

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 ~~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 it
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.

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 JANA CLARK
Deputy City Attorney

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