

BOARD of SUPERVISORS



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MEMORANDUM

TO: William Scott, Police Chief
Chesa Boudin, District Attorney
Manohar Raju, Public Defender

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

DATE: June 2, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Stefani on May 25, 2021:

File No. 210605

Ordinance amending the Administrative Code to require the Police Department and the District Attorney to submit monthly reports to the Board of Supervisors regarding the number of cases of domestic violence.

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: Offices of Chair Mar and Supervisor Stefani
Rowena Carr, Police Department
Lili Gamero, Police Department
Diana Oliva-Aroche, Police Department
David Campos, Office of the District Attorney
Tara Anderson, Office of the District Attorney

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 monthly reports to the Board of Supervisors regarding the**
5 **number of cases of domestic violence.**

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:

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

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18 **SEC. 96D.1. DEFINITIONS.**

19 *For purposes of this Chapter 96D:*

20 *“Domestic Violence” means the crime defined in Section 273.5 and the crimes punishable*
21 *under Section 243(e)(1), of the California Penal Code.*

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

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1 **SEC. 96D.2. MONTHLY DOMESTIC VIOLENCE DATA REPORTING.**

2 (a) On the third Friday of each month, the Police Department and the District Attorney shall
3 each transmit a written report to the Board of Supervisors. The report shall contain the following
4 information:

5 (1) The Police Department shall report:

6 (A) The number of calls for service for Domestic Violence that the Police
7 Department received from the Department of Emergency Management in the prior month; and

8 (B) The number of Domestic Violence cases that the Police Department
9 presented to the District Attorney for investigation and/or prosecution in the prior month, and of those
10 cases, the number in which a child or children were present and/or a firearm or firearms were present.

11 (2) The District Attorney shall report:

12 (A) The number of Domestic Violence cases that the District Attorney charged in
13 the prior month, and what charges were filed in those cases; and

14 (B) The number of Domestic Violence cases resolved in the prior month, and the
15 outcome of those cases, including disposition by dismissal, diversion, acquittal, conviction, release to
16 another court or agency, or other means.

17 (b) In addition to the reports required by subsection (a), above, the Police Department and the
18 District Attorney shall report the same information for the period September 1, 2019 to September 1,
19 2021 to the Board of Supervisors no later than December 1, 2021.

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

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

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

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SEC. 96D.3. UNDERTAKING FOR THE GENERAL WELFARE.

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

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

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

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

SEC. 96D.5. SEVERABILITY.

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

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

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

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

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8 By: /s/ Thomas J. Owen
9 THOMAS J. OWEN
 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Domestic Violence Data Reporting]

Ordinance amending the Administrative Code to require the Police Department and the District Attorney to submit monthly reports to the Board of Supervisors regarding the number of cases of domestic violence.

Existing Law

Current City law does not require the Police Department or the District Attorney to submit monthly reports to the Board of Supervisors regarding the number of cases of domestic violence.

Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to require the Police Department and the District Attorney to submit monthly reports to the Board of Supervisors regarding the number of cases of domestic violence.

The Police Department would report:

- The number of calls for service for Domestic Violence that the Police Department received from the Department of Emergency Management in the prior month; and
- The number of Domestic Violence cases that the Police Department presented to the District Attorney in the prior month, and of those cases, the number in which a child or children were present and/or a firearm was present.

The District Attorney would report:

- The number of Domestic Violence cases that the District Attorney charged in the prior month, and what charges were filed in those cases; and
- The number of Domestic Violence cases resolved in the prior month, and the outcome of those cases, including disposition by dismissal, diversion, acquittal, conviction, release to another court or agency, or other means.

In addition, the Police Department and the District Attorney would report the same information listed above for the period from September 1, 2019 to September 1, 2021.

The reports would not include any information identifying specific individuals.

Background Information

The Administrative Code requires the Police Department to issue a written report every three months disclosing, among other things, the number of domestic violence incidents reported during the previous quarter.

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Introduction Form

By a Member of the Board of Supervisors or 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 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):

Stefani

Subject:

Administrative Code - Domestic Violence Data Reporting

The text is listed:

Ordinance amending the Administrative Code to require the Police Department and the District Attorney to submit monthly reports to the Board of Supervisors regarding the number of cases of domestic violence

Signature of Sponsoring Supervisor: /s/ Catherine Stefani

For Clerk's Use Only