

BOARD of SUPERVISORS



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

MEMORANDUM

TO: William Scott, Police Chief
Vicki Hennessy, Sheriff
George Gascón, District Attorney
Jeff Adachi, Public Defender
Barbara Garcia, Director, Department of Public Health

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: June 12, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Ronen on June 5, 2018:

File No. 180617

Ordinance amending the Police Code to require law enforcement officials to provide either a verbal warning or a written warning, rather than having to provide a written warning, prior to issuing a dispersal order to ensure access to a reproductive health care facility.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Rowena Carr, Police Department
Asha Steeves, Police Department
Theodore Toet, Sheriff's Office
Katherine Gorwood, Sheriff's Office
Nancy Crowley, Sheriff's Office
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health

1 [Police Code - Access to Reproductive Health Care Facilities]

2
3 **Ordinance amending the Police Code to require law enforcement officials to provide**
4 **either a verbal warning or a written warning, rather than having to provide a written**
5 **warning, prior to issuing a dispersal order to ensure access to a reproductive health**
6 **care facility.**

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

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

15 Section 1. Article 43 of the Police Code is hereby amended by revising Section 4304,
16 to read as follows:

17 **SEC. 4304. ENFORCEMENT.**

18 (a) **Criminal Enforcement.** Any person who violates Section 4303 of this Article 43
19 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by
20 incarceration in the County Jail, fine, or both. Upon a first conviction for violation of Section
21 4303, the person shall be incarcerated in the County Jail for up to three months, or fined up to
22 \$500, or both. Upon a subsequent conviction for violation of Section 4303, the person shall be
23 incarcerated in the County Jail for up to six months, or fined up to \$1000, or both.

24 (b) **Civil Enforcement.** An aggrieved person may enforce the provisions of this
25 Article 43 by means of a civil action. An aggrieved person includes any reproductive health
care facility that is the site of a violation of this Article. Any person who violates any of the

1 provisions of this Article or who aids in the violation of this Article shall be liable to the
2 aggrieved person for special and general damages, but in no case less than \$1000 plus
3 attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a
4 proper case.

5 (c) **Dispersal Order.** A law enforcement official may order the immediate dispersal of
6 a gathering that continues to violate ~~s~~Section 4303 after a written *or verbal* warning. A
7 dispersal order issued pursuant to this *subsection (c)* shall include the following statements:
8 (1) the gathering has substantially impeded access to or departure from the reproductive
9 health care facility; (2) each member of the gathering shall, under the penalty of arrest and
10 prosecution, immediately disperse and cease to stand or be located within at least 25 feet of
11 an entrance or a driveway to the reproductive health care facility; and (3) the order shall
12 remain in place for eight hours or until the close of business of the reproductive health facility,
13 whichever is earlier. This subsection (c) shall apply during the business hours of a
14 reproductive health care facility and up to one hour before the posted business hours.

15 (d) **Other Enforcement.** Nothing in this Article 43 shall preclude any person from
16 seeking any other remedies, penalties, or procedures provided by law.

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

22
23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

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

7 By:



8 ALICIA CABRERA
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Access to Reproductive Health Care Facilities]

Ordinance amending the Police Code to require law enforcement officials to provide either a verbal warning or a written warning, rather than having to provide a written warning, prior to issuing a dispersal order to ensure access to a reproductive health care facility.

Existing Law

Currently, officers are required to provide a written warning prior to issuing a dispersal order.

Amendments to Current Law

This amendment would allow officers to provide either a written or verbal warning prior to issuing a dispersal order.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
Time stamp
on meeting date
2018 JUN 5 PM 2:08

I hereby submit the following item for introduction (select only one):

BY _____

- 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 [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Ronen

Subject:

[Police Code - Access to Reproductive Health Care Facilities]

The text is listed:

Ordinance amending the Police Code requiring law enforcement officials to provide a verbal warning prior to issuing a dispersal order.

Signature of Sponsoring Supervisor: [*Hilly Ronen*]

For Clerk's Use Only