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DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA

April 19, 2001
Ref: 4-38

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Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: State of California -- Racial Profiling
Assembly Bill 788 (AB788) Support Letter**

LOCATION AND COUNCIL DISTRICT: City-wide

RECOMMENDATION:

It is recommended that the Law and Legislation Committee review and recommend for City Council approval of the attached proposed letter of support for a California State legislature bill pertaining to racial profiling, Assembly Bill 788.

CONTACT PERSON: Chief Arturo Venegas, Jr. - Fiscal, 264-5121
Tina Lee-Vogt, ASO - 264-7346

FOR COMMITTEE MEETING OF: May 3, 2001

SUMMARY:

This report provides information on a bill now active before the California State Legislature, Assembly Bill 788 (AB788). If passed and approved by the Governor, this bill would redefine "racial profiling" and create a civil cause of action with minimum damages.

COMMITTEE/COMMISSION ACTION: None.

BACKGROUND:

Existing law prohibits law enforcement officers from engaging in racial profiling and requires that they participate in racial profiling training. Additionally, it requires the Legislative Analyst to present a report to the Legislature regarding data collection as it applies to racial profiling.

AB788 would change the definition of racial profiling and allow race, national origin, or ethnic origin as a consideration, along with physical characteristics, in determining who to detain, apprehend or search. In addition, it requires agencies that receive grants for traffic stop data

The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.

collection to provide annual reports on the data. Finally, AB788 requires the California Highway Patrol and specified law enforcement agencies to report the data collection statistical information (excluding any information that reveals the officer's identity or the identity of the person stopped) to the Legislative Analyst until 2011.

This bill is consistent with the Police Department's commitment to provide the best, unbiased professional service to every segment of our community and address the issue of racial profiling.

FINANCIAL CONSIDERATIONS:

This bill would create a civil cause of action against law enforcement officers and law enforcement agencies for a minimum of \$5,000 in damages and attorney fees as determined by the court.

POLICY CONSIDERATIONS:

Support of this legislation is consistent with the City's efforts to address issues regarding racial profiling.

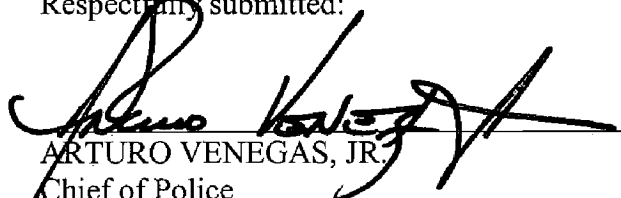
ENVIRONMENTAL CONSIDERATIONS:

The actions recommended in this report are exempt from the California Environmental Quality Act according to CEQA guidelines Section 15061(b)(1).

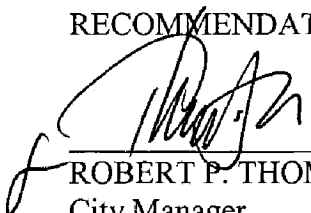
E/SBD CONSIDERATIONS:

None. No goods or services are being purchased.

Respectfully submitted:


ARTURO VENEGAS, JR.
Chief of Police

RECOMMENDATION APPROVED:


ROBERT P. THOMAS
City Manager

Attachments

Draft letter of Support
AB788

AV/tdj

ATTN: Aaron Chong

Date

The Honorable Marco Firebaugh
California State Assembly
State Capitol, #2003
Sacramento, CA 95814

Dear Assemblyman Firebaugh:

SUBJECT: Assembly Bill 788

On behalf of the City of Sacramento, it is my pleasure to offer this letter of support for Assembly Bill 788 which would redefine racial profiling and require agencies that receive grants for traffic stop data collection to provide annual reports on the data to the Legislative Analyst. It would also allow victims of racial profiling to sue law enforcement officers and law enforcement agencies for damages.

The adoption of AB 788 would be consistent with the Sacramento Police Department's commitment to provide the best, unbiased professional service to every segment of our community.

Thank you for sponsoring this significant public safety legislation.

Sincerely

FAX # 6765