

1 [Establish Community Oversight Committee Regarding Enforcement of Marijuana Offenses.]

2
3 Ordinance amending the San Francisco Administrative Code by adding Chapter 12X.6
4 to establish a Community Oversight Committee regarding enforcement of marijuana
5 offenses.

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The San Francisco Police Code is hereby amended by adding Section
11 12X.6 to read as follows:

12
13 **SEC. 12X.6. COMMUNITY OVERSIGHT**

14 (a) An advisory Community Oversight Committee shall monitor the implementation
15 of section 12X of the Administrative Code. The Community Oversight Committee shall consist
16 of seven voting members appointed by the Board of Supervisors. Members shall serve at
17 the pleasure of the Board of Supervisors, for a term of two years. The Board shall appoint
18 one member with each of the following qualifications or backgrounds:

19 (1) one medical cannabis patient;

20 (2) one member of the public defender's office;

21 (3) one representative of a medical cannabis dispensary operating in San

22 Francisco;

23 (4) one civil liberties advocate;

24 (5) one harm reduction practitioner;

25 (6) one representative of a drug policy reform organization; and

Supervisor Ammiano, *Daly*
BOARD OF SUPERVISORS

1 (7) one representative from any of the following categories: juvenile justice
2 advocate, advocate for homeless persons, resident of public housing, or representative of an
3 organization providing services to or advocating on behalf of residents of public housing in
4 San Francisco.

5 (b) The Police Department, the Department of Public Health and the District
6 Attorney are encouraged to send one representative as a non-voting liaison to the advisory
7 committee.

8 (c) At the initial meeting of the advisory committee, and annually thereafter, the
9 committee shall select a chairperson, and any other officers deemed necessary by the
10 committee. Consistent with the requirements of state and local law, the committee shall
11 establish rules for its own organization. All meetings shall be open to the public, except as
12 provided by law.

13 (d) The Community Oversight Committee shall:

14 (1) Monitor the implementation of this Ordinance by gathering information, with the
15 cooperation of the San Francisco Police Department and other law enforcement agencies.

16 (2) Receive statements from individuals who believe they were subjected to law
17 enforcement activity contrary to the lowest law enforcement priority policy.

18 (3) Design a supplemental report form for San Francisco law enforcement officers
19 to use to report all adult marijuana arrests, citation, and property seizures, and all instances of
20 officers assisting in federal arrests, citations, and property seizures for any marijuana offenses
21 by adults within the City and County of San Francisco. The Community Oversight Committee
22 shall design the supplemental report with the goal of allowing the Committee to ascertain
23 whether San Francisco law enforcement officers followed the lowest law enforcement priority
24 policy.

1 (4) Request additional information from any San Francisco law enforcement officer
2 who engaged in law enforcement activity relating to one or more marijuana offenses under
3 circumstances that appear to violate the lowest law enforcement priority policy. An officer's
4 decision not to provide additional information shall not be grounds for discipline.

5 (5) Submit written reports semi-annually to the San Francisco Board of Supervisors
6 on the implementation of this ordinance. The Community Oversight Committee shall submit
7 the first report no later than nine months after the effective date of this ordinance. The report
8 shall include but not necessarily be limited to: the number of arrests, citations, property
9 seizures, and prosecutions of adults for marijuana offenses in the City and County of San
10 Francisco; the breakdown of marijuana arrests and citations of adults by race, age, specific
11 charge, and classification as infraction, misdemeanor, or felony; any instances of law
12 enforcement activity that the Committee believes violated the lowest law enforcement priority
13 policy; and the estimated time and money spent by the City and County on law enforcement
14 and punishment of adults for marijuana offenses. The report shall comply with all state and
15 local confidentiality laws.

16 (6) Within one year of the effective date of this ordinance, make recommendations
17 to the Police Department and Police Commission regarding regulations for implementing this
18 ordinance.

19 (7) Recommend to the Board of Supervisors policy changes that would further the
20 purposes of this Chapter.

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

23 By:


24 MOLLY S. STUMP
25 Deputy City Attorney

Supervisor Ammiano
BOARD OF SUPERVISORS



City and County of San Francisco

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Tails

Ordinance

File Number: 061554

Date Passed:

Ordinance amending the San Francisco Administrative Code by adding Chapter 12X.6 to establish a Community Oversight Committee regarding enforcement of marijuana offenses.

November 14, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Absent: 2 - Dufty, Maxwell

November 21, 2006 Board of Supervisors — FINALLY PASSED

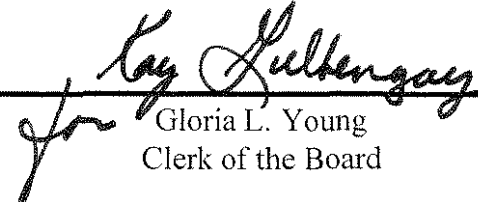
Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Excused: 1 - Daly

File No. 061554

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 21, 2006 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

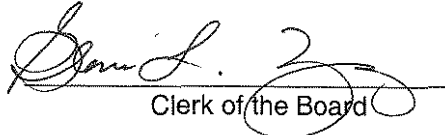
NOV 29 2006

Date Approved

Mayor Gavin Newsom

Date: December 1, 2006

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
061554