

1 [Administrative Code - Crime Victim Data Reporting]

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3 **Ordinance amending the Administrative Code to require the Police Department to**
4 **regularly report certain crime victim data pertaining to victims of Hate Crimes and other**
5 **specified crimes (Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor**
6 **Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence, and Murder).**

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.

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

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14 Section 1. Chapter 96A of the Administrative Code is hereby amended by revising
15 Section 96A.1, revising the heading of Section 96A.3, adding new Section 96A.5, and
16 renumbering existing Sections 96A.5, 96A.6, and 96A.7 as Sections 96A.6, 96A.7, and 96A.8
17 respectively, to read as follows:

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19 **SEC. 96A.1. DEFINITIONS.**

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21 For purposes of this Chapter 96A:

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23 “Aggravated Assault” means the crime defined in Section 220 of the California Penal Code.

24 “Assault” means the crime defined in Section 245 of the California Penal Code.

25 “Battery” means the crime defined in Section 242 of the California Penal Code.

1 "Burglary" means the crime defined in Section 459 of the California Penal Code.

2 "Detention" means an interaction between an Officer and an individual in which the
3 Officer detains the individual.

4 "Domestic Violence" means the crime defined in Section 273.5 of the California Penal Code.

5 "Encounter" means a Detention or Traffic Stop where the Officer initiates activity based
6 solely on the Officer's own observations or the observations and direction of another Officer,
7 rather than on information provided by dispatch or reported by a member of the public.

8 "Gender Identity" means an individual's actual or perceived gender identity, or gender-
9 related characteristics intrinsically related to an individual's gender or gender-identity,
10 regardless of the individual's assigned sex at birth.

11 "Hate crime" means a crime defined in Section 422.55 of the California Penal Code.

12 "Location" means the ~~address~~ city block where the Encounter or reported crime occurred,
13 or the closest address or intersection thereto.

14 "Motor Vehicle Theft" means the crime defined in Section 10851 of the California Penal Code.

15 "Murder" means the crime defined in Section 187 of the California Penal Code.

16 "Officer" means a peace officer as defined ~~by~~in Section 830 of the California Penal
17 Code, employed by the Police Department or Sheriff's Department.

18 "Personal Identifying Information" means any information that can, on its own or in
19 combination with other information, be used to contact, track, locate, identify, or reasonably infer the
20 identity of, a specific individual.

21 "Robbery" means the crime defined in Section 211 of the California Penal Code.

22 "Sexual Assault" means the crimes defined in Sections 261, 262, 264.1, 266c, 286, 287, 288,
23 288.1, 288.5, 288.7, and 289 of the California Penal Code.

24 "Theft" means the crime defined in Section 484 of the California Penal Code.

25 "Traffic Stop" means an interaction between an Officer and an individual driving a

1 vehicle, in which the Officer orders the individual to stop the vehicle.

2 "Use of Force" means (a) for purposes of the Police Department, an Officer's use of
3 force on an individual that is required to be reported by department policy, and (b) for
4 purposes of the Sheriff's Department, an Officer's use of force on an individual that results in a
5 known injury.

6 "Vandalism" means the crime defined in Section 594 of the California Penal Code.

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8 **SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING OF OFFICER ACTIVITY.**

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12 **SEC. 96A.5. QUARTERLY CRIME VICTIM DATA REPORTING.**

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14 On a quarterly basis (the first Tuesday in February, May, August, and November), the Police
15 Department shall transmit a written report to the Mayor, the Board of Supervisors, and the Police
16 Commission, and post that report on the Police Department website, covering the previous quarter
17 (quarters commencing January 1, April 1, July 1, and October 1). The report shall include de-
18 identified, aggregate data covering the previous quarter and de-identified, aggregate data for the year
19 to date. The report shall contain the following information:

20 (a) For each reported Assault, Aggravated Assault, Sexual Assault, Burglary, Theft, Motor
21 Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence incident, and Murder:

- 22 _____ (1) The Location of the crime or crimes;
23 _____ (2) The reported crime or crimes;
24 _____ (3) The race or ethnicity of each victim;
25 _____ (4) The sex and perceived Gender Identity of each victim; and

1 (5) The age of each victim.

2 (b) For each Hate Crime reported, if the information has been or will be reported to the
3 California Department of Justice under Penal Code Section 13023:

4 (1) The Location of the crime or crimes;

5 (2) The reported crime or crimes;

6 (3) The disability, if any, of each victim;

7 (4) The gender or Gender Identity of each victim;

8 (5) The nationality of each victim;

9 (6) The race or ethnicity of each victim;

10 (7) The religion of each victim;

11 (8) The sexual orientation of each victim; and

12 (9) Association of the victim with a person or group with one or more of the actual or
13 perceived characteristics listed above in subsections (b)(1)-(8).

14 (c) The report shall include the information listed in subsections (a) and (b) grouped by police
15 district, and also city-wide.

16 (d) The report shall not include Personal Identifying Information.

17 (e) The reporting obligations under this Section 96A.5 are in addition to, and do not supplant,
18 the reporting obligations to the Attorney General under Penal Code Section 13023.

19 (f) This Section 96A.5 shall not be interpreted to require the Police Department to collect data
20 but instead requires only that the Police Department report available data.

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23 **SEC. 96A.56. UNDERTAKING FOR THE GENERAL WELFARE.**

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1 **SEC. 96A.67. NO CONFLICT WITH FEDERAL OR STATE LAW.**

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5 **SEC. 96A.78. SEVERABILITY.**

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9 Section 2. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor’s veto of the ordinance.

13 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the “Note” that appears under
18 the official title of the ordinance.

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

22 By: _____
23 JANA CLARK
24 Deputy City Attorney

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