

[Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer-Involved Shootings]

Motion ordering submitted to the voters an ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

MOVED, That the Board of Supervisors hereby submits the following ordinance to the voters of the City and County of San Francisco, at an election to be held on June 7, 2016.

Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~italics Times New Roman font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by adding a new Section 96.11 and re-numbering the current Section 96.11 as Section 96.12, to read as follows:

SEC. 96.11. INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS.

The OCC shall conduct a timely and complete investigation of any incident occurring within the City and County of San Francisco in which a member of the uniformed ranks of the San Francisco Police Department discharges a firearm resulting in the physical injury or death of a person, even if the discharge is accidental. The Police Department and its officers and employees shall provide the

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1 OCC with prompt and full cooperation and assistance in connection with the OCC's investigations
2 under this Section 96.11.

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4 **SEC. ~~96.12~~ 96.11. SEVERABILITY.**

5 If any provision, subdivision, section, paragraph, phrase or clause of this Chapter or the
6 application thereof is for any reason held to be invalid or unconstitutional by a court of
7 competent jurisdiction, such decision shall not affect the validity of the remainder of this
8 Chapter. The remainder of this Chapter shall remain effective and enforceable to the fullest
9 extent allowed by law. All clauses and provisions of this Chapter are hereby declared to be
10 severable.

11
12 Section 2. Scope of Ordinance. In enacting this ordinance, the People of the City and
13 County of San Francisco intend to amend only those words, phrases, paragraphs,
14 subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other
15 constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions
16 or deletions, in accordance with the "Note" that appears under the official title of the
17 ordinance.

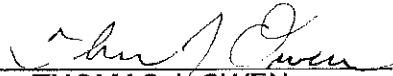
18
19 Section 3. Undertaking for the General Welfare. In enacting and implementing this
20 ordinance, the City is assuming an undertaking only to promote the general welfare. The City is
21 not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
22 is liable in money damages to any person who claims that such breach proximately caused injury.

1 Section 4. No Conflict with Federal or State Law. Nothing in this ordinance shall be
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any federal
3 or state law.

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5
6 APPROVED AS TO FORM:

7 DENNIS J. HERRERA, City Attorney

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9 By:


THOMAS J. OWEN
Deputy City Attorney

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City and County of San Francisco
Tails
Motion: M16-023

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160081

Date Passed: March 01, 2016

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to require the Office of Citizen Complaints to investigate all officer-involved shootings, at an election to be held on June 7, 2016.

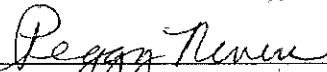
February 25, 2016 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

March 01, 2016 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160081

I hereby certify that the foregoing Motion was APPROVED on 3/1/2016 by the Board of Supervisors of the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board

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LEGISLATIVE DIGEST

[Initiative Ordinance - Administrative Code - Requiring the Office of Citizens Complaints to Investigate All Officer-Involved Shootings]

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Existing Law

Charter Section 4.127 creates an Office of Citizen Complaints (“OCC”) within the Police Department. The OCC is charged with promptly, fairly and impartially investigating all complaints of police misconduct or allegations that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department. All City departments, officers and employees must promptly and fully cooperate with the OCC in carrying out its duties.

Amendments to Current Law

The proposal is a motion to submit an ordinance to the voters that would require the OCC to investigate any incident occurring within the City in which a police officer fired a gun killing or physically injuring someone, even if no one files a complaint. The ordinance would also require the Police Department and its officers and employees to cooperate with the OCC’s investigations of such shootings.

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