

File No. 150643

Committee Item No. 6

Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 23, 2015

Board of Supervisors Meeting

Date September 15, 2015

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 |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Defender's Recommendation |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Youth Commission Recommendation |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Amended in Board 9/8/15</u> |
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Completed by: Alisa Somera Date July 17, 2015

Completed by: Alisa Somera Date August 10, 2015

1 [Administrative Code - Mandating Data Collection and Reporting of Detentions and Traffic
2 Stops]

3 **Ordinance amending the Administrative Code to require the Police Department and the**
4 **Sheriff's Department to gather and regularly report data regarding detentions and**
5 **traffic stops.**

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

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

14 Section 1. Findings.

15 1. The policies of the San Francisco Police Department and the San Francisco
16 Sheriff's Department prohibit the use, to any extent or degree, of race, color, ethnicity,
17 national origin, gender, age, sexual orientation, or gender identity in determining whether to
18 initiate any law enforcement action in the absence of a specific suspect description.

19 2. The Board affirms the importance of eliminating bias from law enforcement
20 practices.

21 Section 42. The Administrative Code is hereby amended by adding Chapter 96A,
22 consisting of Sections 96A.1, 96A.2, 96A.3, 96A.4, 96A.5, and 96A.6, to read as follows:

23 **CHAPTER 96A: LAW ENFORCEMENT REPORTING REQUIREMENTS**

24 **SEC. 96A.1. Definitions.**

25 **SEC. 96A.2. Data Collection.**

SEC. 96A.3. Quarterly Analysis and Reporting.

1 SEC. 96A.4. Undertaking for the General Welfare.

2 SEC. 96A.5. No Conflict With Federal or State Law.

3 SEC. 96A.6. Severability.

4
5 SEC. 96A.1. DEFINITIONS.

6 For purposes of this Chapter 96A:

7 "Detention" means an interaction between an Officer and an individual in which the Officer
8 detains the individual based on reasonable suspicion that the individual has engaged in
9 criminal activity conducted under the authority of Terry v. Ohio, 392 U.S. 1 (1968).

10 "Encounter" means a Detention or Traffic Stop where the Officer initiates activity based
11 solely on the Officer's own observations or the observations and direction of another Officer,
12 rather than on information provided by dispatch or reported by a member of the public.

13 "Gender Identity" means an individual's actual or perceived gender identity, or gender-
14 related characteristics intrinsically related to an individual's gender or gender-identity,
15 regardless of the individual's assigned sex at birth.

16 "Location" means the address where the Encounter occurred, or the closest address or
17 intersection thereto.

18 "Officer" means a peace officer as defined by Section 830 of the Penal Code, employed by the
19 Police Department or Sheriff's Department.

20 "Traffic Stop" means an interaction between an Officer and an individual driving a vehicle, in
21 which the Officer orders the individual to stop the vehicle.

22 "Use of Force" means (a) for purposes of the Police Department, an Officer's use of force
23 on an individual that is required to be reported by the respective departmental policies of the
24 Police Department and the Sheriff's Department department policy, and (b) for purposes of

1 the Sheriff's Department, an Officer's use of force on an individual that results in a known
2 injury.

3
4 **SEC. 96A.2. DATA COLLECTION.**

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

7 (1) The date, time, and Location of the Encounter;

8 (2) The reason for the Encounter (e.g., the statutory or code provision(s) that the
9 Officer believes the individual subject to the Encounter violated, the individual's behavior that
10 justified the Officer's decision to engage in the Encounter, or any other legal basis the Officer
11 relied on to justify the Encounter, etc.);

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

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

16 (5) The perceived age, race or ethnicity, sex, and gender identity approximate age
17 of (A) all individuals subject to the Detention, or (B) all individuals in the driver of a vehicle stopped
18 during a Traffic Stop, and/or (C) the passengers of a vehicle stopped during a Traffic Stop, if
19 the Officer has a lawful reason to identify reasonable suspicion to detain such passengers.
20 The identification of these characteristics shall be based on the observation and perception of
21 the Officer, and the information shall not be requested from the individual stopped. The Officer
22 may collect information on age and sex by verbally asking the individual or by requesting to
23 see identification. The Officer may collect information on race or ethnicity based on
24 observation or by verbally asking the individual. The Officer shall verbally request that each
25 individual disclose gender identity. If the individual refuses to provide any or all of the

1 information sought pursuant to this subsection (a)(5), the Officer will note that the individual
2 refused the request:

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

4 (7) For Encounters conducted by officers employed by the Police Department, the
5 officer shall record the police district to which the officer is assigned, if any.

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

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

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

15 (e) If during an Encounter, the Officer is required to interrupt the Encounter to respond
16 to an emergency and the Officer is unable to collect the information required by this Section
17 96A.2, the Officer shall be exempt from reporting the information required by this Section
18 96A.2.

19
20 **SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING.**

21 On a quarterly basis (the first Tuesday in February, May, August, and November), the Police
22 Department and the Sheriff's Department respectively shall send a written report to the Mayor, and the
23 Board of Supervisors, the Police Commission, and the Human Rights Commission, covering the
24 previous quarter (quarters commencing January 1, April 1, July 1, and October 1). The Police
25 Department shall also send the report to the Police Commission. The first reports shall be due

1 on May 3 June 30, 2016, and shall include the data required by this Section 96A.3 for arrests
2 and Use of Force only. Beginning in May June 2017, the reports shall fully comply with the
3 requirements of this Section. The reports shall contain the following information for the reporting
4 period:

5 (a) For Encounters Detentions:

6 (1) The total number;

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

8 (3) The total number of searches performed broken down by race or ethnicity, age,
9 and sex;

10 (4) The total number of each type of search performed;

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

13 (6) The total number of each type of outcome disposition, and the total number for
14 each outcome disposition broken down by race or ethnicity, age, and sex; and

15 (7) The data for Encounters required to be reported by this subsection (a) shall
16 be reported separately for Detentions and Traffic Stops;

17 ~~(7) The total number of Detentions where the reported sex differs from the~~
18 ~~reported gender identity;~~

19 ~~(b) For Traffic Stops:~~

20 ~~(1) The total number;~~

21 ~~(2) The total number broken down by race or ethnicity and sex;~~

22 ~~(3) The total number of searches performed broken down by race or ethnicity~~
23 ~~and sex;~~

24 ~~(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 and sex; and~~

3 ~~_____ (6) The total number of each type of outcome, and the total number for each~~
4 ~~outcome broken down by race or ethnicity and sex; and~~

5 ~~(7) The total number of Traffic Stops where the reported sex differs from the~~
6 ~~reported gender identity;~~

7 ~~(e)(b) For Use of Force:~~

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

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 ~~(2)(3) The total number of Uses of Force broken down by racial group, race or~~
12 ~~ethnicity, age, and sex;~~

13 ~~(d)(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)(e)(d) The reports shall also include data regarding the reasons for Encounters and~~
17 ~~arrests. For purposes of reporting the types of suspected violations that led to the~~
18 ~~Detentions, and Traffic Stops, and arrests, The departments shall develop categories of violations~~
19 ~~to collect and report this information (e.g., for Detentions and arrests: reasonable suspicion or~~
20 ~~probable cause based on observation, known probationer or parolee, consent, violent crimes,~~
21 ~~property crimes, drug crimes, etc.; e.g., for Traffic Stops: moving violations, equipment violations,~~
22 ~~stops based on suspicion of other criminal conduct, etc.). The departments shall explain in the~~
23 ~~report which violations fall into each category, and shall report the number of Detentions, and Traffic~~
24 ~~Stops, and arrests for each category. The departments shall also report the total number of each~~
25 ~~category of violation broken down by race or ethnicity, age, and sex.~~

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

4 ~~(e)~~~~(f)~~ The Police Department shall obtain from the Office of Citizen Complaints
5 ("OCC") and include in its report the total number of complaints for the reporting period
6 received by OCC that OCC characterizes as allegations of bias based on race or ethnicity,
7 gender, or Gender Identity. The Police Department shall also obtain from OCC and include in
8 its report the total number of OCC complaints closed during the reporting period that OCC
9 characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity,
10 and the total number of each type of disposition for such complaints.

11 ~~(h)~~~~(g)~~ The reports of the Sheriff's Department may separate data for the department's
12 custody division and the department's field division.

13 ~~(f)~~~~(i)~~~~(h)~~ The department may include in the report any other information the department
14 concludes will assist in understanding the information required by subsections (a)-~~(e)~~~~(g)~~ of this Section
15 96A.3. Where subsections (a)-~~(e)~~~~(d)~~ require that total numbers be broken down by race or ethnicity,
16 age, or sex, the department shall also calculate and report the applicable percentages for each group.

17
18 **SEC 96A.4. UNDERTAKING FOR THE GENERAL WELFARE.**

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

1 **SEC. 96A.5. NO CONFLICT WITH FEDERAL OR STATE LAW.**

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

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

7
8 **SEC. 96A.6. SEVERABILITY.**

9 If any section, subsection, sentence, clause, phrase, or word of this Chapter 96A, 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 Article. 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 ~~23~~. Effective Date and Operative Date. This ordinance shall become effective
18 30 days after enactment. But the provisions of this ordinance shall become operative January
19 1, 2016, except as to Section 96A.2, which shall become operative on January 1, 2017.

20 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance

21 ///
22 ///
23 ///
24 ///
25 ///

1 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
2 Supervisors overrides the Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:



7 BRADLEY A. RUSSI
8 Deputy City Attorney

9 n:\legana\as2015\1500797\01024094.doc

REVISED LEGISLATIVE DIGEST

(9/8/2015, Amended in Board)

[Administrative Code - Mandating Data Collection and Reporting of Detentions and Traffic Stops]

Ordinance amending the Administrative Code to require the Police Department and the Sheriff's Department to gather and regularly report data regarding detentions and traffic stops.

Existing Law

City law does not require the Police Department or the Sheriff's Department to collect data regarding detentions or traffic stops. City law does not require the Police Department or the Sheriff's Department to report data regarding detentions, traffic stops, arrests, and use of force.

Amendments to Current Law

The proposed ordinance would amend the Administrative Code to require peace officers employed by the Police Department and the Sheriff's Department to collect information including the age, race, and sex of each individual subject to a detention or traffic stop, where the officer initiated activity based on his or her own observations or the observations of a fellow officer, rather than on information provided by dispatch or reported by a member of the public. The ordinance also requires officers to record information regarding any searches performed during such incidents, the reason for the detention or traffic stop, and the outcome of the detention or traffic stop.

The ordinance further requires the Police Department and the Sheriff's Department to submit quarterly reports to the Board, the Mayor's Office, the Police Commission, and the Human Right Commission regarding the data collected under the ordinance for detentions and traffic stops. The ordinance also requires the departments to report certain data that the departments already collect regarding arrests and use of force.

Background

This updated digest reflects amendments made at the Board hearing on September 8, 2015.

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Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

**YOUTH COMMISSION
MEMORANDUM**

TO: Alisa Somera, Rules Committee Clerk
FROM: Youth Commission
DATE: Wednesday July 22, 2015
RE: Referral response to BOS Files No. 150643

At our **Monday, July 20, 2015** meeting, the Youth Commission voted unanimously to support the following motion:

To support BOS File No. 150643 – Ordinance amending the Administrative Code to require the Police Department and the Sheriff’s Department to gather and regularly report data regarding detentions and traffic stops

The Youth Commission’s support for this legislation is based on its support of efforts to end pretextual stops based on race and gender, as well as to ensure regular review of the outcomes of detentions and traffic stops. They hope these reviews can also shed light on relations between young people and police, as well as possible improvements thereof.

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script that reads "Michel Li".

Chair, Michel Li
Adopted on July 22, 2015
2014-2015 San Francisco Youth Commission

Somera, Alisa (BOS)

From: Evans, Derek
nt: Thursday, July 23, 2015 8:34 AM
o: Somera, Alisa (BOS)
Subject: FW: Data Collection Suggestions
Attachments: 150643_Police_Sheriff_Pub Def - Data Collection of Detentions and Traffic Stops_cch edits.docx

From: jeff.adachi@sfgov.org [mailto:jeff.adachi@sfgov.org]
Sent: Friday, June 26, 2015 5:46 PM
To: Evans, Derek
Cc: Cohen, Malia (BOS)
Subject: Fwd: Data Collection Suggestions

Recommendations
Public Defender's Office

Here are our comments. Thx!

Sent from my iPhone

Begin forwarded message:

From: "Chris Hite" <Chris.Hite@sfgov.org>
Date: June 26, 2015 at 2:43:01 PM PDT
To: "Jeff Adachi" <jeff.adachi@sfgov.org>, "Rebecca Young" <Rebecca.Young@sfgov.org>, "PUBDEF-RJC" <PUBDEF-RJC@sfgov.org>
Subject: Data Collection Suggestions

Hey Jeff,

Here are the suggested changes by the RJC to the Data Collection legislation. Let me know if you have any questions.

Thanks,

(See attached file: 150643_Police_Sheriff_Pub Def - Data Collection of Detentions and Traffic Stops_cch edits.docx)

Christopher C. Hite, Esq.
Office of the Public Defender
555 Seventh Street, 2nd Floor
San Francisco, CA 94103
Tel: (415) 553-4911
Fax: (415) 276-2363
Email: chris.hite@sfgov.org

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Public Defender's Recommendations (attachment to email)

1 [Administrative Code - Mandating Data Collection and Reporting of Detentions and Traffic
2 Stops]

3 **Ordinance amending the Administrative Code to require the Police Department and the**
4 **Sheriff's Department to gather and regularly report data regarding detentions and traffic**
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11 **Asterisks (*)** indicate the omission of unchanged Code subsections
12 or parts of tables.

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

14 Section 1. The Administrative Code is hereby amended by adding Chapter 96A,
15 consisting of Sections 96A.1, 96A.2, 96A.3, 96A.4, 96A.5, and 96A.6, to read as follows:

16 CHAPTER 96A: LAW ENFORCEMENT REPORTING REQUIREMENTS

17 SEC. 96A.1. Definitions.

18 SEC. 96A.2. Data Collection.

19 SEC. 96A.3. Quarterly Reporting.

20 SEC. 96A.4. Undertaking for the General Welfare.

21 SEC. 96A. 5. No Conflict With Federal or State Law.

22 SEC. 96A. 6. Severability.

23 SEC. 96A.1. DEFINITIONS.

24 For purposes of this Chapter 96A:

25 "Detention" means an interaction between an Officer and an individual conducted under
the authority of Terry v. Ohio, 392 U.S. 1 (1968).

1 "Encounter" means investigative contacts (including field investigations, warrants and warrants
2 checks, probation and parole checks and identification verifications). ~~Detentions~~ and Traffic
3 Stops.

4 "Location" means the address where the Encounter occurred, or the closest address or
5 intersection thereto.

6 "Officer" means a peace officer as defined by Section 830 of the Penal Code, employed by the
7 Police Department or Sheriff's Department.

8 "Traffic Stop" means an interaction between an Officer and an individual driving a vehicle, in
9 which the Officer orders the individual to stop the vehicle.

10 "Use of Force" means an Officer's use of force on an individual that is required to be reported by
11 the respective departmental policies of the Police Department and the Sheriff's Department.

12 SEC. 96A.2. DATA COLLECTION.

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

15 (1) The date, time, and Location of the Encounter;

16 (2) The statutory or code provision(s) that the Officer believes the individual subject to the
17 Encounter violated;

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

20 (4) The outcome of the Encounter (e.g., warning, citation, arrest, release with no
21 further action);

22 (5) The age, race, sex, and gender identity of (A) all individuals subject to the Detention
23 or (B) all individuals in a vehicle stopped during a Traffic Stop. The Officer may collect information on
24 age and sex by verbally asking the individual or by requesting to see identification. The Officer may
collect information on race based on observation or by verbally asking the individual. The Officer shall
verbally request that each individual disclose gender identity. If the individual refuses to provide

1 any or all of the information sought pursuant to this subsection (a)(5), the Officer will note that the
2 individual refused the request:

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

4 (7) For Encounters conducted by officers employed by the Police Department, the
5 officer shall record the police district to which the officer is assigned, if any.

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

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

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

15
16 **SEC. 96A.3. QUARTERLY REPORTING.**

17 On a quarterly basis (the first Tuesday in February, May, August, and November), the Police
18 Department and the Sheriff's Department respectively shall send a written report to the Mayor and the
19 Board of Supervisors, covering the previous quarter (quarters commencing January 1, April 1, July 1,
20 and October 1). The Police Department shall also send the report to the Police Commission. The first
21 reports shall be due on May 3, 2016. The reports shall contain the following information for the
22 reporting period:

23 (a) Investigative Contacts

24 (1) The total number;

25 (2) The total number broken down by race and sex;

- 1 (3) The total number of searches performed broken down by race and sex;
2 (4) The total number of each type of search performed;
3 (5) For each type of search performed, the total number broken down by race and sex;
4 (6) The total number of each type of outcome, and the total number for each outcome
5 broken down by race and sex; and
6 (7) The total number of Detentions where the reported sex differs from the reported
7 gender identity;

(a)(b) For Detentions:

- 1 (1)(3) The total number;
2 (2)(4) The total number broken down by race and sex;
3 (3) The total number of searches performed broken down by race and sex;
4 (4) The total number of each type of search performed;
5 (5) For each type of search performed, the total number broken down by race and
6 sex;
7 (6) The total number of each type of outcome, and the total number for each outcome
8 broken down by race and sex; and
9 (7) The total number of Detentions where the reported sex differs from the reported
10 gender identity;

(b)(c) For Traffic Stops:

- 1 (1) The total number;
2 (2) The total number broken down by race and sex;
3 (3) The total number of searches performed broken down by race and sex;
4 (4) The total number of each type of search performed;
5 (5) For each type of search performed, the total number broken down by race and
6 sex;
7 (6) The total number of each type of outcome, and the total number for each outcome
8 broken down by race and sex; and
9 (7) The total number of Traffic Stops where the reported sex differs from the
10 reported
11 gender identity;

(c)(d) For Use of Force:

- 1 (1) The total number of Uses of Force; and

20 (2) 1 total number broken down by racial grc and sex.

21 (d) (e) For purposes of reporting the types of suspected violations that led to the Investigative
Contacts, Detentions and

22 Traffic Stops, the department shall develop categories of violations (e.g., for Investigative Contacts
and Detentions: violent

23 crimes, gang related crimes, property crimes, drug crimes, etc.; e.g., for Traffic Stops: moving
violations, equipment

24 violations, stops based on suspicion of other criminal conduct, etc.), explaining in the report which

25 violations fall into each category, and shall report the number of Detentions and Traffic Stops for
each category. The department shall also report the total number of each category of violation broken
down by race and sex.

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

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

14 SEC 96A.4. UNDERTAKING FOR THE GENERAL WELFARE.

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

20 SEC. 96A. 5. NO CONFLICT WITH FEDERAL OR STATE LAW.

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

23 (b) No provision of this Chapter 96A is intended to abrogate or interfere with the
24 constitutional and statutory power and duties of the Sheriff as interpreted under Government Code
25 section 25303, or other applicable State law or judicial decision.

1 **SEC. 96A.6. SEVERABILITY.**

2 If any section, subsection, sentence, clause, phrase, or word of this Chapter 96A, or any
3 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
4 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
5 portions or applications of the Article. The Board of Supervisors hereby declares that it would have
6 passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not
7 declared invalid or unconstitutional without regard to whether any other portion of this Chapter or
8 application thereof would be subsequently declared invalid or unconstitutional.

9
10 Section 2. Effective Date and Operative Date. This ordinance shall become effective
11 30 days after enactment. But the provisions of this ordinance shall become operative January
12 1, 2016. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

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

18 By: _____
19 BRADLEY A. RUSSI
Deputy City Attorney

20 n:\egana\as2015\1500797\01024094.doc

21
22
23
24
5

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Rm 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Chief Greg Suhr, Police Department
Sheriff Ross Mirkarimi, Sheriff's Department
Jeff Adachi, Public Defender's Office
Joyce Hicks, Executive Director, Office of Citizen Complaints

FROM: Derek Evans, Assistant Clerk

DATE: June 23, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety & Neighborhood Services Committee has received the following legislation, introduced by Supervisor Malia Cohen, which is being referred to your department.

File No. 150643

Ordinance amending the Administrative Code to require the Police Department and the Sheriff's Department to gather and regularly report data regarding detentions and traffic stops.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Christine Fountain, Police Department
Inspector John Monroe, Police Department
Katherine Gorwood, Sheriff's Department

Somera, Alisa (BOS)

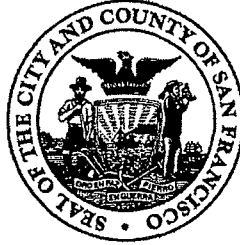
From: Caldeira, Rick (BOS)
It: Tuesday, September 08, 2015 2:38 PM
to: Somera, Alisa (BOS)
Subject: co-sponsors

150643

150643

Supervisors Breed, Yee, Kim, Campos, and Mar requested to be added as co-sponsors.

President, District 5
BOARD of SUPERVISORS



BOSII, GAO
Rules, Leg Dep
Dep City Atty
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227
mayors

London Breed

PRESIDENTIAL ACTION

Date: 7/14/15
To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)
File No. _____ (Primary Sponsor)
Title. _____

Transferring (Board Rule No. 3.3)
File No. 150643 Cohen (Primary Sponsor)
Title. Mandating Data Collection and Reporting of

From: Government Audit & Oversight Committee
To: Rules Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)
Supervisor _____
Replacing Supervisor _____
For: _____ Meeting
(Date) (Committee)

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BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JUL 15 PM 1:06

London Breed, President
Board of Supervisors

BOS-11, PS, NSComm, GAO,
COB, Leg Dep, Dep. Cl,
Majors

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 6/25/15

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title: _____

Transferring (Board Rule No. 3.3)

File No. 150643 Cohen
(Primary Sponsor)

Title: Mandating Data Collection and Reporting of

From: Public Safety & Neighborhood Services Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JUN 25 PM 2:51

London Breed, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach 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 a Imperative Form.

Sponsor(s):

Cohen

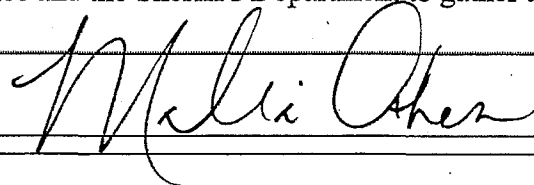
Subject:

[]

The text is listed below or attached:

Ordinance amending the Administrative Code to require the Police and the Sheriff's Department to gather and regularly report data regarding detentions and traffic stops.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: