

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 9.86 TO THE
SANTA CRUZ MUNICIPAL CODE, THE DISCRIMINATORY REPORTS TO LAW
ENFORCEMENT ORDINANCE

BE IT ORDAINED BY The City of Santa Cruz As Follows:

SECTION 1. Findings

- A. WHEREAS, there have been numerous incidents across the country involving individuals contacting law enforcement to report innocuous behavior as suspicious, or to falsely report alleged criminal behavior, for what appear to be solely discriminatory reasons.
- B. WHEREAS, discriminatory law enforcement reports against people of color for racially motivated reasons are common enough that many people of color have experienced one or more incident of being contacted by law enforcement when engaging in normal day-to-day activities. These incidents cause serious harm to the person falsely accused of a crime, cause anxiety and distrust among people of color, and put an unnecessary strain on law enforcement officers responding to frivolous and false calls.
- C. WHEREAS, the misuse of law enforcement by members of the public to discriminate against others should not be tolerated and the City should take action to stop such behavior. Creating a means for people who suffer this kind of discrimination to seek redress from those who have targeted them through a civil cause of action for damages will discourage this type of behavior and provide a tangible way for these victims to be compensated for this wrong.
- D. WHEREAS, this ordinance is not intended to discourage individuals from contacting law enforcement when they are facing real danger or desire to report a crime. It is intended to allow individuals who have been reported to law enforcement for unfair and unnecessary reasons to seek justice and restitution, and it also is intended to motivate people who contact law enforcement to consider the reasons they are making the report.

SECTION 2. Chapter 9.86 of the Santa Cruz Municipal Code is hereby added to read as follows:

Chapter 9.86
Discriminatory Reports to Law Enforcement Ordinance

9.86.010 – PURPOSE AND INTENT OF CHAPTER

This chapter shall be known as the Discriminatory Reports to Law Enforcement Ordinance. The purpose of this chapter is to allow individuals who have been reported to law enforcement for unfair and unnecessary reasons to seek justice and restitution, and it also is intended to motivate

people who contact law enforcement to consider the reasons they are making the report. This ordinance is not intended to discourage individuals from contacting law enforcement when they are facing real danger or desire to report a crime.

9.86.020 – DISCRIMINATORY REPORTS PROHIBITED

- (a) It shall be unlawful to knowingly cause a peace officer to arrive at a location to contact a person, with the specific intent to do any of the following on the basis of the person's actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height:
 - 1. Infringe upon the person's rights under either the California Constitution or the United States Constitution;
 - 2. Discriminate against the person;
 - 3. Cause the person to feel harassed, humiliated, or embarrassed;
 - 4. Cause the person to be expelled from a place in which the person is lawfully located;
 - 5. Damage the person's reputation or standing within the community; or
 - 6. Damage the person's financial, economic, consumer, or business prospects or interests.
- (b) Any aggrieved person may enforce the provisions of this Section 9.86.020 by means of a civil action.
- (c) A person found to have violated subsection (a) in a cause of action under subsection (b) shall be liable to the aggrieved person for special and general damages, but in no case less than \$1,000 plus attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a proper case.
- (d) Nothing in this Section 9.96.020 shall preclude any person from seeking any other remedies, penalties, or procedures provided by law.

9.86.030 INTERPRETATION OF CHAPTER.

- (a) If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect.
- (b) Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.
- (c) In enacting and implementing this ordinance, 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.

SECTION 3. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 24th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this ____ day of _____, 20__ by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 20__ - _____
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator