

1 [Police Code - Discriminatory Reports to Law Enforcement]

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3 **Ordinance amending the Police Code to make it unlawful to cause a peace officer to**
4 **contact a person with the specific intent to discriminate against the person on the**
5 **basis of the person’s race, color, ancestry, ethnicity, national origin, place of birth, sex,**
6 **age, religion~~us affiliation, creed, disability, gender, sexual orientation, or gender identity,~~**
7 **weight, or height; and creating a civil cause of action and providing for damages for**
8 **violating the prohibition.**

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

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

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16 Section 1. Findings.

17 (a) There have been numerous incidents across the country involving individuals
18 contacting law enforcement to report innocuous behavior as suspicious, or to falsely report
19 alleged criminal behavior, for what appear to be solely discriminatory reasons. Discriminatory
20 law enforcement reports against people of color for racially motivated reasons are common
21 enough that many people of color have experienced one or more incident of being contacted
22 by law enforcement when engaging in normal day-to-day activities. These incidents cause
23 serious harm to the person falsely accused of a crime, cause anxiety and distrust among
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1 people of color, and put an unnecessary strain on law enforcement officers responding to
2 frivolous and false calls.

3 (b) The misuse of law enforcement by members of the public to discriminate against
4 others should not be tolerated and the City should take action to stop such behavior in every
5 way possible. Creating a means for people who suffer this kind of discrimination to seek
6 redress from those who have targeted them through a civil cause of action for damages will
7 discourage this type of behavior and provide a tangible way for these victims to be
8 compensated for this wrong.

9 (c) This ordinance is not intended to discourage individuals from contacting law
10 enforcement when they are facing real danger or desire to report a crime. It will allow
11 individuals who have been reported to law enforcement for unfair and unnecessary reasons to
12 seek justice and restitution, and will motivate people who contact law enforcement to consider
13 the reasons they are making the report.

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15 Section 2. The Police Code is hereby amended by adding Section 637, to read as
16 follows:

17 **SEC. 637. DISCRIMINATORY REPORTS TO LAW ENFORCEMENT.**

18 (a) This Section 637 shall be known as the Caution Against Racial and Exploitative
19 Non-Emergencies Act.

20 (ab) Discriminatory Reports to Law Enforcement Prohibited. It shall be unlawful to knowingly
21 cause a peace officer to arrive at a location to contact a person, with the specific intent to
22 discriminate against that person on the basis of the with the specific intent to do any of the
23 following on the basis of the person's actual or perceived race, color, ancestry, ethnicity, national
24 origin, place of birth, sex, age, religion, affiliation, creed, disability, gender, sexual orientation,
25 or gender identity, weight, or height:

1 (1) Infringe upon the person’s rights under either the California Constitution or
2 the United States Constitution;

3 (2) Discriminate against the person;

4 (3) Cause the person to feel harassed, humiliated, or embarrassed;

5 (4) Cause the person to be expelled from a place in which the person is lawfully
6 located;

7 (5) Damage the person’s reputation or standing within the community; or

8 (6) Damage the person’s financial, economic, consumer, or business prospects
9 or interests.

10 (bc) Civil Cause of Action. Any aggrieved person may enforce the provisions of this Section
11 637 by means of a civil action.

12 (ed) A person found to have violated subsection (ab) in a cause of action under subsection (bc)
13 shall be liable to the aggrieved person for special and general damages, but in no case less than \$1,000
14 plus attorneys’ fees and the costs of the action. In addition, punitive damages may be awarded in a
15 proper case.

16 (de) Nothing in this Section 637 shall preclude any person from seeking any other remedies,
17 penalties, or procedures provided by law.

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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. It is not
21 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
23 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
3 federal or state law.

4 Section 5. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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

11 By: /s/ Bradley A. Russi
12 BRADLEY A. RUSSI
13 Deputy City Attorney

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