



# DEPARTMENT NOTICE

21-064  
04/20/21

## Consent Required to Review Hotel Registries

(Re-issue DB 19-069)

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 has held that a similar Los Angeles ordinance requiring hotel and motel owners to provide guest registries to police officers for inspection violates the Fourth Amendment. (*Patel v. City of Los Angeles* (9th Cir. 2013)738 F.3d 1058). Specifically, the court found that a police officer's non-consensual inspection of hotel guest records constituted a search under the Fourth Amendment. Therefore, either a warrant or a recognized warrant exception is required for inspection of the records.

Remember, the Fourth Amendment protects the right of people to be secure in their "persons, houses, papers, and effects" against unreasonable searches and seizures. A Fourth Amendment search occurs when the government physically intrudes upon one of those enumerated areas, or invades a protected privacy interest, for the purpose of obtaining information.

Based on this decision, members 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, members shall document the circumstances surrounding the consent or exigency in the incident report. Additionally, in cases where consent is given, members shall document written consent using the SFPD Permission to Search Form (SFPD 468) or verbal consent using the Body Worn Camera or a digital recorder.

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.

A handwritten signature in blue ink that reads "William Scott".

WILLIAM SCOTT

Chief of Police

*Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional information.*