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**CHAPTER 96A:  
LAW ENFORCEMENT REPORTING REQUIREMENTS**

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

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For purposes of this Chapter 96A:

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

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

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

"Location" means the address where the Encounter occurred, or the closest address or intersection thereto.

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

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

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

(Added by Ord. [166-15](#), File No. 150643, App. 9/23/2015, Eff. 10/23/2015, Oper. 1/1/2016)

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**SEC. 96A.2. DATA COLLECTION.**

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(a) When an Officer conducts an Encounter, the Officer shall collect and record the following information:

(1) The date, time, and Location of the Encounter;

(2) The reason for the Encounter (e.g., the statutory or code provision(s) that the Officer believes the individual subject to the Encounter violated, the individual's behavior that justified the Officer's decision to engage in the Encounter, or any other legal basis the Officer relied on to justify the Encounter, etc.);

- (3) If the Officer conducted a search during the Encounter, the type of search (e.g., pat search, vehicle search, full body search);
  - (4) The disposition of the Encounter (e.g., warning, citation, arrest, release with no further action or admonishment);
  - (5) The race or ethnicity, sex, and approximate age of (A) all individuals subject to the Detention, (B) the driver of a vehicle stopped during a Traffic Stop, and/or (C) the passengers of a vehicle stopped during a Traffic Stop, if the Officer has reasonable suspicion to detain such passengers. The Officer may collect information on age and sex by verbally asking the individual or by requesting to see identification. The Officer may collect information on race or ethnicity by verbally asking the individual. If the individual refuses to provide the information sought pursuant to this subsection (a)(5), the Officer will note that the individual refused the request;
  - (6) The name and star number of each Officer who participated in the Encounter;
  - (7) For Encounters conducted by Officers employed by the Police Department, the Officer shall record the police district to which the Officer is assigned, if any.
- (b) If two or more Officers conduct an Encounter, the information required by subsection (a) need be recorded by only one of the Officers.
- (c) The Officer shall promptly report the information recorded pursuant to subsection (a) to the Officer's employing agency in the manner specified by the agency. To the extent not already in place, the Police Department and the Sheriff's Department shall create systems for collecting and storing the information reported by Officers pursuant to this Section 96A.2.
- (d) The Police Department and the Sheriff's Department shall retain the information reported by Officers pursuant to this Section 96A.2 for a minimum of five years after the fiscal year in which the Officer reported it.
- (e) If during an Encounter, the Officer is required to interrupt the Encounter to respond to an emergency and the Officer is unable to collect the information required by this Section 96A.2, the Officer shall be exempt from reporting the information required by this Section 96A.2.

(Added by Ord. [166-15](#), File No. 150643, App. 9/23/2015, Eff. 10/23/2015, Oper. 1/1/2017)

### **SEC. 96A.3. QUARTERLY ANALYSIS AND REPORTING.**

On a quarterly basis (the first Tuesday in February, May, August, and November), the Police Department and the Sheriff's Department respectively shall send a written report to the Mayor, the Board of Supervisors, the Police Commission, and the Human Rights Commission, covering the previous quarter (quarters commencing January 1, April 1, July 1, and October 1). The first reports shall be due on June 30, 2016, and shall include the data required by this Section 96A.3 for arrests and Use of Force only. Beginning in June 2017, the reports shall fully comply with the requirements of this Section. The reports shall contain the following information for the reporting period:

- (a) For Encounters:
  - (1) The total number;
  - (2) The total number broken down by race or ethnicity, age, and sex;
  - (3) The total number of searches performed broken down by race or ethnicity, age, and sex;
  - (4) The total number of each type of search performed;
  - (5) For each type of search performed, the total number broken down by race or ethnicity, age, and sex;
  - (6) The total number of each type of disposition, and the total number for each disposition broken down by race or ethnicity, age, and sex; and
  - (7) The data for Encounters required to be reported by this subsection (a) shall be reported separately for Detentions and Traffic Stops;
- (b) For Use of Force:
  - (1) The total number of Uses of Force;
  - (2) The total number of Uses of Force that resulted in death to the person on whom an Officer used force; and

(3) The total number of Uses of Force broken down by race or ethnicity, age, and sex;

(c) For arrests:

(1) The total number; and

(2) The total number broken down by race or ethnicity, age, and sex.

(d) The reports shall also include data regarding the reasons for Encounters and arrests. The departments shall develop categories to collect and report this information (e.g., for Detentions and arrests: reasonable suspicion or probable cause based on observation, known probationer or parolee, consent, etc.; e.g., for Traffic Stops: moving violations, equipment violations, stops based on suspicion of other criminal conduct, etc.). The departments shall explain in the report each category, and shall report the number of Detentions, Traffic Stops, and arrests for each category. The departments shall also report the total number of each category broken down by race or ethnicity, age, and sex.

(e) For purposes of Use of Force reporting, the report shall include data for each time a Use of Force occurred during the reporting period, and shall not be limited to Use of Force during a Traffic Stop or Detention.

(f) The Police Department shall obtain from the Office of Citizen Complaints ("OCC") and include in its report the total number of complaints for the reporting period received by OCC that OCC characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity. The Police Department shall also obtain from OCC and include in its report the total number of OCC complaints closed during the reporting period that OCC characterizes as allegations of bias based on race or ethnicity, gender, or Gender Identity, and the total number of each type of disposition for such complaints.

(g) The reports of the Sheriff's Department may separate data for the department's custody division and the department's field division.

(h) The department may include in the report any other information the department concludes will assist in understanding the information required by subsections (a)-(g) of this Section 96A.3. Where subsections (a)-(d) require that total numbers be broken down by race or ethnicity, or sex, the department shall also calculate and report the applicable percentages for each group.

(Added by Ord. [166-15](#), File No. 150643, App. 9/23/2015, Eff. 10/23/2015, Oper. 1/1/2016)

#### **SEC. 96A.4. UNDERTAKING FOR THE GENERAL WELFARE.**

In enacting and implementing this Chapter 96A, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. [166-15](#), File No. 150643, App. 9/23/2015, Eff. 10/23/2015, Oper. 1/1/2016)

#### **SEC. 96A.5. NO CONFLICT WITH FEDERAL OR STATE LAW.**

(a) Nothing in this Chapter 96A shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

(b) No provision of this Chapter 96A is intended to abrogate or interfere with the constitutional and statutory power and duties of the Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision.

(Added by Ord. [166-15](#), File No. 150643, App. 9/23/2015, Eff. 10/23/2015, Oper. 1/1/2016)

#### **SEC. 96A.6. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or word of this Chapter 96A, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Article.<sup>1</sup> The Board of Supervisors hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

(Added by Ord. [166-15](#), File No. 150643, App. 9/23/2015, Eff. 10/23/2015, Oper. 1/1/2016)

## CODIFICATION NOTE

1. So in Ord. [166-15](#).