

1 [Administrative Code - Domestic Violence Data Reporting]

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3 **Ordinance amending the Administrative Code to require the Police Department and the**
4 **District Attorney to submit quarterly ~~monthly~~ reports to the Board of Supervisors, the**
5 **Mayor, and various City departments regarding the number of cases of domestic**
6 **violence and cases involving certain types of abuse against minors, and to require the**
7 **District Attorney to submit quarterly reports to the Board of Supervisors, the Mayor,**
8 **and various City departments regarding the total number of crime victims to whom the**
9 **District Attorney has provided or made documented efforts to provide services.**

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

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

16
17 Section 1. The Administrative Code is hereby amended by adding Chapter 96D,
18 consisting of Sections 96D.1 through 96D.5, to read as follows:

19
20 **SEC. 96D.1. DEFINITIONS.**

21 *For purposes of this Chapter 96D:*

22 **"Abuse" means intentionally or recklessly causing or attempting to cause bodily injury,**
23 **or placing another person in reasonable apprehension of imminent serious bodily injury to**
24 **himself or herself, or another.**

1 “Domestic Violence” means abuse committed against an adult or a minor who is a
2 spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has
3 had a child or is having or has had a dating or engagement relationship~~the crime defined in~~
4 Section 273.5 and the crimes punishable under Section 243(e)(1), of the California Penal
5 Code.

6 “Domestic Violence Cases” are cases presented or charged consistent with the
7 definition of Domestic Violence set forth above, including cases charged under Penal Code
8 sections 273.5 and 243(e)(1), 273.6, 422, 646.9, 591, 245, 653(m), 236, and 594, cases that
9 the San Francisco Police Department’s Special Victims Unit presents to the San Francisco
10 District Attorney (“District Attorney”), and cases that the District Attorney refers to its internal
11 domestic violence unit.

12 “Personal Identifying Information” means any information that can, on its own or in
13 combination with other information, be used to contact, track, locate, identify, or reasonably infer the
14 identity of, a specific individual.

15
16 **SEC. 96D.2. QUARTERLY MONTHLY DOMESTIC VIOLENCE DATA REPORTING.**

17 (a) On a quarterly basis (the first Tuesday in February, May, August, and November),
18 On the third Friday of each month, the Police Department and the District Attorney shall each
19 transmit a written report to the Board of Supervisors, the Mayor, the Office of Racial Equity, the
20 Human Rights Commission, the Department on the Status of Women, and the Police
21 Commission. The Police Department and District Attorney shall each post their report on their
22 respective department website. The reports shall contain the following information:

23 (1) The Police Department shall report:
24
25

1 (A) The number of calls for service for Domestic Violence that the Police
2 Department received from the Department of Emergency Management in the prior quarter (quarters
3 commencing January 1, April 1, July 1, and October 1) month; and

4 (B) The number of Domestic Violence ~~cases~~ Cases that the Police Department
5 presented to the District Attorney for investigation and/or prosecution in the prior quarter ~~month,~~ -and
6 of those cases, the number in which a child or children were present and/or a firearm or firearms were
7 present.

8 (2) The District Attorney shall report:

9 (A) The number of Domestic Violence ~~cases~~ Cases that the District Attorney
10 charged in the prior quarter ~~month,~~ broken down by cases alleging violations of Penal Code
11 Section 273.5, cases alleging violations of Penal Code Section 243(e)(1), cases presented by
12 the Police Department's Special Victims Unit to the District Attorney, cases that the District
13 Attorney has referred to its internal domestic violence unit, and all other Domestic Violence
14 Cases, and what charges were filed in those cases; and

15 (B) The number of Domestic Violence ~~cases~~ Cases resolved in the prior
16 quarter ~~month,~~ broken down by cases alleging violations of Penal Code Section 273.5, cases
17 alleging violations of Penal Code Section 243(e)(1), cases presented by the Police
18 Department's Special Victims Unit to the District Attorney, cases that the District Attorney has
19 referred to its internal domestic violence unit, and all other Domestic Violence Cases, and the
20 outcome of those cases, including disposition by dismissal, diversion, acquittal, conviction, release to
21 another court or agency, or other means.

22 (C) The number of crime victims to whom, in the prior quarter, the District
23 Attorney has provided or made documented efforts to provide victim services, including but
24 not limited to assistance applying for civil protective orders, crisis support services and
25

1 counseling, guidance in navigating the criminal justice system, referrals to local resources and
2 services, and support at court hearings.

3 *(b) In addition to the reports required by subsection (a), above, the Police Department and the*
4 *District Attorney shall report the same information for the period September 1, 2019 to September 1,*
5 *2021 to the Board of Supervisors, the Mayor, the Office of Racial Equity, the Human Rights*
6 *Commission, the Department on the Status of Women, and the Police Commission, and shall*
7 *each post their reports on their respective department website, no later than December 431,*
8 *2021.*

9 *(c) The reports shall not include Personal Identifying Information.*

10 *(d) The reporting obligations under this Section 96D.2 are in addition to, and do not supplant,*
11 *any reporting obligations under Administrative Code Chapter 96A.*

12 *(e) This Section 96D.2 shall not be interpreted to require the Police Department or the District*
13 *Attorney to collect data but instead requires only that the Police Department and District Attorney*
14 *report available data.*

15 (f) In any report required under subsection (a) or (b) above, the District Attorney may,
16 in its discretion, and to the extent consistent with applicable law, provide supplemental
17 information regarding the Domestic Violence Cases and victim services reported. Any such
18 supplemental information shall not include Personal Identifying Information.

19
20 **SEC. 96D.3. UNDERTAKING FOR THE GENERAL WELFARE.**

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

1 **SEC. 96D.4. NO CONFLICT WITH FEDERAL OR STATE LAW.**

2 (a) Nothing in this Chapter 96D shall be interpreted or applied so as to create any
3 requirement, power, or duty in conflict with any federal or state law.

4 (b) No provision of this Chapter 96D is intended to abrogate or interfere with the constitutional
5 and statutory power and duties of the District Attorney as interpreted under Government Code
6 Section 25303, or other applicable State law or judicial decision.

7
8 **SEC. 96D.5. SEVERABILITY.**

9 If any section, subsection, sentence, clause, phrase, or word of this Chapter 96D, or any
10 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
11 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
12 portions or applications of the Chapter. The Board of Supervisors hereby declares that it would have
13 passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not
14 declared invalid or unconstitutional without regard to whether any other portion of this Chapter or
15 application thereof would be subsequently declared invalid or unconstitutional.

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

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

23
24 By: /S/ Sarah Crowley
 SARAH CROWLEY
 Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 211172

Date Passed: February 15, 2022

Ordinance amending the Administrative Code to require the Police Department and the District Attorney to submit quarterly reports to the Board of Supervisors, the Mayor, and various City departments regarding the number of cases of domestic violence and cases involving certain types of abuse against minors, and to require the District Attorney to submit quarterly reports to the Board of Supervisors, the Mayor, and various City departments regarding the total number of crime victims to whom the District Attorney has provided or made documented efforts to provide services.

November 09, 2021 Board of Supervisors - REFERRED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

December 09, 2021 Public Safety and Neighborhood Services Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

December 09, 2021 Public Safety and Neighborhood Services Committee - CONTINUED AS AMENDED

January 13, 2022 Public Safety and Neighborhood Services Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 13, 2022 Public Safety and Neighborhood Services Committee - CONTINUED AS AMENDED

January 27, 2022 Public Safety and Neighborhood Services Committee - RECOMMENDED

February 08, 2022 Board of Supervisors - PASSED ON FIRST READING

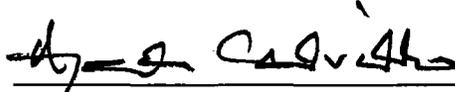
Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
Excused: 1 - Haney

February 15, 2022 Board of Supervisors - FINALLY PASSED

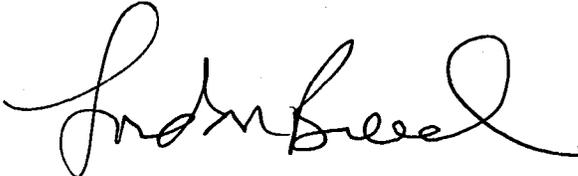
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 211172

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
2/15/2022 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

2/25/22
Date Approved