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Hotel Consent Required to Review Hotel Registries

(Re-issue DB 17-023)

San Francisco Municipal Code, Section 919 states:

“The owner, manager or person in charge of any hotel, motel, auto court, or furnished apartment house shall keep a suitable book or register cards, open to inspection by regularly employed members of a law enforcement agency, in which all occupants of hotels, motels, auto courts, and furnished apartments shall sign their names, and the number of the hotel room, motel, auto court, or furnished apartment assigned to these guests shall be indicated on the registry book or registry cards.”

The Ninth Circuit Court of Appeals held that a similar Los Angeles ordinance requiring hotel and motel owners to provide guest records to police officers for inspection violates the Fourth Amendment. *Patel v. City of Los Angeles* 738 F.3d 1058 (2013). Specifically, the Court held that registries are business records belonging to the hotel/motel, and therefore have the same Fourth Amendment protections as any other private property.

Based on this decision, officers seeking to inspect hotel and motel guest registries, pursuant to Section 919 shall obtain a warrant unless the hotel/motel operator consents or unless exigent circumstances exist. In cases where consent is given or exigent circumstances exist, officers shall document the circumstances surrounding the consent or exigency in the incident report. Additionally, in cases where consent is given, officers shall document the consent using SFPD Permission to Search Form (SFPD 468) and attach the completed form to the incident report.

Registered guests do not have the legal right to provide consent and shall not be used as the consenting party for searches of hotel/motel registries or other hotel/motel records.


WILLIAM SCOTT
Chief of Police

Per DB 17-080, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.