

File No. 150973

Committee Item No. 2

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Public Safety and Neighborhood Services Date January 21, 2016

Board of Supervisors Meeting Date FEBRUARY 2, 2015

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Completed by: Erica Major Date January 15, 2016
Completed by: JAM Date 1/25/2016

FILE NO. 150973

ORDINANCE NO.

[Administrative Police Code - Storage of Peace Officers' Firearms in Motor Vehicles]

1 Ordinance amending the Administrative Police Code to prohibit City peace officers any
2 person from placing, storing, or leaving a firearm in an unattended a City-issued
3 firearm in a motor vehicle under the peace officer's control unless it is in a locked
4 container lock box or in the locked trunk of the motor vehicle.

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

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

13 Section 1. The Administrative Police Code is hereby amended by adding Article 36B,
14 consisting of Sections 3600B, 3601B, 3602B, 3603B, 3604B, and 3605B, Chapter 103 and
15 Section 103.1, to read as follows:

16 **ARTICLE 36B:CHAPTER 103:**

17 **STORAGE OF FIREARMS IN MOTOR VEHICLESPEACE OFFICERS**

18 **SEC. 3600B. FINDINGS.**

19 (a) A report by the U.S. Department of Justice, Bureau of Justice Statistics, found that
20 1.4 million firearms were stolen across the country from 2005 through 2010. This number
21 represents an estimated average of 232,400 firearms stolen each year — about 172,000
22 stolen during burglaries and 60,300 stolen during other property crimes. The report also
23 found that the vast majority — at least 80 percent — were never recovered.
24
25

1 (b) Auto burglaries in dense urban areas are on the rise, and San Francisco has seen
2 an absolute explosion of auto burglaries. According to the San Francisco Police Department's
3 crime data, an alarming 47 percent spike in San Francisco car burglaries has occurred in the
4 first half of this year. From the beginning of January through the end of June of 2015 there
5 have been 11,917 reported vehicle burglaries in the City and County of San Francisco. That
6 same number during the same time period escalated 62 percent from 2013. And it has
7 skyrocketed to 171 percent from 2010, a year that saw 4,396 reported vehicle burglaries
8 between January and the end of June.

9 (c) Recently, auto burglaries in the San Francisco Bay Area have resulted in the theft of
10 firearms from vehicles. In July, a San Francisco resident was killed by someone using a
11 handgun stolen four days earlier from a federal agent's car in downtown San Francisco. In
12 August, a firearm was stolen from the UC Berkeley Police Chief's vehicle at Point Isabel
13 Regional Shoreline in Richmond, California. In October of 2015, a gun was stolen from a
14 California Highway Patrol officer's vehicle in the South of Market area of San Francisco. In
15 the same month, three individuals were charged with murdering a woman in Golden Gate
16 Park and a second victim in Marin using a handgun stolen from a car at Fisherman's Wharf.
17 In late October, police officials recovered two stolen guns from cars in the home of a
18 suspected serial auto burglar.

19 (d) These recent auto burglaries resulting in the theft of firearms have been from
20 unattended vehicles. The City and County of San Francisco finds that it has a strong local
21 interest in preventing the theft of firearms from unattended vehicles and that requiring
22 reasonable measures to secure firearms left in attended vehicles will reduce gun thefts and
23 prevent guns from falling into the hands of criminals.

1 **SEC. 3601B. DEFINITIONS.**

2 "Firearm" means a Firearm as defined in California Penal Code section 12001, as
3 amended from time to time.

4 "Lock box" means a container that is listed on the California Department of Justice
5 Bureau of Firearms roster of approved firearm safety devices.

6 "Motor Vehicle" means a vehicle as defined in California Vehicle Code section 415, as
7 amended from time to time.

8 "Trunk" means a fully enclosed compartment that is separate from the main cabin of
9 the Motor Vehicle.

10 "Unattended" means that a person aged 18 or over is not present in the Motor Vehicle.

11 ~~SEC. 103.1. STORAGE OF CITY ISSUED PEACE OFFICER FIREARMS IN~~
12 ~~PRIVATE VEHICLES.~~

13 **SEC. 3602B. STORAGE OF FIREARMS IN MOTOR VEHICLES.**

14 ~~(a) A peace officer employed by the City and County of San Francisco may not place,~~
15 ~~store, or leave unattended a City issued firearm in any vehicle that is under the peace officer's~~
16 ~~control or direction, except the firearm may be placed:~~

17 ~~(a) No person may place, store, or leave a Firearm in an unattended Motor Vehicle~~
18 ~~unless the Firearm is stored:~~

19 ~~(1) In a locked container in the trunk of the vehicle as defined in California~~
20 ~~Penal Code section 16850, as amended from time to time; or~~

21 ~~—— (2) In a trunk that is fully enclosed with a compartment that is separate from the~~
22 ~~main cabin of the vehicle and locked by a secure locking device as defined in California Penal~~
23 ~~Code section 16860, as amended from time to time.~~

24 (1) in a locked Trunk of a Motor Vehicle, provided that the automatic Trunk
25 release in the main cabin of the Motor Vehicle is disabled; or

1 (2) in a Lock Box that is permanently affixed to the Trunk of a Motor Vehicle,
2 provided that the Lock Box is locked; or

3 (3) for Motor Vehicles with four or more wheels and lacking a Trunk, in a Lock
4 Box that is permanently affixed to the Motor Vehicle and underneath a seat; or covered, or
5 otherwise outside the view of the public, provided that the Lock Box is locked; or

6 (4) for Motor Vehicles with fewer than four wheels, in a Lock Box that is
7 permanently affixed to the Motor Vehicle, provided that the Lock Box is locked.

8 ~~(b) This requirement applies to privately owned vehicles and is in no way intended to~~
9 ~~conflict with the applicable City department's rules governing the storage of firearms in City-~~
10 ~~owned vehicles or vehicles under their control. To the extent there is a conflict between the~~
11 ~~laws or rules, the more stringent requirement shall govern.~~

12 (b) Notwithstanding subsections (a)(1), (a)(2), (a)(3), and (a)(4) no person may place,
13 store, or leave a Firearm overnight in an unattended Motor Vehicle.

14 ~~(c) This Article 36B section is not intended to conflict with applicable State or federal law, if~~
15 ~~any.~~

16 (d) This Article 36B is intended to apply to all Motor Vehicles within the City and County
17 of San Francisco. Notwithstanding the foregoing sentence, nothing in this Article 36B shall
18 apply to on-duty peace officers employed by jurisdictions other than the City and County of
19 San Francisco or to federal officers or military personnel who are acting within the scope of
20 their authority and discharging their official duties. To the extent this Article conflicts with a
21 City department's rules governing the storage of firearms in City owned Motor Vehicles or
22 other Motor Vehicles under the department's control, the more stringent requirement shall
23 govern. Any peace officer employed by City and County of San Francisco is exempt from the
24 requirements of this Article provided that the officer's employing department has a policy
25 regulating the storage of firearms for both on and off duty conduct by the officer.

1 **SEC. 3603B. PENALTY.**

2 Every violation of Section 3602B shall constitute a misdemeanor and shall be
3 punishable by a fine not to exceed \$10,000 or by imprisonment in the county jail not to exceed
4 six months, or by both.

5 **SEC. 3604B. PROMOTION OF GENERAL WELFARE.**

6 In enacting and implementing Article 36B this Section 103.4, the City is assuming an
7 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers
8 and employees, an obligation for breach of which it is liable in money damages to any person who
9 claims that such breach proximately caused injury.

10 **SEC. 3605B. SEVERABILITY.**

11 It is the intention of the City and County of San Francisco that all persons within San
12 Francisco be subject to Article 36B while in San Francisco. This Article or portion thereof
13 shall not apply to anyone subject to the criminal prosecution under state law for the same
14 conduct. If a court determines that this Article or any portion thereof may not be applied to a
15 particular class of persons, it is the intention of the City and County of San Francisco that
16 applicability of the Article or portion thereof to those persons shall be severed from the
17 remainder of this Article or other portions thereof, which shall continue to apply to other
18 persons.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

1 Section 2. Effective and Operative Dates.

2 (a) This ordinance shall become effective 30 days after enactment. Enactment
3 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
4 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
5 overrides the Mayor's veto of the ordinance.

6 (b) This ordinance shall become operative 60 days after enactment.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 Buck Delventhal
12 Deputy City Attorney

13 n:\legana\as2015\1600132\01072560.docx

LEGISLATIVE DIGEST
Amended - 01/21/2016

[Police Code - Storage of Firearms in Motor Vehicles]

Ordinance amending the Police Code to prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless it is in a lock box or in the locked trunk of the motor vehicle.

Existing Law

Currently, there is no law that requires any person that leaves their firearm in an unattended motor vehicle to store it in a lock box or in the locked trunk of the motor vehicle.

Amendments to Current Law

This legislation would prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless the firearm is stored:

- (1) in a locked Trunk of a Motor Vehicle, provided that the automatic Trunk release in the main cabin of the Motor Vehicle is disabled; or
- (2) in a Lock Box that is permanently affixed to the Trunk of a Motor Vehicle, provided that the Lock Box is locked; or
- (3) for Motor Vehicles with four or more wheels and lacking a Trunk, in a Lock Box that is permanently affixed to the Motor Vehicle and underneath a seat, or covered, or otherwise outside the view of the public, provided that the Lock Box is locked; or
- (4) for Motor Vehicles with fewer than four wheels, in a Lock Box that is permanently affixed to the Motor Vehicle, provided that the Lock Box is locked.

This legislation is intended to apply to all motor vehicles within the City and County of San Francisco, except for on-duty peace officers employed by jurisdictions other than the City and County of San Francisco or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties.

Every violation of this legislation will constitute a misdemeanor and will be punishable by a fine not to exceed \$10,000 or by imprisonment in the county jail not to exceed six months, or by both.

Public Safety and Neighborhood Services Committee Amendments

On January 21, 2016, the Public Safety and Neighborhood Services Committee amended the Ordinance to exempt peace officer employed by the City provided that the officer's employing

FILE NO. 150973

department has a policy regulating the storage of firearms for both on and off duty conduct by the officer.

On November 19, 2015, the Public Safety and Neighborhood Services Committee expanded the scope of the ordinance to cover all firearms left in an unattended vehicle.

Background Information

On September 29, 2015, Supervisor Campos introduced legislation that prohibits City and County of San Francisco peace officers from placing, storing, or leaving a City issued firearm in an unattended vehicle unless it is in a locked container or in the locked trunk of the vehicle.

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Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Wednesday, December 16, 2015 8:07 AM
To: Somera, Alisa (BOS)
Subject: RE: 150973: Add Farrell

Ok thanks! Printed new redline, new master, added her in legistar and copied redline.

Thanks Lisa!

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org



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From: Somera, Alisa (BOS)
Sent: Tuesday, December 15, 2015 7:08 PM
To: Major, Erica (BOS) <erica.major@sfgov.org>
Subject: RE: 150973: Add Farrell

Cohen also added to 150973.

From: Major, Erica (BOS)
Sent: Tuesday, December 15, 2015 4:26 PM
To: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: RE: 150973: Add Farrell

Confirmed, redline updated, printed and added to official file. Keep them coming, the more I do today the less on my load tomorrow! 😊

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
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From: Somera, Alisa (BOS)
Sent: Tuesday, December 15, 2015 3:55 PM
To: Major, Erica (BOS) <erica.major@sfgov.org>
Subject: 150973: Add Farrell

Farrell requested to be added as a co-sponsor in Board today. I've added in Legistar, please process file and red-line. Thank you!

Lisa

Major, Erica (BOS)

From: Somera, Alisa (BOS)
Sent: Tuesday, December 15, 2015 3:55 PM
To: Major, Erica (BOS)
Subject: 150973: Add Farrell

Farrell requested to be added as a co-sponsor in Board today. I've added in Legistar, please process file and red-line. Thank you!

Lisa

FILE 150973

London Breed
President, Board of Supervisors
District 5



City and County of San Francisco

FOR IMMEDIATE RELEASE
December 11, 2015

SUPERVISORS STATEMENT REGARDING THE SHOOTING OF MARIO WOODS

First and foremost, we offer our condolences to the family and friends of Mario Woods. We grieve the loss of yet another young African American man. And while we cannot bring him back, we will do our best to prevent others from suffering his fate.

The tragedy of Mr. Woods' case is not that police officers acted outside of proper SFPD procedures—an independent investigation will evaluate that. The tragedy is that police procedures themselves can seem to encourage violence. Now is the time for the San Francisco Police Department to become a model for de-escalation. We need mandatory crisis-intervention training for all officers, a renewed emphasis on community policing, more non-lethal options like shields, and a stronger sense that guns are a tool of absolute last resort.

San Francisco police officers serve the City in a difficult, dangerous job. The City has an obligation to develop practices that will keep them *and* the community safe.

This will require collaboration and, frankly, healing. Unfortunately the Police Officers Association's December 9 letter offered neither, preferring instead to criticize our District 10 colleague, Supervisor Malia Cohen. We support Supervisor Cohen. We share her concerns. We feel the anger and sadness of a community that's endured too much violence on our streets. And we are committed to not only a full investigation of this shooting, but to a reevaluation of police practices that will emphasize de-escalation and hopefully prevent another tragedy like this from occurring.

President of the Board of Supervisors, London Breed
Supervisor John Avalos



SAN FRANCISCO POLICE OFFICERS ASSOCIATION
800 Bryant Street, Second Floor
San Francisco, CA 94103
415.861.5060 tel
415.552.5741 fax
www.sfpoa.org

FILE NO. 150973

MARTIN HALLORAN
President
TONY MONTOYA
Vice President
MICHAEL NEVIN
Secretary
JOE VALDEZ
Treasurer
VAL KIRWAN
Sergeant At Arms

December 9, 2015

San Francisco Board Of Supervisors
San Francisco City Hall
1 Dr Carlton B Goodlett Pl,
San Francisco, CA 94102

Dear Members of the Board of Supervisors:

The San Francisco Police Officers Association is saddened and disappointed by the knee jerk reaction by one member of the Board of Supervisors to the fatal shooting of Mario Woods. We as police officers understand the challenging nature of our job. We are often sent into violent, uncertain, chaotic situations and are then second guessed by Monday-morning quarterbacks who have no expertise in the subject matter and no knowledge of facts, and circumstances surrounding a tragic outcome.

With respect to the shooting of Mr. Woods, the Chief of Police and other experts in the field of law enforcement have opined that while tragic, the shooting was within department policy and training.

One member of the Board of Supervisors has, undeterred by her lack of knowledge or critical facts about the incident, made dangerous and inflammatory statements based on little more than an eight second video clip. The POA has had its differences with many members of the Board of Supervisors over the years concerning public safety issues; however, generally, supervisors have balanced their criticisms of the police department with the recognition of the Supervisor's role in helping to insure public safety. Unfortunately, the statement that appeared in today's San Francisco Chronicle displays little concern for public safety and is more designed to appease certain anti-police groups.

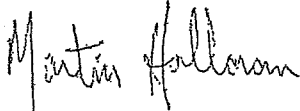
San Francisco Board Of Supervisors

San Francisco City Hall

December 9, 2015

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This behavior is dangerous and irresponsible. No police department in the country does more outreach in the community than the SFPD. No police department in the country does more to work with the disenfranchised than the SFPD. No police department in the country is more diverse, progressive, and tolerant than the SFPD. It saddens us that some continue to make irresponsible remarks that do nothing more than inflame the situation. It is grossly unfair that the men and women in SFPD are being falsely accused and unfairly portrayed by some in city government.



Martin Halloran
SFPOA President

cc: Mayor Edwin Lee
President Suzy Loftus
Vice President L. Julius M. Turman
Commissioner Thomas Mazzucco
Commissioner Sonia E. Melara
Commissioner Joe Marshall
Commissioner Petra DeJesus
Commissioner Victor Hwang
Chief Greg Suhr

Member, Board of Supervisors
District 1
市參議員、第一區



City and County of San Francisco

ERIC MAR
馬兆光

DATE: December 4, 2015
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Eric Mar
Chairperson
RE: Public Safety and Neighborhood Services Committee
COMMITTEE REPORT

A handwritten signature in black ink that reads "ERIC MAR".

APPROVED DEC 04 P.M.
2015

Pursuant to Board Rule 4.20, as Chair of the Public Safety and Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on December 15, 2015, as a Committee Report:

150973 Police Code - Storage of Firearms in Motor Vehicles

Ordinance amending the Police Code to prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless it is in a lock box or in the locked trunk of the motor vehicle.

This matter will be heard at the Special Meeting of the Public Safety and Neighborhood Services Committee on December 11, 2015, at 1:15 p.m.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 DEC - 4 PM 2:07
22

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: Greg Suhr, Chief, Police Department
Ross Mirkarimi, Sheriff, Sheriff's Department
Karen Fletcher, Chief, Adult Probation Department

FROM: Derek Evans, Assistant Clerk

DATE: October 9, 2015

SUBJECT: LEGISLATION INTRODUCED

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

File No. 150973

Ordinance amending the Administrative Code to prohibit City peace officers from placing, storing, or leaving unattended a City issued firearm in a vehicle under the peace officer's control unless it is in a locked container or in the locked trunk of the vehicle.

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 Commission
Katherine Gorwood, Sheriff's Department

Major, Erica (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, November 23, 2015 9:18 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: File 150973 FW: Guns in locked containers

-----Original Message-----

From: Mark Hudson [mailto:exfn@comcast.net]
Sent: Friday, November 20, 2015 10:23 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Guns in locked containers

Just another useless sf gun law that punishes law abiding citizens. I'm sure all the thugs that run rampant in your sanctuary city will immediately go and buy sf approved gun lock boxes. Why not just get it over with and try to overturn the 2nd amendment all together.

No wonder tax paying, law abiding citizens and small businesses are leaving a once great city in droves.

Campos is an enemy of our country and people.

I'll take my chances with a jury than comply with an illegal law. You are not above state law in your utopian planet. I don't live in sf and avoid it if at all possible.

Mark Hudson RN

Sent from my irritable I phone

Major, Erica (BOS)

om: Low, Jen (BOS)
Sent: Thursday, November 19, 2015 3:46 PM
To: Major, Erica (BOS); Evans, Derek
Cc: Ronen, Hillary
Subject: RE: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles


Thank you both!

From: Major, Erica (BOS)
Sent: Thursday, November 19, 2015 3:42 PM
To: Evans, Derek <derek.evans@sfgov.org>
Cc: Ronen, Hillary <hillary.ronen@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>
Subject: RE: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Hi Jen,

Supervisor Yee has been added to File No. 150973 as a co-sponsor.

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

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From: Evans, Derek
Sent: Thursday, November 19, 2015 3:40 PM
To: Major, Erica (BOS) <erica.major@sfgov.org>
Cc: Ronen, Hillary <hillary.ronen@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>
Subject: FW: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Hi Jen,

Will do. Forwarding to Erica Major, who will be clerking Public Safety and Neighborhood Services moving forward.

Regards,

Derek K. Evans

Assistant Clerk, Board of Supervisors
(415) 554-7702



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From: Low, Jen (BOS)
Sent: Thursday, November 19, 2015 3:29 PM
To: Evans, Derek <derek.evans@sfgov.org>
Cc: Ronen, Hillary <hillary.ronen@sfgov.org>
Subject: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Hi Derek,

Could you add Supervisor Norman Yee as a co-sponsor to **File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles (Campos)**?

Thank you!

Jen

Jen Low
Legislative Aide
Supervisor Norman Yee | District 7
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
P | 415.554.6521 F | 415.554.6546

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Print Form

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):

Campos

Subject:

Storage of Peace Officers' Firearms in Vehicles

The text is listed below or attached:

[]

Signature of Sponsoring Supervisor: *David Campos*

For Clerk's Use Only:

