

(O-92-128 REV. 1)

ORDINANCE NUMBER O- 17771 (NEW SERIES)

ADOPTED ON MAY 26 1992

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 97, ENTITLED "HATE CRIMES TRAINING AND TRACKING," SECTIONS 52.9701, 52.9702 AND 52.9703, REQUIRING TRAINING AND THE COLLECTION AND REPORTING OF DATA REGARDING HATE CRIMES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 2, of the San Diego Municipal Code be and the same is hereby amended by adding Division 97, entitled "Hate Crimes Training and Tracking," Sections 52.9701, 52.9702 and 52.9703.

DIVISION 97

HATE CRIMES TRAINING AND TRACKING

SEC. 52.9701 PURPOSE AND INTENT

It is the purpose and intent of this Division to ensure that the City Manager provides adequate resources for the Police Department to: 1) train all officers on current criminal law relating to hate crimes; and 2) create and implement a standardized system for collecting data on and timely reporting such data to the City Council and the Human Relations Commission on any hate crimes which occur in the City of San Diego. The purpose of requiring the training of

all police officers on current criminal law relating to hate crimes is to assure that officers can properly identify and charge hate crimes when they occur. The purposes of collecting this data and providing timely reports of it to the City Council and Human Relations Commission are to assist in accurately tracking and determining the level of crimes committed against persons, groups, or property because of real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability; to assist in apprehending the perpetrators of hate crimes; and to permit the City to develop effective responses to hate crimes. For purposes of this Division, "hate crimes" shall mean any act of intimidation, harassment, physical force, or threat of physical force directed against any person, group, or their property or advocate, or any act of vandalism (including graffiti), damage or destruction of their property, motivated either in whole or in part by hostility to their real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or laws of the United States or the State of California whether or not performed under color of law.

SEC. 52.9702 FINDINGS

The San Diego City Council finds:

1. Hate crimes directed against persons, groups or property because of real or perceived race, color, gender,

religion, ancestry, national origin, sexual orientation, or disability are an especially pernicious and reprehensible form of conduct which damages the fundamental beliefs that support and make effective our democratic, pluralistic society.

2. Hate crimes require the immediate, swift, and sensitive attention of law enforcement officers because such acts instill fear for personal and family security in the affected groups, provoke counter-measures that may lead to further violence, and create an environment of hostility and division that is dangerous and counter-productive.

3. Reports issued by the Governor's Task Force on Civil Rights (1980), the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence (1986), the Attorney General's Asian Pacific Islander Advisory Committee (1988), and the United States Civil Rights Commission on Recent Activities Against Citizens and Residents of Asian Descent (1992) indicate that violence motivated by real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, and disability is rising within California.

4. In order for officers to properly identify and charge such crimes, police officers require ongoing training on current criminal law relating to hate crimes.

5. A standardized reporting system and follow-up procedure for collecting data on hate crimes will allow local agencies to more accurately determine the level and trends of hate crimes and will permit the City to develop

effective responses.

**SEC. 52.9703 COLLECTION AND REPORTING OF DATA
REGARDING HATE CRIMES: TRAINING AND
CREATING STANDARDIZED SYSTEM**

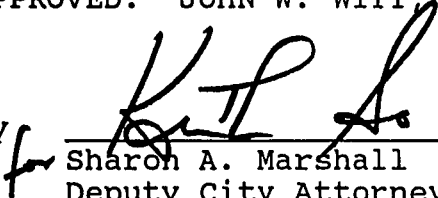
The City Manager shall ensure that adequate resources are available for all police officers to receive ongoing training regarding current criminal law and Police Department policy and protocol relating to hate crimes. The City Manager shall ensure that adequate resources are available for the Police Department to: 1) collect and analyze data relating to crimes motivated all or in part by prejudice based on real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability; and 2) provide such data and analysis to the City Council and the Human Relations Commission on a quarterly basis. The quarterly report shall include data concerning: 1) the area of the City in which any such crime occurred; 2) the date and time of any such crime; 3) the characteristics of the perpetrator(s) and the victim(s) (e.g., race, gender, religion, etc.) and 4) the nature of the crime. The City Manager shall ensure that adequate resources are available for the Police Department to develop and implement a standardized system to collect such data from police reports involving crimes motivated all or in part by hostility based on real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability.

The City Manager shall ensure that adequate resources are available for the Police Chief, or the Chief's designee,

to report the occurrence of any hate crime to the City Manager and the Executive Director of the Human Relations Commission within three business days after the report of any such crime to the Police Department or the Police Department's awareness of any such crime. This report shall include: 1) the area of the City in which any such crime occurred; 2) the date and time of any such crime; 3) the characteristics of the perpetrator(s) and the victim(s) (e.g., race, gender, religion, etc.) and 4) the nature of the crime.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By  _____
for Sharon A. Marshall
Deputy City Attorney

SAM:vlj:mrh
04/28/92
05/08/92 REV. 1
Or.Dept:Mgr.
O-92-128
Form=o.code

MAY 26 1992

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Linda Ferguson*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 04 1992

MAY 26 1992

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Linda Ferguson*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17771 Adopted MAY 26 1992

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

52 JUN 12 AM 9:49

SAN DIEGO, CALIF. *JP*

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING, 2ND FLOOR
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE...

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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This ordinance amends Chapter V, Article 2, of the San Diego Municipal Code by adding Division 97, entitled "Hate Crimes Training and Tracking," Sections 52.9701, 52.9702 and 52.9703. This ordinance requires the Manager to direct the Police Department to conduct on going training of officers in the reporting of hate crimes. The ordinance also directs the Manager to require the collection and analysis of hate crime data, and to provide statistical information of such crimes to the Council and the Human Relations Commission.

A complete copy of this Ordinance is available for inspection in the Office of the City Clerk, City Administration Building, 202 C Street, 2nd floor, San Diego, CA 92101.

INTRODUCED ON MAY 12 1992

Passed and Adopted by the Council of the City of San Diego on MAY 26 1992.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By Linda Lugano, Deputy

Pub June 9

248598

ORDINANCE NUMBER 0-17771 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JUNE 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9th day of JUNE, 19 92.

Corey Donahue

(Signature)

5'8" = 67.76