

File No. 100235

Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date June 18, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

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OTHER

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Completed by: Linda Wong

Date June 15, 2010

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Transferring the Police Department's functions, assets and operations to the Sheriff.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2010, a proposal to amend the Charter of the City and County by amending Section 6.105 and providing for the repeal of Section 4.109, to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. 6.105. SHERIFF.

(a) The Sheriff shall:

- (1) Keep the county jail;
- (2) Receive all prisoners committed to jail by competent authorities;
- (3) Execute the orders and legal processes issued by courts of the State of California;
- (4) Upon court order detail necessary bailiffs; and
- (5) Execute the orders and legal processes issued by the Board of Supervisors or by any legally authorized department or commission.

(b) Subject to the requirements of subsection (d), at noon on January 8, 2012, the Sheriff shall assume all the powers and duties of the Police Commission and the Chief of Police, as established in Charter Sections 4.109 and 4.127 or elsewhere in the Municipal Code. At that

time, the terms of office of the members of the Police Commission then holding office shall expire. The Police Department shall thereupon be merged with the Sheriff's Department, and all sworn and civilian personnel, facilities, equipment, and funds of the Police Department shall be transferred to the Sheriff's Department. As of that date, Section 4.109 shall be repealed and the City Attorney shall remove the section from future editions of the Charter. The City Attorney shall also re-write and re-number Section 4.127 and this Section 6.105 to reflect these changes.

(c) On or before January 31, 2011, the Mayor shall appoint four members of the public and the Board of Supervisors shall appoint three members of the public to a committee to study the merger and make recommendations regarding its implementation. The Controller, City Attorney, Chief of Police, and Sheriff, or their designees, shall also serve on this committee. The Board of Supervisors may adopt any amendments to the Municipal Code it deems necessary to implement the merger.

(d) The provisions of subsection (b) shall only take effect if, prior to noon on January 8, 2012, the Board of Supervisors makes the following three findings:

(1) That the merger will save the City money, as verified by the Controller or by the Budget Analyst of the Board of Supervisors;

(2) That the merger will not diminish or compromise the right of citizens to file complaints with the Office of Citizen Complaints regarding misconduct by a member of the City's law enforcement agency or that a member of the City's law enforcement agency has not properly performed a duty; and

(3) That the merger will enhance public safety.

If the Board of Supervisors fails to make these three findings by noon on January 8, 2012, this amendment shall expire and the City Attorney shall remove its provisions from future editions of the Charter.

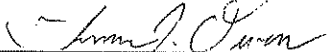
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(e) The Sheriff shall appoint, and at his or her pleasure may remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


THOMAS J. OWEN
Deputy City Attorney

LEGISLATIVE DIGEST
(First Draft, Dated 3/2/2010)

[Transferring the Police Department's functions, assets and operations to the Sheriff.]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 2, 2010, by amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

Existing Law

The Charter provides for an elected Sheriff. The Sheriff keeps the County Jail, provides security in courtrooms and certain public buildings, and executes orders and serves summonses and other official documents issued by the courts, the Board of Supervisors, or City boards and commissions.

The Charter also provides for a civilian Police Commission appointed by the Mayor, a Chief of Police nominated by the Commission and appointed by the Mayor, and a Police Department. The Police Department provides basic law enforcement services within San Francisco.

Amendments to Current Law

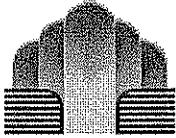
The proposal would merge the Police Department with the Sheriff's Department, combining them both under the command of the Sheriff. The Police Commission would be eliminated. The merger would happen on January 8, 2012.

By January 31, 2011, the Mayor and the Board of Supervisors would appoint a seven-member committee of the public to study the merger and make recommendations regarding how to implement it. The Controller, the City Attorney, the Chief of Police, and the Sheriff would also be on the committee.

On or before January 8, 2012, the Board would consider whether (1) the merger would save the City money, as verified by the Controller or by the Board's Budget Analyst; (2) the merger would not diminish or compromise the right of citizens to file complaints with the Office of Citizen Complaints regarding misconduct by a police officer or sheriff's deputy or that a police officer or sheriff's deputy has not properly performed a duty; and (3) the merger would enhance public safety. If the Board did not make an affirmative finding on all three issues by that date, the merger would not happen.

Supervisor Daly
BOARD OF SUPERVISORS

File # 100235
e. Bos



Joyce Hicks/OCC/SFGOV
03/22/2010 12:48 PM

To Linda Wong/BOS/SFGOV@SFGOV
cc
bcc
Subject Re: Charter Amendment, Transferring Police Department's functions to the Sheriff

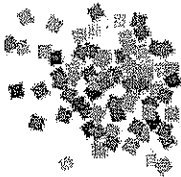
Dear Ms. Wong,
Attached please find the Office of Citizen Complaints' written comments on the proposed charter amendment transferring Police Department's functions to the Sheriff. Thank you.



Office Of Citizen Complaints' Comments on Proposed Charter Amendment Transferring Police Department Functions to Sheriff.pdf

Joyce M. Hicks
Executive Director
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102
(T) 415.241.7711
(F) 415.241.7733
(TTY) 415.241.7770
www.sfgov.org/occ

Linda Wong/BOS/SFGOV



Linda Wong/BOS/SFGOV
03/11/2010 09:58 AM

To Ben Rosenfield/CON/SFGOV@SFGOV, Peg Stevenson/CON/SFGOV@SFGOV, Monique Zmuda/CON/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, Kate Stacy/CTYATT@CTYATT, John St.Croix/ETHICS/SFGOV@SFGOV, Edwin Lee/ADMSVC/SFGOV@SFGOV, Bill Wycko/CTYPLN/SFGOV@SFGOV, John Rahaim/CTYPLN/SFGOV@SFGOV, Harvey Rose/BudgetAnalyst/SFGOV@SFGOV, Cheryl Adams/CTYATT@CTYATT
cc Angela Calvillo/BOS/SFGOV@SFGOV, Gabriela Loeza/BudgetAnalyst/SFGOV@SFGOV, Ken Bruce/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, Leigh Kienker/CTYPLN/SFGOV@SFGOV, AnMarie Rodgers/CTYPLN/SFGOV@SFGOV, George Gascon/SFPD/SFGOV@SFGOV, Michael Hennessey/SFSD/SFGOV@SFGOV, Joyce Hicks/OCC/SFGOV@SFGOV
Subject Charter Amendment, Transferring Police Department's functions to the Sheriff

Pursuant to Board of Supervisors Rules of Order Sections 2.28.4 and 2.28.6, attached is a copy of the Charter Amendment, File 100235 for your review and comments.

Please review immediately and provide any written comments by March 22, 2010, to the Rules Committee

File # 100-235
C: BOS

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

March 22, 2010

To: The Honorable Members, the San Francisco Board of Supervisors

From: The Office of Citizen Complaints

Re: Office of Citizen Complaints' Comments on Proposed Charter Amendment
Transferring Police Department Functions to Sheriff

The Office of Citizen Complaints has reviewed the proposed charter amendment that if adopted would revoke Charter section 4.127, abolish the Police Commission and transfer the operations and assets from the San Francisco Police Department to the San Francisco Sheriff's Department. While silent on oversight of the Office of Citizen Complaints, it would appear that the Office of Citizen Complaints would report to the Sheriff under the proposed amendment.

Presently, under Charter section 4.127, one of the powers of the San Francisco Police Commission is to organize, reorganize and manage the operations of the Office of Citizen Complaints. The San Francisco Police Commission also nominates the director of the Office of Citizen Complaints and has the sole authority to terminate the director of the Office of Citizen Complaints. The proposed charter amendment provides that it would not diminish or compromise the rights of citizens to file with the Office of Citizen Complaints, complaints of misconduct or failure to perform a duty against law enforcement but it would appear to place the Office of Citizen Complaints under the Sheriff's jurisdiction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joyce M. Hicks".

Joyce M. Hicks
Executive Director
Office of Citizen Complaints

Proposed Study: Sheriff/Police Department Merger

TEXT FONT SIZE

Report of the
1999-2000 San Francisco Civil Grand Jury

SUMMARY

Our review shows that combining the San Francisco Police and Sheriff's departments could yield some benefits. Several large cities have derived substantial benefits from such a consolidation. Benefits of such a consolidation for San Francisco could include a lower dropout rate, greater economies of scale, possible reduction in duplicative administrative functions, coordination of departmental policies, lower personnel turnover, increased training and orientation opportunities, and more efficient hiring.

The Civil Grand Jury recommends that San Francisco convene an advisory commission to perform a detailed, in-depth study of the benefits of a merger between the San Francisco Police Department and the San Francisco Sheriff's Department.

BACKGROUND

Section 928 of the California Penal Code authorizes the Civil Grand Jury to review government structure with respect to cost effectiveness. We interviewed several San Francisco personnel from the Police and Sheriff departments regarding the possibility of a merger or consolidation between the Police and Sheriff's departments. None of the personnel we interviewed were aware of any discussions either in the past or present that had considered this issue; however, these personnel also did not present any material objection to consideration of the concept.

INVESTIGATION

The Civil Grand Jury reviewed experiences elsewhere in the United States, primarily by way of information available on the Internet, where cities and counties have studied consolidation or merger of services. Information available on the Internet was substantial for several of the city/county consolidation reviews, particularly for the cities of Las Vegas and San Antonio. We also conducted phone interviews with personnel from several of the affected localities. Several notable cases are briefly discussed below. Appendix A presents an overview of consolidations either actual or proposed around the United States. We note that the list in Appendix A is not exhaustive, but nevertheless comprises a good sample upon which to make our recommendation that further review of consolidation within San Francisco is warranted.

We also note that the consolidations discussed around the United States involved a variety of proposed types. For instance, many proposed mergers are one or more cities within a county that are proposing to merge with county services, while others involve only a proposal that police and sheriff departments jointly occupy the same building. Since San Francisco is already a merged city/county, some of the advantages such as economies of scale may not apply to the same extent since some of their advantages have already been obtained. However, at this point we cannot state whether or not there may be any further advantage to be gained in any one area. Therefore, we have included all areas identified for improvement in our discussion.

Further, we primarily review possible advantages to consolidation. One would need to study applicable laws, and a variety of consolidation models would need to be reviewed. For instance, State of California law requires an elected sheriff for each county. A full study of these and other aspects should be done with the participation of a full complement of all stakeholders, which is not possible within the jurisdiction and one-year term of the Civil Grand Jury.

The City of Las Vegas and Clark County, Nevada

In 1973, the five police agencies in Clark County (Clark County Sheriff's Department, City of Las Vegas Police Department, City of North Las Vegas Police Department, City of Henderson Police Department and Boulder City Police Department) were consolidated into the Las Vegas Metropolitan Police Department.

Consolidation of the agencies had been studied several years prior to 1973, centering on records, criminalistics, detention and communications as areas that might prove feasible for consolidation. The Committee performing the study concluded that full consolidation of the five agencies was the most practical solution, rather than a more limited consolidation of one or more of the selected functional areas. The consolidation was finalized by Nevada Senate Bill 340 (July 1, 1973), which provided that the new Las Vegas Metropolitan Police Department be headed by the elected county Sheriff (it was believed that an elected head would have more freedom from political pressure and would be more answerable directly to the public). Senate Bill 340 also provided for a police commission and designated funding sources. The new department retained responsibility for operation of the county jails.

Consolidation costs included:

- Short-term commitments that could not be canceled (e.g., fleet purchases that had already been bid, resulting in the need to repaint new cars);
- New uniforms;
- Standardization of weapons;
- Salary adjustments; and
- Benefits package modifications.

The consolidation did not save money initially. However, as noted by a member of the staff in a phone interview, the consolidation has saved a substantial amount of money over time and has also improved overall efficiency, eliminated duplication of fixed resources, increased purchasing power, and increased teamwork. Several years ago, claims were made that the merger had not been cost-effective for the City of Las Vegas, but the Metropolitan Police Department assembled statistics showing that in fact the merger still was cost-effective, and an initiative to disband the merger was abandoned.

The City of San Antonio and Bexar County, Texas

In 1995, a City-County Government Commission was created jointly by San Antonio and Bexar County to recommend areas for functional consolidation and to study the "pros and cons" of city-county consolidation.

As part of their review, the Commission performed case studies of nine other city-county consolidations (included as Appendix A to the San Antonio consolidation study), including: Jacksonville, Florida; Indianapolis, Indiana; and Nashville, Tennessee. The Commission also reviewed a substantial body of political science and public administration literature, a bibliography of which also is included in its report.

The Commission studied in detail five functions that were similar between the city and county governments (parks, public housing, public works, purchasing, and information systems). The Commission used four criteria in their evaluation of the functional areas (efficiency, effectiveness, equity, and accountability). Essentially, the Commission viewed consolidation as the unification of a majority of functions and/or offices to achieve a more effective means for delivery of services. While the Commission did not choose to review police and/or sheriff services as one of their five functional areas, it is clear that these and many other public services would need to be reviewed once the Bexar County voters give their approval to move forward with the proposed consolidation.

The following Commission conclusions (as annotated) would apply not only to the functional areas and departments reviewed, but also to the other areas that would be reviewed as part of a full consolidation:

- Consolidation can improve efficiency by eliminating overlap and duplication of services. Additional gains can come from economies of scale.

Evidence to support this benefit was substantial. For instance, Jacksonville reduced its combined city and county property tax by over 30 percent and is only one of many success stories. (Issues that could be addressed in San Francisco include duplicate administrative costs that could be more efficiently used in a shared environment, thus possibly absorbing overtime costs or allowing more police officers to be on patrol without increasing departmental budgets.)

- Consolidation can improve the effectiveness by eliminating problems of coordination and compatibility in service delivery systems. The San Antonio study noted that it was possible to be effective without necessarily being efficient. The study also noted that the areas that have gone through consolidation often upgrade service standards as part of the implementation process and increase effectiveness as efficiency is achieved. (Only a more in-depth review could estimate impact from this to San Francisco, but some areas that might benefit from review would include which of the Police or Sheriff departments would be more appropriate to accompany prisoners to San Francisco General Hospital for treatment.)
- Consolidation can rectify inequities between city and county taxpayers. (This element would appear not to be a factor for any San Francisco review since San Francisco is already a city/county.)
- Consolidation can provide more accountability and responsiveness in local government. (At present, we have no evidence that this element would be a reason to initiate any San Francisco review.)

The Commission report concluded that there were potential substantial benefits to be gained by consolidation, and recommended that the issue be permitted to proceed to a vote.

Northern York County, Pennsylvania

In 1997, John T. Krimmel, Ph.D. (Department of Law and Justice, The College of New Jersey) published an article titled, "The Northern York County Police Consolidation Experience: An Analysis of the Consolidation of Police Services in Eight Pennsylvania Rural Communities," in *Policing: An International Journal of Police Strategies and Management* (Vol. 20, No. 3, 1997). His study reviewed the experiences of the Northern York Regional Police Department in York County and similar police departments in the contiguous Lancaster County, both rural counties in Pennsylvania. The article also contains a literature review summarizing a number of police department consolidations around the United States.

Dr. Krimmel's study identifies many advantages of consolidation, including:

- more effective delivery of police services;
- eliminating duplication of services;
- provision of services previously unavailable, such as centralized record keeping, crime laboratories, and other specialized services;
- better trained personnel;
- lower personnel turnover rate due to increased opportunities within the larger department;
- costs for equipment are reduced (purchasing in bulk);
- hiring can become more efficient;
- lower insurance costs;
- opportunity for innovation.

Discussion with Dr. Krimmel regarding his report indicated that one aspect of combining a sheriff and police force is the increased opportunities to provide training to future police officers in the county jails. This familiarizes future police officers with the type of work and populations they will be dealing with in the field. This also reduces the number of Police Academy graduates who leave the force once they encounter the realities of the "street."

Dr. Krimmel's article notes that, following consolidation, the Northern York County police force provided police coverage to the same geographic area for 28 percent less total aggregate cost, with improvement in many aspects of department operation. A key component to successful consolidation is a careful plan; without such a plan, actual benefits may be less than expected. Dr. Krimmel noted that, should San Francisco ever proceed toward police and sheriff department consolidation, "before" and "after" data should be obtained.

Los Angeles County, California

Over the last several years, the Los Angeles (LA) County Sheriff's Office has absorbed several other agencies, including the LA County Transit Police, the Hawaiian Gardens Police Department, the Bell Gardens Police Department and the LA Community College Police Department. Discussion with personnel from the LA County Sheriff's Office indicates that in the case of each agency absorbed, the absorbed agency's budget has decreased by approximately 30 percent, even in those cases where the personnel from the absorbed agency have received a pay increase. Some other aspects of savings include background checks and physicals.

Similar to the comments made by Dr. Krimmel, the LA County Sheriff's Office has seen a direct benefit to its recruits by having combined jail and policing duties. The Sheriff's Office is able to give officers experience in the County jail prior to putting them on regular patrol, which has resulted in a much shorter on-the-job learning curve by new officers and reduced total costs by ensuring that personnel who undergo training at the Academy do not subsequently leave the force when presented with the actualities of the job. Furthermore, they generally become better officers, and overall the officers are more effective.

The City and County of Denver, Colorado

Most counties in the United States (or parishes in Louisiana) contain one or more cities. The condition of one city and one county sharing exactly the same boundary is rather unique. San Francisco is one of these city/counties, and Denver and St. Louis are others. During our research, Honolulu had been suggested as a similar situation, but research shows that the County of Honolulu actually encompasses the City of Honolulu and many smaller cities. In 1970, the City of Indianapolis, Indiana, expanded its boundaries to include all of Marion County; however, there remain several other small townships within county borders that are not part of Indianapolis.

Denver has not explored a merging of police and sheriff forces. However, the City structure uses a model that reduces duplication of administrative services, in that the departments of police, fire, sheriff and other safety organizations report to a Manager of Safety, who then reports to the Mayor.

Interviews with San Francisco Personnel

Through interviews with personnel from the Police and Sheriff's departments, the Civil Grand Jury has identified several benefits that would arise from a consolidation of the two departments.

Interviewees indicated that the Police Department had been advertising available jobs to, and recruiting officers from, the Sheriff's Department personnel. Among the advantages to the Police Department is that personnel from the Sheriff's Department are already essentially trained and also already have familiarity with San Francisco. Since Police Department pay is greater than that of the Sheriff's Department, the Sheriff's Department in effect fills Police Department ranks at the expense of their own hiring and training programs.

Interviewees also noted that certain areas of jurisdiction could be better defined. For instance, in the case where police officers arrest someone who then turns out to have medical problems (such as an abscess) that must be taken care of prior to being put in jail, the arrested person must first be taken to San Francisco General Hospital for treatment. The process of waiting for and getting treatment for the arrested person can often occupy several hours, which means that whoever has custody cannot do anything else since that officer must stay until the person is released back to their custody. There is no clear policy as to whether this service should be provided by the Sheriff's or Police Department.

Also, interviewees noted that the police trainee dropout rate after completion of training and being placed on the streets is a significant factor in the Police Department's inability to fill all available positions, which exacerbates the need to work overtime in the Department. As noted above, inclusion of training in county jails as part of the police officer training process tends to reduce attrition.

CONCLUSIONS

Based on our review, the Civil Grand Jury believes that there is enough evidence to suggest that it would be worthwhile to investigate more thoroughly a consolidation of the Police and Sheriff's departments. We do not have evidence that either department is functioning inefficiently; we only suggest that further efficiency might be gained by such a consolidation. Possible benefits include:

- lower dropout rate
- greater economies of scale

- possible reduction in duplicative administrative functions that will allow more emphasis on operational duties, which could be achieved without reduction in staff (other locales have moderate to substantial benefit here)
- coordination of departmental policies, rather than independent policies that run counter to each other
- lower personnel turnover
- increased training and orientation opportunities
- more efficient hiring

We note that our research has not identified any evidence of a merger that did not ultimately realize financial savings or was subsequently undone. The evidence reviewed by the Civil Grand Jury strongly indicates that the benefits of a merger outweigh any disadvantages. Consolidation demonstrably reduces total city and county taxes in at least some metropolitan areas and appears to have substantially slowed the rate of tax increase over an extended period in others. In every place, the ultimate impact depends on the service levels chosen and the specific provisions of the consolidation.

Options for consolidation include complete merger or several varieties of partial merger, including consolidation of functional areas such as communication services, or a single administration office and administrative officer or chief (e.g., Denver, which has a safety chief to whom the fire, sheriff and police chiefs report).

RECOMMENDATION

We recommend that the Mayor and Board of Supervisors convene hearings and form a taskforce or commission to perform an in-depth study of the potential benefits to San Francisco by a consolidation of the Sheriff's and Police departments.

Required Response

Mayor
Board of Supervisors
Sheriff's Department
Police Department

APPENDIX A

Cities/Countries that merged

municipal services (partial or full)	Internet Information Source
Anaconda - Deer Lodge Co., MT	San Antonio study
Athens - Clarke Co., GA	San Antonio study
Augusta - Richmond Co., GA	San Antonio study
Baton Rouge - East Baton Rouge, LA	San Antonio study
Columbus - Muscogee Co., GA	San Antonio study
Indianapolis - Marion Co., IN	San Antonio study
Jacksonville - Duval Co., FL	San Antonio study
Lexington - Fayette Co., KY	San Antonio study
Nashville - Davidson Co., TN	San Antonio study
Compton - Los Angeles Co., CA	Compton Police website
Las Vegas - Clark Co., NV	Salt Lake Tribune; Cincinnati Enquirer
Hawkinsville - Pulaski Co., GA	GA State Bill HB 197
Bessemer City - Gaston Co., NC	Gaston Gazette
Charlotte - Mecklenburg Co., NC	Gaston Gazette; Cincinnati Enquirer
Draper, Taylorsville, etc. - Salt Lake Co., UT	Salt Lake Tribune
Sunnyvale - Dallas Co., TX	Salt Lake Tribune
Several cities - Westchester Co., NY	Times Herald Record
Several cities - Suffolk Co., NY	Times Herald Record
Several cities - Nassau Co., NY	Times Herald Record
Cities/Countries considering merging	
services (partial or full)	Internet Information Source
San Antonio - Bexar Co., TX	San Antonio Study
Corpus Christi - Nueces Co., TX	San Antonio study
Tallahassee - Leon Co., FL	San Antonio study
Los Angeles - Los Angeles Co., CA	County FOA newsletter, CBS Channel 2000, Pierce College Roundup, etc.

Atlanta - Fulton Co., GA	Research Atlanta, Inc.; Central Atlanta
	Action Plan
St. Petersburg - Pinellas Co., FL	St. Petersburg Times
Grand Island - Hall Co., NE	The Independent
Gastonia - Gaston Co., NC	Gaston Gazette
Salt Lake City - Salt Lake Co., UT	Salt Lake Tribune
New Orleans - New Orleans Parish, LA	Salt Lake Tribune
Grover Beach - San Luis Obispo Co., CA	The San Luis Obispo Tribune
Buffalo - Erie Co., NY	Buffalo Renaissance Foundation
Louisville - Jefferson Co., KY	Cincinnati Enquirer
Burlington - Boone Co., KY	Cincinnati Enquirer
Durham - Durham Co., NC	The Durham Chronicle
Several cities - Ulster Co., NY	Times Herald Record

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Police and Sheriff Merger

(OLA #: 009-03)

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors

From: Adam Van de Water, Office of the Legislative Analyst

Date: June 23, 2003

RE: Merger of the Police and Sheriff's Departments

Summary and Scope of Work

Supervisor Daly, through the Budget Committee and pursuant to motion M03-02, requested that the Office of the Legislative Analyst (OLA) respond to the issues raised in the 1999-2000 Civil Grand Jury's report "Proposed Study: Sheriff/Police Department Merger" and develop a "roadmap" of the process by which such a re-organization could occur. The "roadmap" should identify the organizations, departments and stakeholders that would play a role in the merger process and, to the extent possible, define these roles. Attention may also be given to other governmental entities that have undergone similar mergers and the necessary steps required to enact such a merger. Finally, working with the Controller's City Projects Group, please estimate the total costs and benefits of conducting such a merger.

Executive Summary

A report by the 1999/2000 Civil Grand Jury entitled "Proposed Study: Sheriff/Police Department Merger" found several potential benefits to the merging of the Police and Sheriff's departments. These included, "a lower dropout rate, greater economies of scale, possible reduction in duplicative administrative functions, coordination of departmental policies, lower personnel turnover, increased training and orientation opportunities, and more efficient hiring."

However, realizing these potential benefits would not be without at least initial costs. Unlike other jurisdictions that have completed law enforcement mergers, the San Francisco Sheriff's Department does not conduct investigative or patrol work outside of their mostly custodial duties. Therefore, unless there is an emergency disturbance in cooperation with the Police Department, there are currently few areas of overlapping jurisdiction between the two departments.

Merging more than discrete functions would necessitate the formation of a working group representing both departments, the Controller's Office and the City Attorney's Office, with assistance from the Police Commission, the Office of Citizen Complaints, the District Attorney's Office, and other public stakeholders. Should the City and County of San Francisco pursue a merger of the Police and Sheriff's Department, this working group would need to:

- Evaluate operating policies and procedures including officer training, deployment, jurisdiction, use of force, weapons, uniforms, decals, vehicle fleets, radio communications, and facilities;
- Work with the Police Officer's Association, Deputy Sheriff's Association, and SEIU Local 790 to normalize salaries, benefits, training, and union representation; and
- Establish a coordinated oversight function and means of responding to citizen complaints to succeed the Police Commission and Office of Citizen Complaints.

Overall costs and savings of law enforcement mergers have depended largely on both the numbers of personnel involved in the merger and the relative ease of combining functions and standardizing salaries and benefits.

The Office of the Legislative Analyst surveyed ten jurisdictions that have effectuated law enforcement mergers in the past thirty years and found that the short-term net financial impact ranged from real cost savings of nearly \$1 million to net real costs of nearly \$4.5 million.

Background

San Francisco is the only City and County in California and is therefore the only jurisdiction with a state-mandated county Sheriff that shares the same border with a local police department. In most California counties, the Sheriff has both custodial responsibilities (management of the jail and court systems) and patrol duties (providing law enforcement in the unincorporated parts of the county and, in some cases, for smaller municipalities within the county).

In San Francisco, the Sheriff is responsible for prisoner custody and transport, jail and warrants management, election security, court and building security, and enforcement of all civil court judgments. The Police Department handles all street patrol, crime prevention and investigation, traffic interruption, airport security, issuance of certain permits and licenses, and enforcement of state and local laws.

Despite sharing a contiguous border, there are currently few areas of overlapping jurisdiction between the Police and Sheriff's Department. According to the two departments, the only areas where the departments' jurisdictions overlap, or could overlap, are:

- *Short-Term Custody* – the Police Department has holding cells in each of its 10 district stations and at the Hall of Justice where intakes are temporarily held until transported by the Sheriff for booking. Occasionally there is overlap between the two departments in this time period between arrest and booking;

- *Emergency Disturbances* – At the request of the Police Chief, the Sheriff provides periodic support to the Police Department during emergency disturbances (such as the civil anti-war protests in late March and early April)
- *Building Security* – The Sheriff provides security for the courts at the Hall of Justice and the Civil Court House, City Hall, the Department of Child Support Services, the Emergency Communications Center, and the Community Assessment and Referral Center, while the Police Department provides security at the Hall of Justice.
- *Prisoner Transport* – the Sheriff provides intrastate transport of arrestees from district police stations and transports inmates to and from court, the hospital, and other counties and state facilities. The Police Department transports arrestees to and from states outside of California.

The Sheriff has recently assumed responsibility for a number of functions previously performed by the Police Department. Responsibility for prisoner transportation and warrant management, Institutional Police at San Francisco General Hospital and Laguna Honda Hospital, and, most recently, fingerprint services was recently transferred from the Police Department to the Sheriff.

Staffing and Budget

Public protection accounts for a major portion of the discretionary part of the budget. Taken together, the nearly 4,000 personnel and over \$400 million in combined budgets of the San Francisco Police and Sheriff's Departments comprise just over 13 percent of the City's total General Fund budget and 12 percent of all citywide personnel. Should the Board of Supervisors initiate a full consolidation of the San Francisco Police and Sheriff's Departments, therefore, it would be the largest U.S. law enforcement merger since 1995.¹

Table 1 below details the total personnel, operating budget and primary union representation of each department as allocated in the Fiscal Year 2002-2003 Annual Appropriation and Salary Ordinances.

	# of Total Personnel	FY 2002-2003 Total Budget ² (% General Fund)	Primary Union Representation
Police Department	2,905.64	\$307,471,724 (72%)	Police Officer's Association, SEIU Local 790
Sheriff's Department	979.66	\$111,672,033 (83%)	Deputy Sheriff's Association, SEIU Local 790

Current Law

City Charter Sections 4.109 and 4.127 provide the authority for the San Francisco Police Department and Police Commission and Section 4 of Article 11 of the California Constitution and California Government Code Section 24000 et. seq. provides the necessary authority for the San Francisco Sheriff's Department. Merging the Police Department and the Sheriff's Department would therefore require the Board of Supervisors to take one of the following two actions:

1. To merge the Police Department into the Sheriff's Department: Submit a ballot proposal to the voters to amend Charter Sections 4.127 and 4.109. In order to place this on the November 4, 2003 ballot, this would require Rules Committee action between June 18 and July 9, first appearance at the Board of Supervisors by July 14, and submittal to the Director of the Department of Elections by July 25.
2. To merge the Sheriff's Department into the Police Department: Submit a formal request to the City Attorney to determine whether the State Constitution and Government Code grants the City and County the plenary authority to merge the functions of a state-mandated elected office into a department authorized by City Charter.

Mergers in Other Jurisdictions

Table 2 below shows a survey of ten law enforcement mergers in other jurisdictions over the last 30 years, presented by the number of personnel affected by the merger. Only five jurisdictions had completed financial analyses of the net costs and benefits of their law enforcement merger. Three resulted in net cost savings and two resulted in net additional costs.

Cost savings resulted from the consolidation of facilities, contracts, radio communications, and training resources and personnel. Additional costs resulted from adding additional on-call hours and, most significantly, selecting the higher of the two pay scales and benefits packages and extending them to all personnel within each newly merged classification.

Table 2: Law Enforcement Mergers in Other Jurisdictions			
Completed Mergers	Year	Number of Affected Personnel ³	Initial (Cost)/ Savings ⁴
1. <i>New York</i> – NYC Transit Police and NYC Housing Authority Police Department merged into NYPD	1995	7,000	Not Available ⁵
• <i>Kentucky</i> – Consolidation of Louisville and Jefferson County Police Depts.	2003	1,802	Not Yet Available
• <i>Nevada</i> – Consolidation of the Las Vegas Police Department and Clark County Sheriff's Department	1973	987	(\$4,456,400 cost) (salaries, benefits, uniforms, and weapons)
• <i>Florida</i> – Consolidation of Jacksonville and Duval County Governments	1967/8	670, plus civilian	Not Available
• <i>California</i> – California State Police merged into California Highway Patrol	1995	337	\$990,689 savings (facilities and contracts)
• <i>California</i> – Metropolitan Transportation Authority Police Dept. merged into LAPD and LA Sheriff's Department	1997	312	Minimal savings (training & radio communications)
• <i>North Carolina</i> – Mecklenburg County Police Department merged into Charlotte City Police Department	1993	300	Not Available
• <i>New York</i> – Lancaster Village PD/ Town of Lancaster PD	2003	67.5	Not Yet Available Merger finalized 4/1/03
• <i>California</i> – Consolidation of Larkspur and Corte Madera Police Departments	1980	39	\$193,752 savings (personnel, vehicles, communications, and administrative services)
• <i>California</i> – Sacramento County Marshall's Office merged into Sacramento County Sheriff's Department	1986	37	(\$84,000 cost) (savings due to conversion of sworn to non-sworn positions offset by adding on-call deputy hours)
Proposed Mergers	Action	Year	Reason Cited
1. <i>California</i> – Los Angeles Airport Police/LAPD	Board of Airport Commissioners Rejected	2002	Proposed Charter amendment seen as too risky "in the current environment of heightened security needs."

<ul style="list-style-type: none"> • <i>California</i> -- East Palo Alto PD/ San Mateo County Sheriff 	City Council Rejected	1995	East Palo Alto wanted to retain local control of their police functions but have, since April 1993, contracted out all investigative services to the San Mateo County Sheriff's Department.
<ul style="list-style-type: none"> • <i>Indiana</i> -- Indianapolis PD/Marion County Sheriff 	None	N/A	Indianapolis and Marion County entered into a unified government plan 32 years ago but never consolidated police and sheriff despite favorable public opinion polls. The primary obstacle was seen as a political struggle between the Mayor of Indianapolis and the Marion County Sheriff.

Merger Considerations

Initiating a merger between the San Francisco Police and Sheriff's Departments raises more questions than it answers. A working group comprised of representatives from the Sheriff, Police, City Attorney, and Controller's offices – with consultation from the District Attorney, the Police Commission and the Office of Citizen Complaints – would need to address numerous legal and structural considerations. Merger transitions could occur gradually, beginning with those newly merged divisions that combine personnel and/or responsibilities of the formerly separate Police and Sheriff's Departments.⁶

Considerations for the working group, therefore, include:

- *Procedures and Equipment* – Disparate operating policies, procedures and equipment would need to be standardized including officer training, deployment, jurisdiction, use of force, weapons, uniforms, decals, vehicle fleets, radio communications, and facilities. Divisions remaining separate could continue to have different procedures and equipment that best match their job descriptions and could delay expenditures such as new vehicle or uniform acquisition.
- *Wages and Benefits* – Other jurisdictions experienced significant personnel conflict immediately after consolidation. This was primarily due to inevitable differences in institutional cultures and departmental allegiances but also included resentment over differences in salaries and benefits. As part of any merger process, the working group would need to work with the Police Officer's Association, the Deputy Sheriff's Association, and SEIU Local 790 to normalize salaries, benefits, and union representation, especially where police officers would be working alongside deputy sheriffs.
- *Oversight and Citizen Complaints* – The Charter establishes strong oversight measures for Police Department accountability through the Police Commission and the Office of Citizen Complaints. Merging the Police and Sheriff's Departments would necessitate a review of these citizen protections to ensure that departmental accountability is not eroded.
- *Consolidation of Functions* – Mergers and consolidations offer opportunities for increased efficiencies resulting from the elimination of overlapping services and duties. The working group may wish to explore specific administrative, managerial, and/or commission functions that could be reduced from such a merger, including consideration of voter-approved Proposition D which mandates a minimum of 1,971 sworn officers in the Police Department.
- *Training and Recruitment* – Police officers and deputy sheriffs, due to their differing responsibilities, receive very different training. The working group may wish to also consider whether training functions could be consolidated and/or training programs altered to reflect merged duties.

Conclusion

Merging the San Francisco Police and Sheriff's Departments would represent the largest law enforcement merger since 1995 and has the potential to provide the City with long-term cost savings due to reduced administrative and managerial costs, lower personnel turnover, and shared equipment and facilities.

However, there are few areas of overlapping jurisdiction between the Police Department which provides all law enforcement and patrol operations and the Sheriff who has responsibility for the jail and court systems. The experiences of other mergers nationwide have shown that law enforcement mergers face potentially significant up-front costs from salary and benefit equalization and standardization of equipment and decals.

The net financial impact to the City and County of San Francisco will depend on what functions the working group proposes to merge as well as the ease of the merger transition.

Initiating a merger of the San Francisco Police and Sheriff's Departments is a policy matter for the Board of Supervisors.

¹ That year 7,000 personnel from the New York City Housing Authority and Transit Police Departments were merged into the New York Police Department.

² Excludes departmental supplemental appropriations.

³ In consolidations all employees are considered affected. In a merger, only those that were employed by the department merged into another are considered affected.

⁴ In 2003 inflation-adjusted dollars. Note: These are short-term merger/consolidation costs and savings collected by the department's fiscal divisions and/or the city/county manager. They do not include savings due to long-term efficiencies or costs associated with changed duties as these figures were not available.

⁵ According to NYPD Transit Bureau Deputy Inspector John Cassillo, financial data regarding total costs and savings of the NYC Transit Police, NYC Housing Authority PD, and NYPD were never publicly released.

⁶ This could include areas of share jurisdiction that do not require additional training such as, for instance, arrestee transport, warrant management, and building security.

