

File No. 180188

Committee Item No. 16

Board Item No. 16

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date April 11, 2018

Board of Supervisors Meeting

Date April 24, 2018

#### Cmte Board

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|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" 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"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (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"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

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Completed by: Alisa Somera Date April 6, 2018

Completed by: Alisa Somera Date April 13, 2018

1 [Administrative Code - Repealing Traffic Stop Data Collection and Reporting Requirements]

2  
3 **Ordinance amending the Administrative Code to repeal local law enforcement data**  
4 **collection and reporting requirements associated with traffic stops, detentions, and**  
5 **arrests, while requiring that such data that under state law must be reported to the**  
6 **Attorney General also be reported on a periodic basis to the Mayor, Board of**  
7 **Supervisors, Police Commission, and Human Rights Commission.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

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

16 Section 1. Findings and Purpose.

17 (a) Assembly Bill 953 (AB 953), the Racial and Identity Profiling Act (RIPA) of 2015,  
18 codified in Government Code section 12525.5, requires each local agency that employs  
19 peace officers to annually report to the Attorney General data on all stops conducted by the  
20 agency's peace officers, including the time, date, and location of the stop, and the reason for  
21 the stop. RIPA defines "stop" to include any detention by a peace officer of a person, or any  
22 peace officer interaction with a person in which the peace officer conducts a search, including  
23 a consensual search, of the person's body or property in the person's possession or control.  
24 RIPA also requires that a law enforcement agency that employs 1,000 or more peace officers  
25 issue its first annual report by April 1, 2019. Finally, RIPA requires the Attorney General to  
issue implementing regulations.

1 (b) On November 15, 2017, the Attorney General issued RIPA implementation  
2 regulations. (California Code of Regulations, Title 11, Chapter 19, §§ 999.224-999.229.).  
3 Those regulations require that, beginning July 1, 2018, local agencies must collect stop data  
4 and report the data to the California Department of Justice (DOJ).

5 (c) Administrative Code Chapter 96A, Ordinance No. 166-15, enacted October 23,  
6 2015, requires local law enforcement to collect and report to the Mayor, the Board of  
7 Supervisors, the Police Commission, and the Human Rights Commission, data associated  
8 with traffic stops, detentions, and arrests – data that RIPA will require local law enforcement to  
9 collect and report. RIPA's stop data collection and reporting requirements substantially  
10 duplicate Chapter 96A's requirements. The purpose of this ordinance is to repeal the data  
11 collection and reporting requirements associated with traffic stops, detentions, and arrests,  
12 effective July 1, 2018, to avoid duplicative state and local collection and reporting  
13 requirements, while requiring local law enforcement to report to the Mayor, the Board of  
14 Supervisors, the Police Commission, and the Human Rights Commission the same data if  
15 must report to the Attorney General under Government Code section 12525.5, though on a  
16 more frequent basis than the required reports to the Attorney General.

17 Section 2. The Administrative Code, Chapter 96A, is hereby amended by revising  
18 Sections 96A.2 and 96A.3, to read as follows:

19  
20 **SEC. 96A.2. DATA COLLECTION.**

21 (a) When an Officer conducts an Encounter, the Officer shall collect and record the  
22 following information:

- 23 (1) The date, time, and Location of the Encounter;
- 24 (2) The reason for the Encounter (e.g., the statutory or code provision(s) that  
25 the Officer believes the individual subject to the Encounter violated, the individual's behavior

1 that justified the Officer's decision to engage in the Encounter, or any other legal basis the  
2 Officer relied on to justify the Encounter, etc.);

3 (3) If the Officer conducted a search during the Encounter, the type of search  
4 (e.g., pat search, vehicle search, full body search);

5 (4) The disposition of the Encounter (e.g., warning, citation, arrest, release with  
6 no further action or admonishment);

7 (5) The race or ethnicity, sex, and approximate age of (A) all individuals subject  
8 to the Detention, (B) the driver of a vehicle stopped during a Traffic Stop, and/or (C) the  
9 passengers of a vehicle stopped during a Traffic Stop, if the Officer has reasonable suspicion  
10 to detain such passengers. The Officer may collect information on age and sex by verbally  
11 asking the individual or by requesting to see identification. The Officer may collect information  
12 on race or ethnicity by verbally asking the individual. If the individual refuses to provide the  
13 information sought pursuant to this subsection (a)(5), the Officer will note that the individual  
14 refused the request;

15 (6) The name and star number of each Officer who participated in the  
16 Encounter;

17 (7) For Encounters conducted by Officers employed by the Police Department,  
18 the Officer shall record the police district to which the Officer is assigned, if any.

19 (b) If two or more Officers conduct an Encounter, the information required by  
20 subsection (a) need be recorded by only one of the Officers.

21 (c) The Officer shall promptly report the information recorded pursuant to subsection  
22 (a) to the Officer's employing agency in the manner specified by the agency. To the extent not  
23 already in place, the Police Department and the Sheriff's Department shall create systems for  
24 collecting and storing the information reported by Officers pursuant to this Section 96A.2.  
25

1 (d) The Police Department and the Sheriff's Department shall retain the information  
2 reported by Officers pursuant to this Section 96A.2 for a minimum of five years after the fiscal  
3  
4 year in which the Officer reported it.

5 (e) If during an Encounter, the Officer is required to interrupt the Encounter to respond  
6 to an emergency and the Officer is unable to collect the information required by this Section  
7 96A.2, the Officer shall be exempt from reporting the information required by this Section  
8 96A.2.

9 (f) This Section 96A.2 shall expire by operation of law on July 1, 2018.

10  
11 **SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING.**

12 On a quarterly basis (the first Tuesday in February, May, August, and November), the  
13 Police Department and the Sheriff's Department respectively shall send a written report to the  
14 Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission,  
15 covering the previous quarter (quarters commencing January 1, April 1, July 1, and October  
16 1). ~~The first reports shall be due on June 30, 2016, and shall include the data required by this Section~~  
17 ~~96A.3 for arrests and Use of Force only. Beginning in June 2017, the reports shall fully comply with~~  
18 ~~the requirements of this Section.~~ The reports shall contain the following information for the  
19 reporting period:

20 (a) For Encounters:

- 21 (1) The total number;
- 22 (2) The total number broken down by race or ethnicity, age, and sex;
- 23 (3) The total number of searches performed broken down by race or ethnicity,  
24 age, and sex;
- 25 (4) The total number of each type of search performed;

1 (5) For each type of search performed, the total number broken down by race or  
2 ethnicity, age, and sex;

3  
4 (6) The total number of each type of disposition, and the total number for each  
5 disposition broken down by race or ethnicity, age, and sex; and

6 (7) The data for Encounters required to be reported by this subsection (a) shall  
7 be reported separately for Detentions and Traffic Stops; (b) For Use of Force:

8 (1) The total number of Uses of Force;

9 (2) The total number of Uses of Force that resulted in death to the person on  
10 whom an Officer used force; and

11 (3) The total number of Uses of Force broken down by race or ethnicity, age,  
12 and *gender identity*sex;

13 (c) For arrests:

14 (1) The total number; and

15 (2) The total number broken down by race or ethnicity, age, and sex.

16 (d) The reports shall also include data regarding the reasons for Encounters and  
17 arrests. The departments shall develop categories to collect and report this information (e.g.,  
18 for Detentions and arrests: reasonable suspicion or probable cause based on observation,  
19 known probationer or parolee, consent, etc.; e.g., for Traffic Stops: moving violations,  
20 equipment violations, stops based on suspicion of other criminal conduct, etc.). The  
21 departments shall explain in the report each category, and shall report the number of  
22 Detentions, Traffic Stops, and arrests for each category. The departments shall also report the  
23 total number of each category broken down by race or ethnicity, age, and sex.

24 (e) For purposes of Use of Force reporting, the report shall include data for each time  
25 a Use of Force occurred during the reporting period, and shall not be limited to Use of Force  
during a Traffic Stop or Detention.

1 (f) The Police Department shall obtain from the Department of Police Accountability  
2 (“DPA”) and include in its report the total number of complaints for the reporting period  
3 received by DPA that DPA characterizes as allegations of bias based on race or ethnicity,  
4 gender, or Gender Identity. The Police Department shall also obtain from DPA and include in  
5 its report the total number of DPA complaints closed during the reporting period that DPA  
6 characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity,  
7 and the total number of each type of disposition for such complaints.

8 (g) The reports of the Sheriff’s Department may separate data for the department’s  
9 custody division and the department’s field division.

10 (h) The department may include in the report any other information the department  
11 concludes will assist in understanding the information required by subsections (a)-(g) of this  
12 Section 96A.3. Where subsections (a)-(d) require that total numbers be broken down by race  
13 or ethnicity, or sex, the department shall also calculate and report the applicable percentages  
14 for each group.

15 *(i) Notwithstanding any other provision of this Chapter 96A, including this Section 96A.3,*  
16 *subsections (a), (c), and (d) of this Section 96A.3 shall expire by operation of law immediately*  
17 *following the submission of the quarterly report due on August 7, 2018, for the quarter commencing*  
18 *April 1, 2018.*

19  
20 **96A.4. DEPARTMENT OF JUSTICE DATA REPORTING.**

21 (a) The Police Department and the Sheriff’s Department respectively shall report the  
22 data required to be collected under California Government Code Section 12525.5 (“Section  
23 12525.5”), for the period July 1, 2018, through December 31, 2018, to the Mayor, the Board of  
24 Supervisors, the Police Commission, and the Human Rights Commission, by May 7, 2019.  
25 The Police Department and the Sheriff’s Department respectively shall report the data

1 required to be collected under Section 12525.5, for the period January 1, 2019, through June  
2 30, 2019, to the Mayor, the Board of Supervisors, the Police Commission, and the Human  
3 Rights Commission, by August 6, 2019.

4 (b) Beginning on July 1, 2019, on a quarterly basis (the first Tuesday in February, May,  
5 August, and November), the Police Department and the Sheriff's Department respectively  
6 shall report to the Mayor, the Board of Supervisors, the Police Commission, and the Human  
7 Rights Commission the data required to be collected under Section 12525.5, for the previous  
8 quarter (quarters commencing January 1, April 1, July 1, and October 1). The first report  
9 under this subsection (b) shall be due November 5, 2019.

10 (c) The reporting obligations under this Section 96A.4 are in addition to, and do not  
11 supplant, the reporting obligations to the Attorney General required by Section 12525.5.

12 Section 3. Section 96A.4 of the Administrative Code, entitled "Undertaking for the  
13 General Welfare," is hereby renumbered as Section 96A.5. Section 96A.5 of the  
14 Administrative Code, entitled "No Conflict with Federal or State Law" is hereby renumbered  
15 96A.6. Section 96A.6 of the Administrative Code, entitled "Severability," is hereby  
16 renumbered as Section 96A.7. No changes are made to the wording of these Sections.  
17 These three Sections have been renumbered solely for codification purposes. Renumbering  
18 of the Sections shall not in any way change their meaning.

19 Section 4. Effective Date. This ordinance shall become effective 30 days after  
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
22 of Supervisors overrides the Mayor's veto of the ordinance.

23  
24 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,



1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
3 additions, and Board amendment deletions in accordance with the "Note" that appears under  
4 the official title of the ordinance.

5  
6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By:

9   
10 JANA CLARK  
11 Deputy City Attorney

12 n:\legana\as2018\1700358\01267551.docx

**REVISED LEGISLATIVE DIGEST**

(4/11/2018, Amended in Committee)

[Administrative Code - Repealing Traffic Stop Data Collection and Reporting Requirements]

**Ordinance amending the Administrative Code to repeal local law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests, while requiring that such data that under state law must be reported to the Attorney General also be reported on a periodic basis to the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission.**

Existing Law

Current law requires local law enforcement agencies to collect and report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission, data associated with traffic stops, detentions, and arrests.

Amendments to Current Law

This ordinance repeals the law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests, while requiring that such data that under state law must be reported to the Attorney General also be reported on a periodic basis to the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission.

Background Information

Effective July 1, 2018, state law will require local law enforcement to collect and report stop data collection. State law collection and reporting requirements substantially duplicate Chapter 96A's current requirements. The purpose of this ordinance is to repeal the data collection and reporting requirements associated with traffic stops, detentions, and arrests, to avoid duplicative state and local collection and reporting requirements.

This ordinance reflects amendments made by the Board Rules Committee on April 11, 2018 to require that data collected and reported to the Attorney General also be reported the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission.

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File No. 180188  
 4/11/2018 Received in Committee



# Data Field Comparisons

## 96.A (STOP DEMOGRAPHICS)

## AB953 DATA FIELDS

- District
- Cad #
- Date of Contact
- Time of Contact
- Race
- Ethnicity
- Sex
- Age
- Dispatched vs Self Initiated
- Reason for stop
- Search type (if searched)
- Result of Search (if searched)
- Items seized (if searched)
- Result of Contact
- Contact Mode of transport (vehicle, passenger, pedestrian, etc)
- Location
- Officer Assignment
- Officer Vehicle (Car, foot, motorcycle, etc)
- Other officers at the Scene

- Agency ID
- District
- CAD #
- Date of Stop
- Time of Stop
- Duration of Stop (in min)
- Race
- Sex
- LGBT
- Age
- Dispatched vs Self Initiated
- Reason for stop (drop down menu)
  - Reasonable suspicion secondary selection
  - Traffic stop secondary selection
- Reason for stop (violation code)
- Reason for stop (narrative)
- Actions taken during stop
- Basis for search
  - Search results
- Basis for property seizure
  - Type of property seized
  - Limited English proficiency?
  - Perceived or known disability?
- Result of Stop (drop down)
- Result of Stop (Narrative)
  - Contact mode of transport
  - Location
  - Officer assignment
  - Officer Vehicle
  - Officers at Scene
  - Officer's ID number
  - Officer's years of experience

File No. 180188  
 4/11/2018 Received in Committee

**Reporting California Department of Justice Assembly Bill 953 Stops Data Collection System**

After analyzing the California Department of Justice (DOJ) system’s data model and attribute repository for AB 953, we determined it is significantly different from the existing data model we currently have for our SFPD e-Stops Oracle Business Intelligence (BI) reporting.

Below are some High-level estimates for duration and costs:

Section/Phase	REQUIREMENTS	DURATION	COST <sup>1</sup>
<p>Technical Phase: Build a new and fully complete reporting environment for final AB 953 regulated stop data based off the DOJ system.</p> <p>This reporting environment will be similar to what we have today for e-Stops, including all of the data attributes from the DOJ system. This would be the most comprehensive option as reporting environment could be used for BOS quarterly reporting, by crime analysis unit and other units for analysis.</p>	<ul style="list-style-type: none"> <li>Designing and implementing new BI data model</li> <li>Designing and developing the new ETL (data) pipeline</li> <li>Designing a semantic layer for self-analysis and quality assurance of data attributes</li> <li>Develop the BOS quarterly report from the new reporting environment</li> </ul>	<p>6 months</p> <p>*Starting after DOJ regulated stop physical data model and data feed layout is available for extraction and testing validation (i.e., expected begin date of August 1, 2018 would equate to a completion date for this option as ~March 2019)</p>	<p>\$250,000</p>
<p>Policy/Reporting Phase: Consultant time to develop draft reporting format from multivariate data sets, fine-tune the report and BI data model, and adjust model against final reporting attributes.</p> <p>This would allow the data output of the model to be shaped into an actual readable report and be aligned with DOJ policy and reporting dataset interpretation.</p>	<ul style="list-style-type: none"> <li>Refine quarterly report format from new reporting environment</li> <li>Design quarterly report to accept/display new multivariate data points</li> <li>Adjust data model against final designed report</li> <li>Contingency BI model programming as necessary</li> </ul>	<p>6-8 weeks, concurrent to the end of the above phase.</p>	<p>\$250,000</p>

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<sup>1</sup> Cost estimates are for Oracle consultants’ time/materials only and not representing internal staffing costs for developing new reporting.


BOARD of SUPERVISORS



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San Francisco 94102-4689  
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Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: William Scott, Police Chief, Police Department  
Vicki Hennessy, Sheriff, Sheriff's Department  
Sheryl Evans Davis, Director, Human Rights Commission  
Joyce Hicks, Executive Director, Department of Police Accountability

FROM:  Alisa Somera, Legislative Deputy Director  
Rules Committee

DATE: March 6, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Cohen on February 27, 2018:

**File No. 180188**

**Ordinance amending the Administrative Code to repeal law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests.**

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: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Theodore Toet, Sheriff's Department  
Katherine Gorwood, Sheriff's Department  
Nancy Crowley, Sheriff's Department

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2010 FEB 27 PM 3:36  
 BY [Signature] 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. 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 the Imperative Form.**

Sponsor(s):

Supervisor Cohen

Subject:

Administrative Code-Repealing Traffic Stop Data Collection and Reporting Requirements

The text is listed:

Ordinance amending the Administrative Code to repeal law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests.

Signature of Sponsoring Supervisor:

[Signature: Malia Cohen]

For Clerk's Use Only