

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST

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April 23, 2018

TO: Budget and Finance Committee

FROM: Budget and Legislative Analyst



SUBJECT: April 26, 2018 Budget and Finance Committee Meeting

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Budget Priority Report: Public Safety Investment - Police

Executive Summary

- A recent survey of City residents found public safety to be a top concern, with only 51 percent of the respondents reporting feeling safe when walking alone at night. In the five years between 2012 and 2016, property crime in San Francisco has increased by 21.6 percent, and violent crime has increased by 7.1 percent. During the same period, the San Francisco population has increased by nearly 6 percent.
- From FY 2012-13 to FY 2016-17, the Police Department's General Fund budget increased from \$430,432,000 to \$503,375,000, or approximately 17 percent. In FY 2014-15 through FY 2016-17, the Police Department has spent less than the budget.
- Between FY 2014-15 and FY 2016-17, the Department's overtime budget increased from \$9.6 million to \$16.4 million. Actual overtime increased between FY 2014-15 and FY 2016-17 from \$14.2 million to \$20.6 million, overspending the budgeted overtime in each year.
- The Mayor and Board of Supervisors have supported accelerated police academies to expand the Police Department's capacity to bring additional officers into the force, with the goal of reaching the Charter-mandated number of full-duty officers (1,971) by 2018. Although the number of sworn officers increased by nearly 10 percent between FY 2012-13 to FY 2016-17, from 2,040 to 2,241, the number counted toward full-duty officers has not yet reached 1,971.
- To increase the presence of police officers on the street, the Department recently expanded the number of foot patrol assignments. The number of car patrol sectors increased from 678 to 781 and the number of foot patrols increased from 49 to 108 between March 2016 and September 2017.
- According to SFPD staffing data, as of January 2018, 377 sworn officers were assigned to non-patrol/special operations functions at the Department in six bureaus; the majority of sworn officer assigned to non-patrol/special operations functions are assigned to the Investigations and Administration bureaus. To further enhance the number of police officers on the street, the Department could shift the number of police officers performing administrative tasks to police duties, replacing these police officer with civilian positions.

Policy Options

1. The Board of Supervisors could request the Department, in conjunction with the Controller's Office, to conduct a civilianization review, as per the Charter mandate. Any recommendations from this review could be incorporated into the Mayor's budget.
2. The Board of Supervisors could inquire further with the Department regarding overtime utilization to obtain additional policy options to address the challenge of

increasing costs. This issue will also be addressed in our office's forthcoming audit of police staffing, scheduled to be released prior to the June budget review.

3. The Board of Supervisors could inquire further with the Department regarding the effectiveness of existing strategies to address the property crime rate, including foot patrols. The Board of Supervisors could request the Department to report on a regular basis on results related to these strategies.

Background

A recent survey of City residents found public safety to be a top concern, with only 51 percent of the respondents reporting feeling safe when walking alone at night. Over the past 5 years, property crime in San Francisco has increased by 21.6 percent, and violent crime has increased by 7.1 percent. During the same period, the San Francisco population has increased by nearly 6 percent.

The Mayor and Board of Supervisors have supported accelerated police academies to expand the Department's capacity to bring additional officers into the force, with the goal of reaching the Charter-mandated number of full-duty officers (1,971) by 2018. As of April 2018, the Department has not yet achieved this goal.

Historical Budgets and Spending

From FY 2012-13 to FY 2016-17, the Police Department's General Fund budget increased from \$430,432,000 to \$503,375,000, or approximately 17 percent. In the past three fiscal years, the Police Department has spent less than the budget, as seen in Table 1 below.

Table 1: General Fund Budget versus Actuals from FY 2012-13 to FY 2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	% Change
Budget	\$430,432,000	\$445,443,000	\$463,002,000	\$480,431,000	\$503,375,000	16.9%
Actual	430,426,000	445,443,000	455,758,000	479,929,000	501,540,000	16.5%
Surplus	6,000	0	7,244,000	502,000	1,835,000	

Source: Comprehensive Annual Financial Reports, FY 2012-13 to FY 2016-17

Next to the Department of Public Health, the Police Department receives the second largest allocation of General Fund monies in the City. Since FY 2012-13, the percentage of the General Fund allocated to the Department has been relatively flat, ranging from 12.4 percent to 10.8 percent of the total City budget.

Table 2: Budgeted General Fund Expenditures, FY 2012-13 to FY 2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Police Dept	430,432,000	445,443,000	463,002,000	480,431,000	503,375,000
Citywide	3,466,060,000	3,749,634,000	4,144,054,000	4,439,796,000	4,568,218,000
% of Total	12.4%	11.9%	11.2%	10.8%	11.0%

Source: Comprehensive Annual Financial Reports, FY 2012-13 to FY 2016-17

Over the past five fiscal years, there were six major program areas for expenditures in the Police Department budget: Airport, Investigations, Office of Citizen Complaints, Operations and Administration, Patrol, and Work Order Services. The table below details expenditures in these programs from FY 2012-13 to FY 2016-17.

Table 3: Expenditures by Program from FY 2012-13 to FY 2016-17 (All Funds)

Program	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	% change
Airport Police	44,069,679	45,001,672	46,449,252	48,925,302	51,886,744	17.74%
Investigations	71,254,950	73,382,346	72,939,498	76,379,067	82,284,063	15.48%
Office of Citizen Complaints	4,587,565	4,672,226	4,823,013	5,070,006	5,707,451	24.41%
Operations & Administration	68,914,451	74,030,543	81,933,408	92,576,232	98,682,255	43.20%
Patrol	300,548,381	302,884,993	304,318,217	316,093,554	325,185,537	8.20%
Work Order Services	16,793,268	12,908,567	8,672,682	8,799,315	8,377,841	-50.11%

Source: San Francisco Police Department

The Office of Citizen Complaints function was transferred out of the Department in FY 2017-18. Of the five remaining program areas, Operations and Administration experienced the largest increase over this time—from \$68.9 million in FY 2012-13 to \$98.7 million in FY 2016-17, or 43.2 percent.

Police Staffing

The Police Department employs both sworn and civilian employees. Since FY 2012-13, the number of budgeted sworn and civilian employees, excluding Airport employees,¹ has increased by 11.7 percent—from 2,350 in FY 2012-13 to 2,626 in FY 2016-17. As shown in the table below, the number of budgeted sworn officers increased from 2,040 to 2,241 during that time, and the number of civilian employees increased from 310 to 385. Per the Charter, the Department must maintain a minimum of 1,971 full duty sworn officers².

¹ The San Francisco Police Department (SFPD) provides police services to the Airport, which are funded in the Airport's budget. In addition to providing basic police services to the Airport, the SFPD Airport Bureau enforces the Airport's Transportation Security Administration's security plan and supports individual security plans of the airlines.

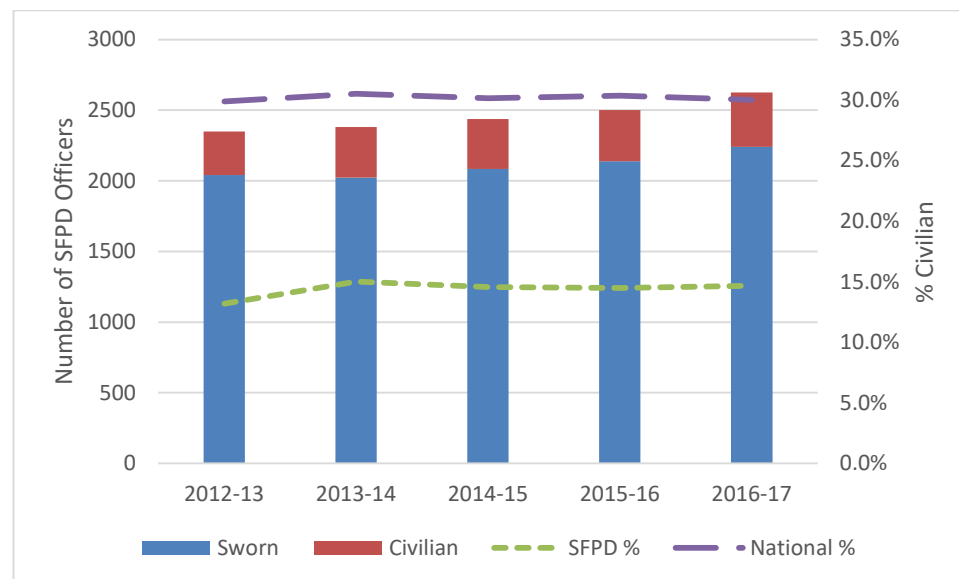
² While the Department had more than 2,000 budgeted sworn positions since FY 2012-13, not all of these officers are on active duty. According to Ms. Carolyn Welch, Budget Manager, the budgeted sworn officers include academy recruits as well as non-full duty officers. Non-Full Duty Officers include those on military leave, disability, family leave, temporary modified duty and administrative leave.

Table 4: Total Budgeted Sworn and Civilian Full Time Employees, FY 2012-13 to FY 2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	% change
Sworn	2,040	2,023	2,083	2,138	2,241	9.9%
Civilian	310	357	355	362	385	24.2%
Total	2,350	2,380	2,438	2,500	2,626	11.7%

Source: SFPD Reports to the Budget & Finance Committee on Budget Priorities, 2013-2017.

Although the number of civilian employees increased by nearly 25 percent since FY 2012-13, the number of civilian employees as a percentage of the department's workforce has been relatively constant, ranging between 15 percent and 18 percent of the total workforce, and below the national average of approximately 30 percent, as shown in Exhibit 1 below.

Exhibit 1: Sworn and Civilian Employees, FY 2012-13 to FY 2016-17

Sources: Police Department Reports to the Budget and Finance Committee on Budget Priorities, 2013-2017, and UCR data

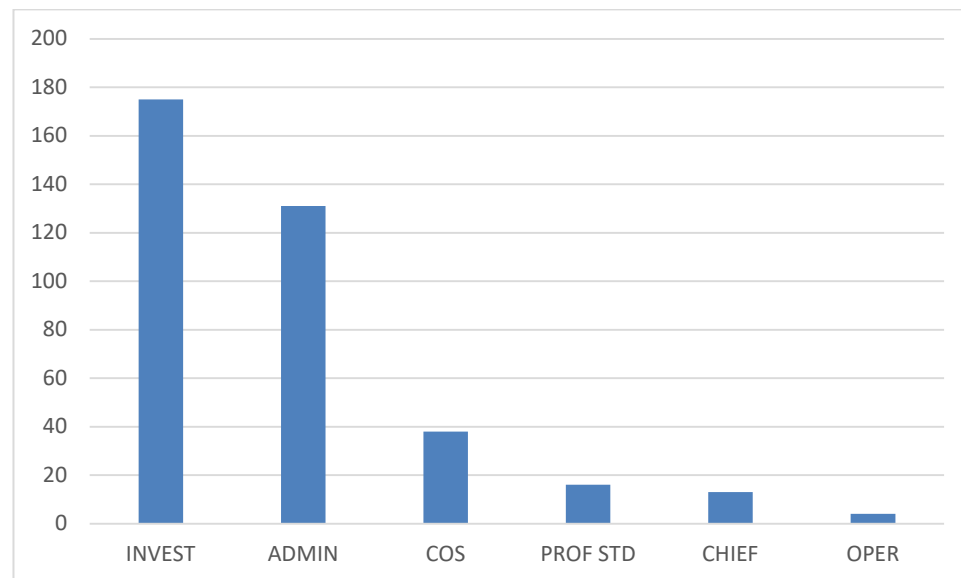
Hiring civilian employees to perform duties that do not require the specific training and skills of sworn staff has been recognized as a law enforcement industry best practice for decades. "Civilianization" is widely considered a cost-effective measure that enables public safety agencies to maximize the use of sworn staff in conducting critical public safety services, while hiring civilian staff (often at lower wage and benefit levels) to carry out administrative tasks.

Despite Charter mandates³, neither the Controller's Office nor the Police Commission have conducted civilianization reviews of the Department since at least 2012.

Sworn Officers Assigned to Non-Patrol Duties

According to SFPD staffing data and as shown in Exhibit 2 below, as of January 2018, 377 sworn officers were assigned to non-patrol/special operations functions at the Department in six bureaus: Administration, Investigations, Chief of Staff's Office, Professional Standards, the Chief's Office and Operations.

Exhibit 2: Sworn Employees in Non-Patrol Positions, by Bureau, as of January 2018



Source: SFPD data

As shown in the exhibit above, the majority of these officers work in the Investigations and Administration bureaus.

The table below shows that 145 of the 377 sworn officers in non-patrol/special operations assignments are Police Officers, the lowest rank of sworn employees in the Department.

³ Charter Section 4.127 requires the Police Commission to conduct annual civilianization reviews, and Charter Section 16.123 requires the Controller's Office and the Department to conduct civilianization reviews, in consultation with the Budget and Legislative Analyst.

Table 5: Sworn Employees in Non-Patrol/Special Operations Assignments by Rank

Rank	# of Officers
Police Officers	145
Sergeant	177
Lieutenant	24
Inspector	13
Captain	7
Commander	3
Assistant Inspector	3
Deputy Chief	2
Crime Scene Investigation Manager 3	1
Chief of Police	1
Assistant Chief of Police	1
Total Sworn Officers in Non-Patrol/Special Ops	377

Source: SFPD data

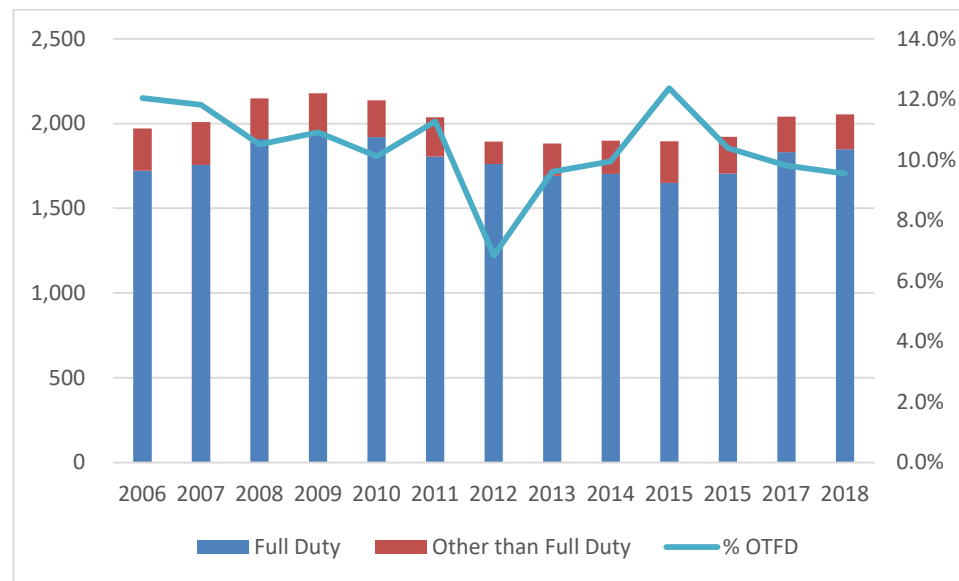
Many of these Police Officers have been assigned to tasks that were previously identified for civilianization⁴, notably in the Fleet, Facilities, Records and Property units.

We recognize the importance of sworn supervision across many of the Department's functions, including those in the Administration Bureau, in order to provide essential subject matter expertise and leadership. However, to ensure that it provides the most cost-effective public safety services, the Department should re-evaluate the assignment of lower-ranking officers to non-patrol duties.

Other than Full Duty Officers

As of January 2018, the Department has 2,147 sworn officers on payroll. However, only 1,848 qualify as full duty. Over 200 officers are considered "other than full duty", indicating that they are either on leave (i.e. military, family, disability) or on temporary modified duty.

⁴ In 2008, the Controller's Office hired the Police Executive Research Firm (PERF) to conduct a staffing analysis of the Police Department. This report includes dozens of recommendations for civilianization, as did 2010 and 2012 reports from the Controller's Office.

Exhibit 3: Full Duty and Other than Full Duty Officers, 2006 to present

Source: SFPD report

As shown in the exhibit above, the percentage of Other than Full Duty officers has been declining since a peak in 2015, although at 9.5 percent it is still a significant portion of the Department's workforce. According to the Chief of Police, the Department expects to reach the Charter-mandated full-duty sworn staffing level of 1,971 officers by December 2018.

Police Academies and Recruits

To enable the Department to achieve the 1,971 staffing mandate, the Board of Supervisors approved police academies in each of the years of our review, including an accelerated academy schedule in FY 2014-15 and FY 2015-16.

Table 6: Police Academy Classes, Recruits and Hires from FY 2012-13 to FY 2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Number of Academy Classes	5	4	6	8	3
Total Academy Recruits	183	157	223	333	152
Attrition	20	40	64	97	48
Attrition Rate	10.9%	25.5%	28.7%	29.1%	31.6%

Source: SFPD data

As shown in the table, the attrition rate for academy classes has nearly tripled over the past five fiscal years.

The Department will have three academy classes in FY 2017-18.

Overtime

Since FY 2014-15, the Department's overtime budget increased from \$9.6 million to \$16.4 million, or 69.8 percent. Despite these increases, the Department overspent its overtime budget in each of the past three years. In FY 2016-17, the Department's overtime budget increased 53.9 percent, and it still overspent the budget by 26.1 percent.

Table 7: General Fund Overtime Budget versus Actuals, FY 2014-15 to FY 2016-17

	FY 2014-15	FY 2015-16	FY 2016-17
Budget	9,638,891	10,638,891	16,369,581
Actual	14,174,399	19,504,900	20,644,548
Actual > Budget	4,535,508	8,866,009	4,274,967
Annual Budget Increase	0.0%	10.4%	53.9% ⁵
% Overspent	47.1%	83.3%	26.1%

Sources: Budget System

The Police Department's budget for overtime in FY 2017-18 is \$18,027,240, or ten percent more than in FY 2016-17. In March 2018, the Police Department requested re-appropriation of \$1,176,768 from the Board of Supervisors to pay for increases in overtime expenditures due largely to mutual aid provided to the North Bay wildfires (File 18-0186). As of the hearing, the Police Department expected to expend \$19,204,008 in overtime in FY 2017-18.

Overtime use by category, all funds

The Department classifies overtime use by categories, which include 10B⁶, Court, Arrest/Investigation, Events and Training. Since FY 2012-13, the total number of overtime hours increased from 337,025 to 473,267, or 40.42 percent. Notably, overtime hours increased most significantly from FY 2014-15 to FY 2015-16, from 379,646 hours to 483,670 hours—primarily driven by an increase in hours billed to events⁷ and 10B.

⁵ According to Ms. Welch, the 53.9 percent increase in the budget for overtime was partly due to Court Related Overtime. Court Related Overtime was classified as premium pay up until FY 2013-14, before being reclassified as overtime for FY 2014-15. The budget request in FY 2015-16 did not take into account the reclassification. Court related overtime was approximately \$3.6 million in FY 2012-13 and \$2.6 million in FY 2013-14.

⁶ 10B overtime is defined in Administrative Code Section 10B, and is paid by non-City organizations requesting police services of the department.

⁷ This scheduling category is used for Events, 1st Amendment Gatherings, Dignitary Visits, Critical Incidents, Mutual Aid, etc. The Super Bowl was in FY 2015-16.

Table 8: Actual Overtime Hours by Category from FY 2012-13 to FY 2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	% Change
10B	113,842	113,119	117,710	143,473	142,476	25.2%
Court	45,614	38,019	39,433	40,623	41,510	-9.0%
Arrest/ Investigation	64,279	74,973	75,755	91,795	113,223	76.1%
Events	103,505	101,507	136,027	189,564	154,192	49.0%
Training	9,785	10,151	10,721	18,215	21,866	123.46%
Total Hours	337,025	337,769	379,646	483,670	473,267	40.42%

Source: SFPD data

As shown in the table above, the three main drivers of the overall increase in overtime over the past five fiscal years were training, arrests/investigations and events.

Performance Measures

Crime Rates

Between 2012 and 2016, crime rates for both violent and property crimes increased in San Francisco. Violent crimes include homicide, rape, robbery and aggravated assault as reported to the US Department of Justice. Property crimes include burglary, larceny and motor vehicle theft. The table below shows how reports of these types of crimes increased over the past five years.

Table 9: Property and Violent Crimes, Calendar Years 2012 to 2016

Type of Crime	2012	2013	2014	2015	2016	% Change
Property	38,898	48,324	45,093	53,019	47,402	21.9%
Violent	5,777	7,064	6,761	6,710	6,190	7.1%

Source: Department of Justice Uniform Crime Reporting data

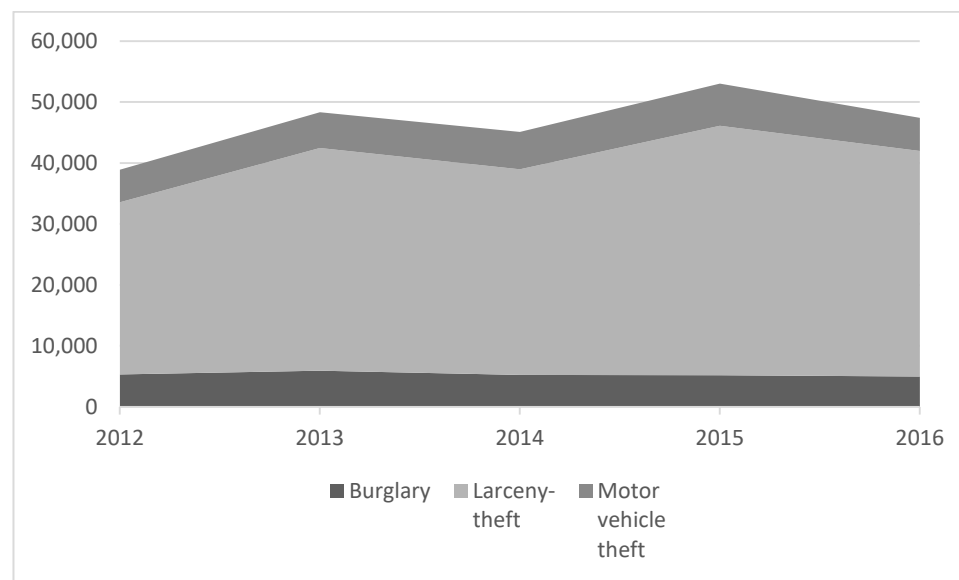
Although violent crimes have also increased, the major increase in crime has been property-related. Table 10 shows that burglaries and motor vehicle theft have remained relatively flat over time, while larceny increased, with a spike in 2015.

Table 10: Property Crimes by Type, Calendar Year 2012 to 2016

	2012	2013	2014	2015	2016	Average Annual Increase/ (Decrease)
Burglary	5,317	5,931	5,237	5,186	4,978	(85)
Larceny	28,242	36,527	33,730	40,918	36,991	2,187
Motor vehicle theft	5,339	5,866	6,126	6,915	5,433	24
Total Property Crimes	38,898	48,324	45,093	53,019	47,402	2,126

Source: Dept of Justice Uniform Crime Reporting data

Although the number of total property crimes declined in 2016, property crimes increased overall by nearly 21.9 percent between 2012 and 2016.

Exhibit 4: Property Crimes by Type, 2012 to 2016

Source: Department of Justice Uniform Crime Reporting data

Clearance Rates

Clearance rates refer to the rate at which a department makes an arrest or identifies a suspect associated with a reported crime. Law enforcement agencies report this information to the US Department of Justice and, in California, to the CA Supreme Court.

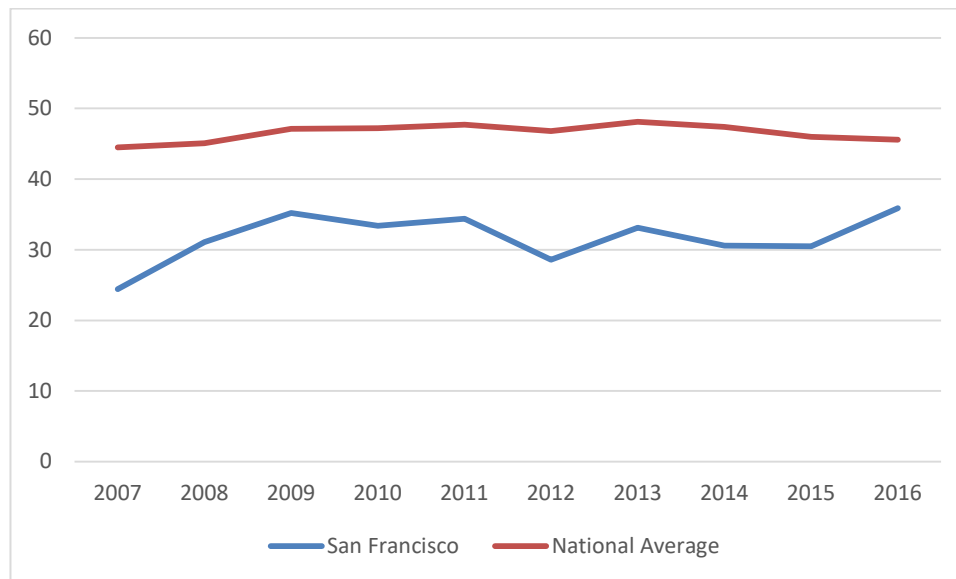
Compared to national averages for clearance rates, San Francisco has had a lower clearance rate for both violent and property crimes for the past ten years, from 2007 to 2016.

From 2007 to 2016, San Francisco's clearance rate for violent crimes increased from 24.4 percent to 35.9 percent. Over this same period, the national average for violent crime clearance rates remained relatively flat at 45 percent to 48 percent, but still higher than the San Francisco clearance rate.

Table 11: Violent Crime Clearance Rates, San Francisco and Nation, Calendar Year 2007 to 2016

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
San Francisco	24.4	31.1	35.2	33.4	34.4	28.6	33.1	30.6	30.5	35.9
National Average	44.5	45.1	47.1	47.2	47.7	46.8	48.1	47.4	46.0	45.6

Sources: CA Open Justice and UCR data

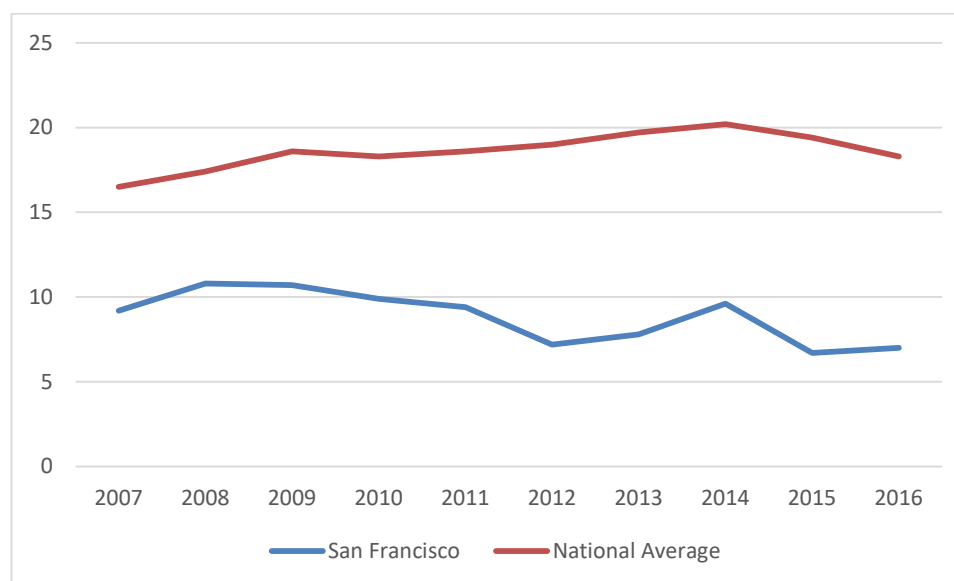
Exhibit 5: Violent Crime Clearance Rates, SF and Nation, 2007 to 2016

From 2007 to 2016, San Francisco's clearance rate for property crimes decreased from 9.2 percent to 7.0 percent, which was less than half of the national average in 2016 of 18.3 percent.

Table 12: Property Crime Clearance Rates, San Francisco and Nation, Calendar Year 2007 to 2016

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
San Francisco	9.2	10.8	10.7	9.9	9.4	7.2	7.8	9.6	6.7	7.0
National Average	16.5	17.4	18.6	18.3	18.6	19.0	19.7	20.2	19.4	18.3

Sources: CA Open Justice and UCR data

Exhibit 6: Property Crime Clearance Rates, SF and Nation, 2007 to 2016**Response Times to Calls for Service**

Another performance measure tracked by the Department is response time to Priority A⁸ and Priority B⁹ calls. The Police Department has a target of 4 min, or 240 seconds, to respond to all Priority A calls. As shown in Table 13 below, the Department has not reached that target, and response time has been increasing over the past five fiscal years.

Table 13: Response time in seconds, to Priority A and B calls

	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Priority A	260	275	260	302	297	313
Priority B	484	503	361	564	583	625

Source: Mayor's Budget Books (historical) and City Performance Scorecards (current)

There has been a 38 percent increase in the number of Priority A calls for service in San Francisco over the past six years. In 2009, the Police Department responded to 59,037 dispatched Priority A calls for an average response time of 3 minutes and 49 seconds. Six years later, in 2015, officers responded to 81,342 dispatched Priority A calls for service in an average of 4 minutes and 59 seconds. The 38 percent increase in the number of Priority A calls for service is a major factor in the increase of approximately 70 seconds in the average police response to Priority A calls over the six year period.

⁸ Priority A calls are emergency calls in response to "serious incidents" that require an immediate response because there may be an immediate threat to life or a substantial risk of major property loss or damage.

⁹ Priority B calls are calls where there is a potential for physical harm, or damage to property, and the suspect may still be in the area. The crime has just occurred.

Foot Patrols

To increase the presence of police officers on the street, the Department recently expanded the number of foot patrol assignments. This change can be seen in the table below, which compares the foot patrol to car sector patrols ratio from March 2016 to September 2017. The number of car patrol sectors increased from 678 to 781 and the number of foot patrols increased from 49 to 108 between March 2016 and September 2017. The ratio of foot patrols to car sectors doubled, from 7 percent in March 2016 to 14 percent in September 2017.

Table 14: Foot and Car Sector Patrols, 2016 and 2017

	March 2016			September 2017		
	<u>Sector</u>	<u>Footbeat</u>	<u>Ratio</u>	<u>Sector</u>	<u>Footbeat</u>	<u>Ratio</u>
Bayview	64	9	0.14	82	4	0.05
Central	76	12	0.16	85	14	0.16
Ingleside	79	0	0.00	80	8	0.10
Mission	80	0	0.00	106	4	0.04
Northern	82	8	0.10	72	12	0.17
Park	44	10	0.23	58	11	0.19
Richmond	50	4	0.08	55	10	0.18
Southern	83	0	0.00	85	12	0.14
Taraval	62	2	0.03	73	5	0.07
Tenderloin	58	4	0.07	85	28	0.33
Total	678	49	0.07	781	108	0.14

Source: Police Department

Summary

City residents rated public safety as one of their top concerns in the 2017 survey of San Francisco residents. The incidence of property crimes and violent crimes increased in the five year period between 2012 and 2016, with property crimes increasing by 21.9 percent and violent crimes increasing by 7.1 percent.

During this period, the Mayor and Board of Supervisors approved accelerated police academies to bring additional police officers into the force. Also, to increase the presence of police officer on the street, the Police Department recently expanded the number of foot patrol assignments. The number of foot patrols increased from 49 to 108 between March 2016 and September 2017 with the largest increases in the Richmond, Southern, and Tenderloin districts.

To further enhance the number of police officers on the street, the Department could shift the number of police officers performing administrative tasks to police duties, replacing these police officer with civilian positions.

Policy Options

With a significant number of sworn officers performing administrative tasks, there is an opportunity for the Department to add civilian positions in order to send those sworn officers into the field to perform patrol or other direct public safety services. This increased cost could be mitigated by savings in overtime.

There are currently two major Police Department staffing analyses underway: one by the Controller's Office, and the other by our office. Both of these reports should be released prior to the review of the Mayor's proposed budget in June, and will address some of the areas discussed in this report, including civilianization and overtime. Because we anticipate that these forthcoming reports will include police staffing and budget recommendations for the Board's consideration, the policy options provided below are high-level.

1. The Board of Supervisors could request the Chief of Police, in conjunction with the Controller's Office, to conduct civilianization review, as per the Charter mandate. Any recommendations from this review should be incorporated into the Mayor's budget.
2. The Board of Supervisors could request further information from the Chief of Police on overtime usage to obtain additional policy options to address the problem of increasing overtime costs. This issue will also be addressed in our office's forthcoming audit of police staffing, scheduled to be released prior to the June budget review.
3. The Board of Supervisors could inquire further with the Department regarding the effectiveness of existing strategies to address the property crime rate, including foot patrols. The Board of Supervisors could request the Department to report on a regular basis on results related to these strategies.

Budget Priority Report: Public Safety Investment - Sheriff

Executive Summary

- The Sheriff's Department serves temporary restraining orders (TRO's) related to domestic violence. California and federal law prohibit a person who is restrained by a civil or criminal protective order from possessing a firearm. California domestic violence restraining orders require the restrained party to surrender any firearms, but if they do not do so voluntarily, there is no consistent method to enforce the gun surrender.
- In 2017, the Sheriff's Department was assigned to serve 961 restraining orders, 430 of which were in response to domestic violence. Of the 430 assigned, 259 TROs, or 60 percent, were completed. The remaining orders could not be delivered successfully, primarily due to incorrect addresses. Of the 259 orders completed in 2017, none resulted in firearms retrieval.
- According to the Sheriff's Department, with additional staff resources, the Department's Warrant Services Unit, which processes criminal warrants, could expand its efforts to support the retrieval of firearms when civil restraining orders are served. Deputies in the Warrant Services Unit could conduct research through criminal history databases to determine if probable cause exists to issue a search warrant to retrieve the firearm. Once a warrant is issued, Warrant Services deputies would then serve the warrant.
- These program and service enhancements would require filling vacant positions in the Department.

Policy Options

1. The Board of Supervisors could request the Mayor's Office to work with the Sheriff to expedite hiring for vacant deputy sheriff positions, including prioritizing filling vacant deputy sheriff positions in the Civil Unit and Warrant Services Unit.
2. The Board of Supervisors could inquire further with the Department regarding a performance analysis of the TRO-related firearms retrieval process to determine staffing and/or management needs to obtain additional policy options to address process challenges.

Background

The Sheriff's Department serves temporary restraining orders (TRO's) related to domestic violence. California and federal law prohibit a person who is restrained by a civil or criminal protective order from possessing a firearm. California domestic violence restraining orders require the restrained party to surrender any firearms, but if they do not do so voluntarily, there is no consistent method to enforce the gun surrender.

Established Programs

Civil Unit and Warrant Services

The San Francisco Sheriff Department's Civil Unit is responsible for serving civil process paperwork by request and is responsible for enforcing all civil judgements within the City and County of San Francisco. Servable documents include summons, complaints, restraining orders, and money and property seizures. The Civil Unit also serves temporary restraining orders (TRO's) associated with domestic violence incidents with a request for turnover of any firearms. As noted below, while individuals served with a TRO for domestic violence are required to surrender any firearms, no consistent method to enforce surrender of firearms exists. The first attempt by the Civil Unit to deliver a TRO is typically made on the date the TRO is received by the Civil Unit. As part of this process, Civil Unit deputies request that the TRO subjects turn over any firearms in their possession.

According to the Sheriff's Department, with additional staff resources, the Department's Warrant Services Unit, which processes criminal warrants, could expand its efforts to support the retrieval of firearms when civil restraining orders are served. Deputies in the Warrant Services Unit could conduct research through criminal history databases to determine if probable cause exists to issue a search warrant to retrieve the firearm. Once a warrant is issued, Warrant Services deputies would then serve the warrant.

California and federal law prohibit a person who is restrained by a civil or criminal protective order from possessing a firearm. California domestic violence restraining orders require the restrained party to surrender any firearms, but if they do not do so voluntarily, there is no consistent method to enforce the gun surrender. The California Attorney General's office has a program, the Armed and Prohibited Persons System (APPS), which is supposed to remove guns from the possession of persons prohibited from having a gun, but as of the end of 2015, the APPS program had a backlog of over 12,691 unrecovered firearms statewide. The APPS program does not review the actual restraining order applications to gather information on firearm possession, and only retrieves firearms from persons who legally purchased or registered their firearm.

Proposition 63

Proposition 63 was passed by the voters of California on November 8, 2016. The Proposition calls for prohibiting the possession of large-capacity ammunition

magazines¹ and requires certain individuals to pass a background check in order to purchase ammunition. Proposition 63 also requires probation officers to check and report on what prohibited individuals did with their firearms.

Under the proposition, a search warrant may be issued to search the property for a firearm if a prohibited firearm is possessed, owned, in the custody of, or controlled by a person against whom a protective order has been issued. In this case, a sworn peace officer, including deputies from the Sheriff's Department, would be responsible for searching the premises and removing the firearm.

Historical Budgets and Spending

Historical Expenditures versus Budgets

From FY 2012-13 to FY 2016-17, the Sheriff Department's General Fund budget has increased by \$49,504,000, or 35.7 percent, from \$138,519,000 to \$188,023,000. In each of the past five fiscal years, the Sheriff's Department has spent less than the budget, as seen in Table 1 below.

Table 1: General Fund Budget versus Actuals from FY2012-13 to FY2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	% Change
Budget	\$138,519,000	\$151,560,000	\$161,849,000	\$173,053,000	\$188,023,000	35.7%
Actual	138,481,000	150,742,000	160,949,000	171,491,000	186,831,000	34.9%
Surplus	38,000	818,000	900,000	1,562,000	1,192,000	

Source: Comprehensive Annual Financial Reports

Previous Five Years Budgeting for Overtime

While it has underspent its total budget, the Sheriff's Department has overspent its overtime budget in all but one of the past five fiscal years. With the exception of FY 2013-14, the overtime overages have been significant. In FY 2016-17, the Department overspent its overtime budget by 95 percent.

Table 2: General Fund Overtime Budget versus Actuals, FY2012-13 to FY2016-17

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Budget	\$4,831,112	\$7,516,940	\$7,715,607	\$9,060,595	\$10,706,561
Actual	8,121,877	7,390,971	11,547,650	15,521,062	20,924,600
Overspending	3,290,765	-125,969	3,832,043	6,460,467	10,218,039
% Overspent	68%	-2%	50%	71%	95%

Source: Comprehensive Annual Financial Reports

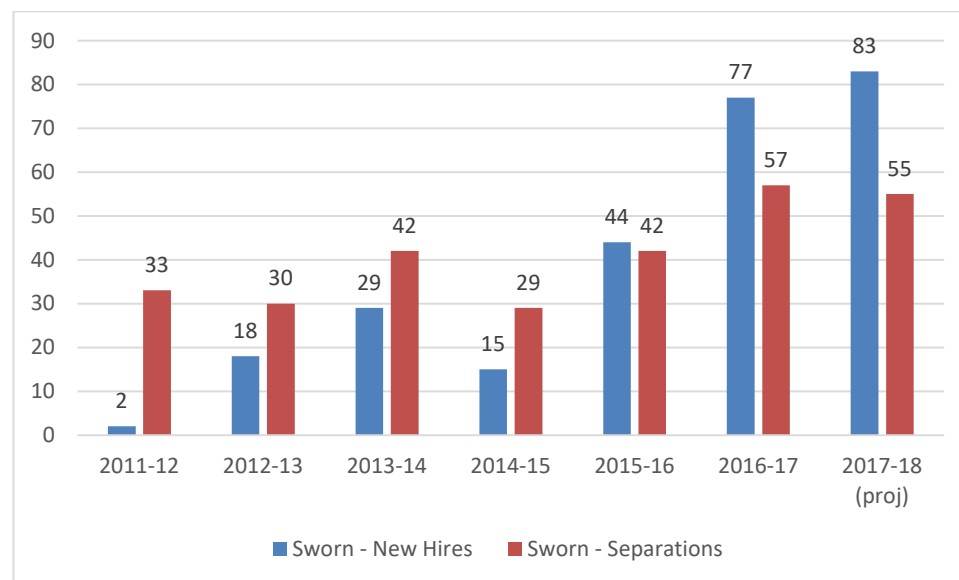
However, as shown in Table 2 above, although the Department has exceeded its overtime budget, it has underspent overall. According to a Budget and Legislative

¹ On June 29, 2017, the U.S. District Court of Southern California found that the sections related to the large-capacity ammunition magazines were unconstitutional and ordered the Attorney General not to enforce or implement these sections. The Attorney General appealed the district court's injunction to the U.S. Ninth Circuit Court of Appeals.

Analyst Report,² the Sheriff's Department has used salary savings in FY 2017-18 to pay for the excess overtime costs.

The Department's use of overtime is primarily driven by minimum staffing requirements, primarily in the jails. Due to a high number of vacant sworn positions, the Department uses overtime to backfill these positions to ensure minimum staffing levels. In addition, from FY2011-12 to FY2015-16, sworn staff separations from the Department outpaced the hiring of new sworn employees, further contributing to the high levels of overtime.

Exhibit 1: New Hires and Separations for Sworn Staff, FY 2011-12 to FY 2017-18



Source: SHF data

Current Hiring Plans

As of April 2018, the Sheriff's Department had 37 open requisitions to hire entry level deputies. The Department will have two academy classes of approximately 30 cadets in July 2018 and January 2019. According to the Sheriff Department's Chief Financial Officer, the two classes are expected to yield a net of 48 new deputies to fill the vacancies. The Department also has 32 non-sworn open positions.

Performance Measures

Temporary Restraining Order

In 2017, the Sheriff's Department was assigned to serve 961 restraining orders, 430 of which were in response to domestic violence. Of the 430 assigned, 259 TROs, or 60 percent, were completed. The remaining orders could not be delivered successfully, primarily due to incorrect addresses.

² File 18-0186, heard by the Board of Supervisors on March 8, 2018

The Civil Unit often attempts to deliver temporary restraining orders more than the minimum number of times required when the order is re-issued with a new court date. In all cases, whether the TRO service is successful or unsuccessful, the plaintiff is notified. However, in none of these cases were any firearms retrieved. As noted above, California law requires surrender of firearms by individuals restrained by a protective criminal or civil order, but does not provide clear procedures to enforce the surrender.

Table 3 below shows the number of temporary restraining orders assigned to the Sheriff's Department by type and the amount completed.

Table 3: Temporary Restraining Order Assigned to the Civil Unit for 2017

Type	Total Orders Assigned	Service Attempts Made	Completed Service	% Completed
Domestic Violence	430	557	259	60%
Elder Abuse	52	64	37	71%
Harassment	466	557	307	66%
Juvenile	3	6	2	67%
Workplace Violence	10	10	9	90%
Total	961	1194	614	64%

Source: SHF data

In recent years, 24 percent of all TROs authorized by the Superior Court were assigned to the San Francisco Sheriff's Department. Individuals filing restraining orders have the option to hire a private process server to serve the respondent. However, private servers do not have any process beyond voluntary request for firearms turnover.

As noted above, the Sheriff's Department considers that with additional resources, the Department's Warrant Services Unit could expand efforts for the retrieval of firearms when civil restraining orders are served, including researching criminal history, assisting in obtaining search warrants, and serving search warrants. According to the Department, once it has implemented processes to better enforce retrieval of firearms from TRO subjects, the Department plans to work with the Superior Court to increase the number of TROs assigned to the Sheriff to ensure firearms turnover.

National industry staffing and officer safety standards for delivering temporary restraining officers requires that two deputies conduct assignments together. However, in San Francisco, only one deputy delivers 75 percent of current temporary restraining orders, as opposed to the standard two deputies, due to vacant deputy sheriff positions.

According to the Department's Chief Financial Officer, due to ongoing deputy vacancies, the Department has historically lacked necessary staffing to implement more effective processes for serving domestic violence TROs and the associated surrender of firearms. The Department's goal, through the filling of vacant deputy sheriff positions, is to have the Warrant Services Unit implement procedures,

including researching criminal history and obtaining search warrants, to enforce retrieval of firearms when TROs are served.

Both the Civil Unit and the Warrant Services Unit are permanent assignments for sworn officers, who typically hold the position for a period of a few years. As of April 2018, there were 14 full-time sworn officers budgeted in the Civil Unit: one lieutenant, one sergeant, and 12 deputy sheriff positions. For the Warrant Services Unit, there were six full-time sworn officers budgeted: one sergeant and five deputy sheriff positions. Within the Civil Unit there are two vacancies and within the Warrant Services Unit there is one vacancy. While filling these three vacant positions would better allow the Department to implement procedures to enforce retrieval of firearms when TROs are served, the Department does not have a timeline to fill these positions.

Proposition 63

In addition to the current serving of temporary restraining orders, the Sheriff's Department is expecting an increase in the workload of uniform staff related to the implementation of Proposition 63. Proposition 63 allows sworn officials to search the premises of a person who has been served a protective restraining order in order to find and remove firearms. Therefore, implementing Warrant Services Unit procedures to serve search warrants for domestic violence restraining orders and implementing Proposition 63 is expected to increase the time required for deputy sheriffs to serve temporary restraining hours if the person served has a registered firearm, resulting in a search of the premises. The Sheriff's Department has been working with the Adult Probation Department, which estimates approximately 1,600 investigations each year for firearms registered to someone served with a temporary restraining order.³ Actual retrieval of firearms requires a sworn officer. The Sheriff's Department also anticipates increased workload for the voluntary surrender of firearms under Proposition 63.

Policy Options

1. The Board of Supervisors could request the Mayor's Office to work with the Sheriff to expedite hiring for vacant deputy sheriff positions, including prioritizing filling vacant deputy sheriff positions in the Civil Unit and Warrant Services Unit.
2. The Board of Supervisors could inquire further with the Department regarding a performance analysis of the TRO-related firearms retrieval process to determine staffing and/or management needs to obtain additional policy options to address process challenges.

³ According to the Sheriff's Department, San Mateo found that approximately 18 percent of all temporary restraining orders were positive for a firearm.