Ordinance amending the Administrative Code to repeal local law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests, while requiring that such data that under state law must be reported to the Attorney General also be reported on a periodic basis to the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission.

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

Section 1. Findings and Purpose.

(a) Assembly Bill 953 (AB 953), the Racial and Identity Profiling Act (RIPA) of 2015, codified in Government Code section 12525.5, requires each local agency that employs peace officers to annually report to the Attorney General data on all stops conducted by the agency’s peace officers, including the time, date, and location of the stop, and the reason for the stop. RIPA defines “stop” to include any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control. RIPA also requires that a law enforcement agency that employs 1,000 or more peace officers issue its first annual report by April 1, 2019. Finally, RIPA requires the Attorney General to issue implementing regulations.
(b) On November 15, 2017, the Attorney General issued RIPA implementation regulations. (California Code of Regulations, Title 11, Chapter 19, §§ 999.224-999.229.). Those regulations require that, beginning July 1, 2018, local agencies must collect stop data and report the data to the California Department of Justice (DOJ).

(c) Administrative Code Chapter 96A, Ordinance No. 166-15, enacted October 23, 2015, requires local law enforcement to collect and report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission, data associated with traffic stops, detentions, and arrests -- data that RIPA will require local law enforcement to collect and report. RIPA's stop data collection and reporting requirements substantially duplicate Chapter 96A's requirements. The purpose of this ordinance is to repeal the data collection and reporting requirements associated with traffic stops, detentions, and arrests, effective July 1, 2018, to avoid duplicative state and local collection and reporting requirements, while requiring local law enforcement to report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission the same data it must report to the Attorney General under Government Code section 12525.5, though on a more frequent basis than the required reports to the Attorney General.

Section 2. The Administrative Code, Chapter 96A, is hereby amended by revising Sections 96A.2 and 96A.3, to read as follows:

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

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

1. The date, time, and Location of the Encounter;

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

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

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

(5) The race or ethnicity, sex, and approximate age of (A) all individuals subject
to the Detention, (B) the driver of a vehicle stopped during a Traffic Stop, and/or (C) the
passengers of a vehicle stopped during a Traffic Stop, if the Officer has reasonable suspicion
to detain such passengers. The Officer may collect information on age and sex by verbally
asking the individual or by requesting to see identification. The Officer may collect information
on race or ethnicity by verbally asking the individual. If the individual refuses to provide the
information sought pursuant to this subsection (a)(5), the Officer will note that the individual
refused the request;

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

(7) For Encounters conducted by Officers employed by the Police Department,
the Officer shall record the police district to which the Officer is assigned, if any.

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

(c) The Officer shall promptly report the information recorded pursuant to subsection
(a) to the Officer's employing agency in the manner specified by the agency. To the extent not
already in place, the Police Department and the Sheriff's Department shall create systems for
collecting and storing the information reported by Officers pursuant to this Section 96A.2.
(d) The Police Department and the Sheriff's Department shall retain the information reported by Officers pursuant to this Section 96A.2 for a minimum of five years after the fiscal year in which the Officer reported it.

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

(f) This Section 96A.2 shall expire by operation of law on July 1, 2018.

SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING.

On a quarterly basis (the first Tuesday in February, May, August, and November), the Police Department and the Sheriff's Department respectively shall send a written report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission, covering the previous quarter (quarters commencing January 1, April 1, July 1, and October 1). The first reports shall be due on June 30, 2016, and shall include the data required by this Section 96A.3 for arrests and Use of Force only. Beginning in June 2017, the reports shall fully comply with the requirements of this Section. The reports shall contain the following information for the reporting period:

(a) For Encounters:

(1) The total number;

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

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

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

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

(7) The data for Encounters required to be reported by this subsection (a) shall be reported separately for Detentions and Traffic Stops; (b) For Use of Force:

(1) The total number of Uses of Force;

(2) The total number of Uses of Force that resulted in death to the person on whom an Officer used force; and

(3) The total number of Uses of Force broken down by race or ethnicity, age, and gender identity;

(c) For arrests:

(1) The total number; and

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

(d) The reports shall also include data regarding the reasons for Encounters and arrests. The departments shall develop categories to collect and report this information (e.g., for Detentions and arrests: reasonable suspicion or probable cause based on observation, known probationer or parolee, consent, etc.; e.g., for Traffic Stops: moving violations, equipment violations, stops based on suspicion of other criminal conduct, etc.). The departments shall explain in the report each category, and shall report the number of Detentions, Traffic Stops, and arrests for each category. The departments shall also report the total number of each category broken down by race or ethnicity, age, and sex.

(e) For purposes of Use of Force reporting, the report shall include data for each time a Use of Force occurred during the reporting period, and shall not be limited to Use of Force during a Traffic Stop or Detention.
(f) The Police Department shall obtain from the Department of Police Accountability ("DPA") and include in its report the total number of complaints for the reporting period received by DPA that DPA characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity. The Police Department shall also obtain from DPA and include in its report the total number of DPA complaints closed during the reporting period that DPA characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity, and the total number of each type of disposition for such complaints.

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

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

(i) Notwithstanding any other provision of this Chapter 96A, including this Section 96A.3, subsections (a), (c), and (d) of this Section 96A.3 shall expire by operation of law immediately following the submission of the quarterly report due on August 7, 2018, for the quarter commencing April 1, 2018.

96A.4. DEPARTMENT OF JUSTICE DATA REPORTING.

(a) The Police Department and the Sheriff's Department respectively shall report the data required to be collected under California Government Code Section 12525.5 ("Section 12525.5"), for the period July 1, 2018, through December 31, 2018, to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission, by May 7, 2019. The Police Department and the Sheriff's Department respectively shall report the data...
required to be collected under Section 12525.5, for the period January 1, 2019, through June
30, 2019, to the Mayor, the Board of Supervisors, the Police Commission, and the Human
Rights Commission, by August 6, 2019.

(b) Beginning on July 1, 2019, on a quarterly basis (the first Tuesday in February, May, August, and November), the Police Department and the Sheriff's Department respectively shall report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission the data required to be collected under Section 12525.5, for the previous quarter (quarters commencing January 1, April 1, July 1, and October 1). The first report under this subsection (b) shall be due November 5, 2019.

(c) The reporting obligations under this Section 96A.4 are in addition to, and do not supplant, the reporting obligations to the Attorney General required by Section 12525.5.

Section 3. Section 96A.4 of the Administrative Code, entitled “Undertaking for the General Welfare,” is hereby renumbered as Section 96A.5. Section 96A.5 of the Administrative Code, entitled “No Conflict with Federal or State Law” is hereby renumbered 96A.6. Section 96A.6 of the Administrative Code, entitled “Severability,” is hereby renumbered as Section 96A.7. No changes are made to the wording of these Sections. These three Sections have been renumbered solely for codification purposes. Renumbering of the Sections shall not in any way change their meaning.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 4-5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By:  
JANA CLARK
Deputy City Attorney
Ordinance amending the Administrative Code to repeal local law enforcement data collection and reporting requirements associated with traffic stops, detentions, and arrests, while requiring that such data that under state law must be reported to the Attorney General also be reported on a periodic basis to the Mayor, Board of Supervisors, Police Commission, and Human Rights Commission.

April 11, 2018 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

April 11, 2018 Rules Committee - RECOMMENDED AS AMENDED

April 17, 2018 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

April 24, 2018 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/24/2018 by the Board of Supervisors of the City and County of San Francisco.