding of procedural
11 justice. Without this foundation, the report cautioned that police interventions can easily devolve
12 into racial profiling, excessive use of force, and other practices that disregard civil rights, causing
13 negative reactions from people living in already challenged communities.

14 (d) To be most effective, community policing requires collaborative partnerships with
15 agencies beyond law enforcement, including leaders of key institutions in the community, such
16 as businesses, non-profit organizations, religious institutions, schools, and neighborhood
17 organizations.

18 (e) Law enforcement’s obligation is not only to reduce crime but also to do so fairly
19 while protecting the rights of citizens. Any crime prevention strategy that violates civil rights,
20 even unintentionally, compromises police legitimacy in the eyes of the community, and is
21 counterproductive. Ignoring these considerations can result in serious financial costs to the City
22 (e.g., stemming from lawsuits) and other less tangible costs that are just as serious (e.g., loss of
23 public support for and trust in the SFPD).

24 (f) According to the Department of Justice report referenced in subsection (c), the
25 absence of crime is not the only or final goal of law enforcement. Rather, the ultimate goal of

1 law enforcement is the promotion and protection of public safety while respecting the dignity
2 and rights of all. And public safety and well-being cannot be attained without the community's
3 belief that its well-being is at the heart of all law enforcement activities.

4 (g) In 2007, the City established a one-year foot patrol pilot program that
5 demonstrated the effectiveness of foot beat officers. The City commissioned an outside
6 consulting group, the Public Safety Strategies Group (PSSG), to evaluate the pilot program.
7 PSSG released a report in April 2008 which found that 90% of community members who
8 responded to the survey believed that foot patrols were a necessary tool for the SFPD to use in
9 addressing crime, public safety, and quality of life issues, while 79% of SFPD respondents
10 believed that foot patrols were a viable strategy for the Department. However, the PSSG Report
11 also found that the SFPD was not able to fully implement the pilot foot patrol program and
12 recommended that it develop a comprehensive plan that includes community outreach and input
13 before a more permanent plan is rolled out.

14 (h) In 2017, California Policy Lab and researchers at the University of California at
15 Berkeley conducted a study that found that after the SFPD doubled its foot patrols, a significant
16 reduction in larceny theft and assaults resulted across San Francisco and within all the police
17 station districts in the City. The study suggests that a greater visible police presence helped
18 reduce thefts and assaults in San Francisco.

19 (i) A March 2020 report of the California Department of Justice criticized the SFPD
20 for its slow progress in fulfilling only 18% (48 of 272) of the U.S. Department of Justice's
21 collaborative reform recommendations announced in 2016.

22 (j) The U.S. Department of Justice collaborative reform recommendations urged the
23 SFPD to develop a strategic community policing plan that identifies goals, objectives, and
24 measurable outcomes for community policing practices. The March 2020 report referenced in
25 subsection (i) revealed that the SFPD had not fully evaluated the use of foot patrols.

1 (k) As of 2020, the SFPD staffed a certain number of foot patrol officers throughout
2 the City. This measure will facilitate the review and assessment of staffing levels dedicated to
3 foot patrol assignments, to maximize the public safety benefits and the building of trust between
4 police officers and the community that is fostered by the use of foot patrols and implementation
5 of a community policing policy.

6
7 Section 2. CHARTER AMENDMENT.

8 The Charter of the City and County of San Francisco is hereby amended by revising
9 Section 4.109, to read as follows:

10 **SEC. 4.109. POLICE COMMISSION.**

11 * * * *

12 Notwithstanding any other provision of the Charter, the Chief of Police may be removed
13 by the Commission or the Mayor, acting jointly or separately of each other. In addition to any
14 other powers set forth in this Charter, the Police Commission is empowered to prescribe and
15 enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency
16 of the Department, provided that the civil service and ethics provisions of this Charter shall
17 control in the event of any conflict with rules adopted under this ~~s~~Section 4.109.

18 At least once each calendar year beginning in 2021, the Police Commission shall hold a
19 public hearing to consider policies or strategies regarding community policing and foot patrols,
20 including possible adoption of new policies and strategies or modification of existing policies
21 and strategies.

22
23 SECTION 3. ADMINISTRATIVE CODE AMENDMENTS. The Administrative Code
24 is hereby amended by adding Chapter 96D, consisting of Sections 96D.1, 96D.2, 96D.3, and
25 96D.4, to read as follows:

1
2 **CHAPTER 96D: FOOT PATROLS AND COMMUNITY POLICING**

3 **SEC. 96D.1. NEIGHBORHOOD SAFETY UNIT; COMMUNITY POLICING**

4 **POLICY; FOOT PATROLS.**

5 (a) **Creation of NSU.** There shall be a Neighborhood Safety Unit (“NSU”) within
6 each district station of the Police Department (“SFPD”). The NSU shall reinforce the
7 importance of community engagement in deploying foot patrol officers. The NSU shall use the
8 Community Policing Policy referenced in subsection (c) to guide its operations.

9 (b) **Guiding Principle of NSU.** The purpose of the NSU is to ensure opportunities for
10 patrol officers to regularly interact with neighborhood residents and faith leaders, business
11 leaders, and others in the community. In accordance with the Community Policing Policy, foot
12 patrol officers will (1) support a culture and practice of policing that reflects the values of
13 protection and promotion of the dignity of all, especially the most vulnerable in the community,
14 and (2) collaborate with members of the community to identify problems as well as solutions that
15 will produce meaningful results for the community.

16 (c) **Community Policing Policy.** The Police Commission shall adopt, and following
17 adoption may amend, a Department General Order that sets forth a comprehensive “Community
18 Policing Policy” that shall implement the following principles and goals:

19 _____ (1) **Foster collaboration and open communication between police officers and**
20 community members, including neighborhood groups, merchants, non-profits, faith-based
21 groups, schools, and neighborhood leaders.

22 _____ (2) **Encourage residents’ involvement in activities that contribute to crime**
23 prevention, including neighborhood public safety meetings, community activities, neighborhood
24 clean-up and beautification, and crime prevention educational programs.

1 (3) Direct foot patrol officers to identify and address crime and nuisance
2 problems that impact the quality of life and the level of fear of neighborhood residents.

3 (d) **Foot Patrol Strategy.** The Police Commission, in consultation with the Chief of
4 Police, shall (1) adopt a foot patrol strategy that will identify the areas where foot patrol officers
5 are most needed to effectively reduce crime and strengthen the SFPD's partnership and trust
6 with the community, (2) develop a map outlining the footprint of the foot beats within the
7 boundaries of each of the SFPD's district stations, that will dictate the street locations foot
8 patrol officers may travel as described in subsection (e), and (3) develop a formula for
9 designating the foot patrol streets and boundaries based on the reporting of crime, high volume
10 foot traffic, crime prevention, and any other factors the Police Commission deems appropriate to
11 meet the needs of the community. The Commission may modify the strategies required by this
12 subsection (d) from time to time in its discretion, in consultation with the Chief of Police.

13 (e) **Foot Patrols Assignments.** The Chief of Police shall assign foot patrol officers to
14 each district station in the City, in the geographic locations identified as described in subsection
15 (d). Foot patrol officers shall have undergone the specific training outlined in subsection (f)
16 and shall have the knowledge and skills required of a foot patrol officer, and ties to the
17 community the district station serves or the ability to readily develop such ties.

18 (1) Each budget cycle for the SFPD, the Chief of Police shall propose to the
19 Police Commission a budget and level of staffing for each NSU.

20 (2) To the extent permitted by law and binding agreements, the Chief of
21 Police shall give due consideration to minimizing the reassignment of foot patrol officers, to
22 promote continuity between the officers and community members with the goal of strengthening
23 SFPD's relationships with the community.

24 (f) **Training.** The SFPD shall offer ongoing training and professional development
25 to its employees in the following areas: (1) community policing and problem-solving principles;

1 (2) implicit and explicit bias; (3) history and current issues surrounding policing as it relates to
2 LGBTQ individuals and communities in San Francisco; (4) ethnic studies; (5) interpersonal and
3 communication skills, including the ability to effectively communicate with non-English-speaking
4 or bilingual communities; (6) scenario-based, situational decision-making; (7) procedural
5 justice and impartial policing; (8) culturally competent and trauma-informed services; and (9)
6 mental health challenges and crisis intervention on the streets.

7 **SEC. 96D.2. REPORTING REQUIREMENTS.**

8 (a) The SFPD shall compile data regarding all reported crime within the foot beats
9 created in accordance with this Chapter 96D. The data shall be organized and reported by each
10 district station, detailing the type of crimes reported and police response times for calls of
11 service, within the district. This information shall be reported at each community meeting held
12 in the district station.

13 (b) The Chief of Police shall, on a quarterly basis, report to the Police Commission
14 crime and crime trends within the areas covered by the foot patrols, the effectiveness of the foot
15 patrols, and the coordination across all the NSUs at district stations.

16 (c) The SFPD shall keep detailed records of staffing levels for the foot beats,
17 including time, date, and officer or officers assigned. The SFPD shall compile and maintain
18 records of (1) redeployment or reassignment of foot patrol officers between stations, or from
19 patrol cars to foot patrols within a station, and (2) response times to priority calls for service
20 ("A" and "B" calls) at each of the district stations.

21 (d) By no later than June 30 and December 31 each year beginning in 2021, the
22 SFPD shall submit to the Board of Supervisors and the Police Commission a comprehensive
23 report analyzing the effectiveness of foot patrols in reducing crime within each of the district
24 station boundaries. The report shall include (1) all reported incidents of crime, by type, within
25 those foot beats, during the reporting period, compared to the prior two years, (2) an analysis of

1 the actual staffing of the foot beats during the reporting period, and (3) an analysis of response
2 times to priority calls for service (“A” and “B” calls) during the reporting period, compared to
3 the prior two years.

4 (e) The SFPD shall develop or use a tracking instrument that measures outcomes of
5 community policing practices and activities in the context of the Community Policing Policy
6 referenced in subsection (c) of Section 96D.1.

7 **SEC. 96D.3. UNDERTAKING FOR THE GENERAL WELFARE.**

8 In enacting and implementing this Chapter 96D, the City is assuming an undertaking
9 only to promote the general welfare. It is not assuming, nor is it imposing on its officers and
10 employees, an obligation for breach of which it is liable in money damages to any person who
11 claims that such breach proximately caused injury.

12 **SEC. 96D.4. AMENDMENTS TO THIS CHAPTER.**

13 The Board of Supervisors by ordinance and by at least a two-thirds vote of all its
14 members may amend or repeal this Chapter 96D at any time after its effective date.

15 **SEC. 96D.5. OPERATIVE DATE.**

16 This Chapter 96D shall become operative on February 15, 2021.

17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: /s/ _____
20 JON GIVNER
21 Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment and Initiative Ordinance - Community Policing and Foot Patrols]

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to require the Police Commission to hold a public hearing once a year regarding community policing and foot patrols; and to make related amendments to the Administrative Code to require the Commission, in consultation with the Chief of Police, to establish a neighborhood safety unit in the Police Department and a community policing policy, and to require foot patrols in crime-impacted areas within the boundaries of each police district station with standards governing the operation of the foot patrols, and to require the Department to submit biannual reports to the Commission and the Board of Supervisors on the effectiveness of deploying foot patrols in those crime-impacted areas.

Existing Law

Under the City Charter, the Police Commission sets policy for the Police Department (“SFPD”), and the SFPD must dedicate officers to neighborhood community policing, patrol and investigations, among other police duties. There is no existing law that requires foot patrol officers.

Amendments to Current Law

The proposed measure includes both a Charter amendment and an amendment to the Administrative Code. The Charter amendment would require the Police Commission to hold a public hearing at least once each calendar year to consider policies or strategies regarding community policing and foot patrols. The Commission could adopt new policies and strategies or modify existing policies and strategies.

The Administrative Code amendments would require the SFPD to create a Neighborhood Safety Unit (“NSU”) within each district station focused on community engagement in deploying foot patrol officers. The purpose of the NSU would be to ensure opportunities for patrol officers to regularly interact with neighborhood residents and faith leaders, business leaders, and others in the community.

The Police Commission would be required to adopt and create a comprehensive “Community Policing Policy” focused on fostering collaboration and communication with the community.

The Police Commission in consultation with the Chief of Police, would be required to develop a foot patrol strategy to identify the areas where foot patrol officers are most needed. This would include the development of a map outlining the footprint of the foot beats within the

boundaries of each of the SFPD's district stations. This map would delineate the street locations the foot patrol officers may travel based on the reporting of crime, crime prevention, foot traffic, and other factors.

The Chief of Police would be required to assign foot patrol officers to each district station. In each budget cycle for the SFPD, the Chief of Police would be required to submit a proposed budget and level of staffing for each NSU.

The SFPD would be required to provide minimum training requirements for foot patrol officers. The SFPD would also be required to compile data regarding reported crime within the foot beats and to issue quarterly reports to the Police Commission.

Twice a year, the SFPD would be required to submit to the Board of Supervisors and the Police Commission a comprehensive report analyzing the effectiveness of foot patrols in reducing crime within each of the district station boundaries.

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