

1 [Administrative Code - Police Department Participation in Federal Counterterrorism Activities]

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3 **Ordinance amending the San Francisco Administrative Code by adding Section 2A.74**  
4 **to: 1) set City policy regarding Police Department participation in federal**  
5 **counterterrorism activities; 2) require a public discussion at the Police Commission**  
6 **before the execution of any Memorandum of Understanding with the Federal Bureau of**  
7 **Investigation regarding the Joint Terrorism Task Force; and 3) set an annual reporting**  
8 **requirement.**

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NOTE: Additions are *single-underline italics Times New Roman*;  
deletions are ~~*strike-through italics Times New Roman*~~.  
Board amendment additions are double-underlined;  
Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. The San Francisco Administrative Code is hereby amended by adding  
15 Section 2A.74, to read as follows:

16 **SEC. 2A.74. POLICE DEPARTMENT PARTICIPATION IN FEDERAL COUNTERTERRORISM**  
17 **ACTIVITIES.**

18 *(a) The City and County of San Francisco, including but not limited to the San Francisco*  
19 *Police Department, may assist federal agencies on the Federal Bureau of Investigation ("FBI") Joint*  
20 *Terrorism Task Force or any successor task force, joint operation, assignment or enforcement activity*  
21 *(collectively, "JTTF") in preventing and investigating possible acts of terrorism and other criminal*  
22 *activity only in a manner that is fully consistent with the laws of the State of California, including but*  
23 *not limited to the inalienable right to privacy guaranteed by Article 1, Section 1 of the California*  
24 *Constitution, as well as the laws and policies of the City and County of San Francisco and, as*  
25 *applicable to the Police Department, that Department's policies, procedures, and orders.*

1           (b) Before execution of any Memorandum of Understanding or other written agreement,  
2 contract or arrangement (collectively, "MOU") between the San Francisco Police Department and the  
3 FBI regarding the Police Department's participation on the JTTF, or any amendment to an existing  
4 MOU with the FBI regarding the JTTF, the Chief of Police shall submit the proposed MOU and any  
5 related Department General Orders or Bureau Orders for discussion and public comment at an open  
6 meeting of the Police Commission.

7           (c) By January 31 of each year, the Chief of Police shall provide to the Police Commission a  
8 public report with appropriate public information on the Police Department's work with the JTTF in  
9 the prior calendar year, including any issues related to compliance with this Section.

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11           Section 2. Effective Date. This ordinance shall become effective 30 days from the  
12 date of passage.

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14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By: \_\_\_\_\_  
17 KATHARINE HOBIN PORTER  
18 Deputy City Attorney