

1 [Administrative Code - Crime Victim Data Reporting]

2
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, Child and Elder Abuse, Sexual Assault,**
6 **First and Second Degree Burglary, Theft, Motor Vehicle Theft, Robbery, Battery,**
7 **Vandalism, Domestic Violence, Manslaughter, and Murder).**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

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

20 **SEC. 96A.1. DEFINITIONS.**

21 For purposes of this Chapter 96A:

22 *“Aggravated Assault” means the crime defined in Section 220 of the California Penal Code.*
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1 "Assault" means the crime defined in Sections 240 and 245 of the California Penal Code.

2 "Battery" means the crime defined in Section 242 of the California Penal Code.

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

4 "Child Abuse" means the crime punishable under Section 273a of the California Penal
5 Code."

6 "Detention" means an interaction between an Officer and an individual in which the
7 Officer detains the individual.

8 "Domestic Violence" means the crime defined in Section 273.5 and the crimes punishable
9 under Section 243(e)(1), of the California Penal Code.

10 "Elder Abuse" means the crime punishable under Section 368 of the California Penal
11 Code, when committed against an elder adult.

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

15 "First Degree Burglary" means the crime defined in Sections 459 and 460(a) of the
16 California Penal Code.

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

20 "Grand Theft" means the crime defined in Section 487 of the California Penal Code.

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

22 "Location" means the address city block where the Encounter or reported crime occurred,
23 or the closest address or intersection thereto.

24 "Manslaughter" means the crimes defined in Section 192 of the California Penal Code.

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

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

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

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

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

8 "Second Degree Burglary" means the crime defined in Sections 459 and 460(b) of the
9 California Penal Code.

10 "Sexual Assault" means the crimes defined in Sections 261, 262, 264.1, 266c, 286, 287, 288,
11 288.1, 288.5, 288.7, and 289 of the California Penal Code.

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

13 "Traffic Stop" means an interaction between an Officer and an individual driving a
14 vehicle, in which the Officer orders the individual to stop the vehicle.

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

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

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

22 * * * *

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

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25 This subsection 96A.5 shall be known as the Crime Victim Data Disclosure Ordinance.

1 On a quarterly basis (the first Tuesday in February, May, August, and November), the Police
2 Department shall transmit a written report to the Mayor, the Board of Supervisors, the Office of
3 Racial Equity, the Human Rights Commission, and the Police Commission, and post that report on
4 the Police Department website, covering the previous quarter (quarters commencing January 1, April
5 1, July 1, and October 1). The report shall include de-identified, aggregate data covering the previous
6 quarter and de-identified, aggregate data for the year to date. The report shall contain the following
7 information:

8 (a) For each reported Assault, Aggravated Assault, Sexual Assault, First Degree Burglary,
9 Second Degree Burglary (vehicle), Second Degree Burglary (commercial), Child Abuse
10 incident, Elder Abuse incident, Theft, Grand Theft, Motor Vehicle Theft, Robbery, Battery,
11 Vandalism, Domestic Violence incident, Manslaughter, and Murder:

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

13 (2) The reported crime or crimes;

14 (3) The race or ethnicity of each victim;

15 (4) The ~~sex and perceived~~ Gender Identity of each victim; and

16 (5) The age of each victim.

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

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

20 (2) The reported crime or crimes;

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

22 (4) The ~~gender of~~ Gender Identity of each victim;

23 (5) The nationality of each victim;

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

25 (7) The religion of each victim;

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

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

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

6 (d) The report shall include, for each crime listed in subsection (a), the total number of
7 victims for that crime and the number and percentage of each of those totals regarding each
8 of the following:

9 (1) each race or ethnicity reported under subsection (a)(3);

10 (2) each Gender Identity reported under subsection (a)(4); and

11 (3) each age reported under subsection (a)(5).

12 (e) The report shall include the total number of victims of Hate Crimes reported under
13 subsection (b) and the number and percentage of that total regarding each of the following:

14 (1) each disability reported under subsection (b)(3);

15 (2) each Gender Identity reported under subsection (b)(4);

16 (3) each nationality reported under subsection (b)(5);

17 (4) each race or ethnicity reported under subsection (b)(6);

18 (5) each religion reported under subsection (b)(7), and

19
20 (6) each sexual orientation reported under subsection (b)(8).

21 (f) The report shall include a comparison of the information required under subsections
22 (d) and (e) for:

23 (1) the current aggregate year-to-date data and the prior year's data covering
24 the same period; and

1 (2) the current quarter and the corresponding quarter for the immediate prior
2 year.

3 ~~(dg)~~ *The report shall not include Personal Identifying Information.*

4 ~~(eh)~~ *The reporting obligations under this Section 96A.5 are in addition to, and do not supplant,*
5 *the reporting obligations to the Attorney General under Penal Code Section 13023.*

6 ~~(fi)~~ *This Section 96A.5 shall not be interpreted to require the Police Department to collect data*
7 *but instead requires only that the Police Department report available data.*

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

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

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18 **SEC. 96A.78. SEVERABILITY.**

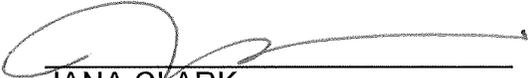
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22 Section 2. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

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Section 3. 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

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City and County of San Francisco

Tails
Ordinance

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

File Number: 191074

Date Passed: March 03, 2020

Ordinance amending the Administrative Code to require the Police Department to regularly report certain crime victim data pertaining to victims of Hate Crimes and other specified crimes (Assault, Aggravated Assault, Child and Elder Abuse, Sexual Assault, First and Second Degree Burglary, Theft, Motor Vehicle Theft, Robbery, Battery, Vandalism, Domestic Violence, Manslaughter, and Murder).

February 06, 2020 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 06, 2020 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

February 25, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

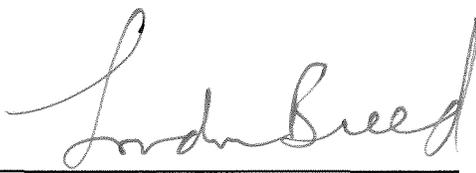
March 03, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee
Absent: 1 - Fewer

File No. 191074

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/3/2020 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

3/13/20
Date Approved