

File No. 100235

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Date July 8, 2010

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                    |
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Completed by: Alisa Somera Date July 2, 2010  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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

Contract/Agreement

[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 this Section, 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 Charter or the Municipal*

Code. At that time, the terms of office of the members of the Police Commission then holding office shall expire, and the office of Chief of Police shall be abolished and the incumbent shall have no further right to the office. 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 may also, with the approval of the Board of Supervisors by motion, revise any other Charter provisions addressing the Police Department and police officers, including Section 4.127 and this Section 6.105, to the extent necessary to conform to these changes, but any further substantive changes to those provisions must be submitted to the voters as Charter amendments.

(c) On or before January 15, 2011, the Mayor shall appoint three members of the public and the Board of Supervisors shall appoint four members of the public to a committee to study the merger and make recommendations regarding its implementation. The Controller, Chief of Police, and Sheriff, or their designees, shall serve as non-voting, ex officio members of the committee; the City Attorney shall serve as legal counsel to the committee. The committee shall submit its report and recommendations to the Mayor and the Board of Supervisors no later than April 16, 2011.

(d) On or before May 4, 2011, the Board of Supervisors shall, by motion, make findings on the following three issues:

(1) Whether the merger would result in long-term savings to the City, as verified by the Controller or by the Budget Analyst of the Board of Supervisors;

(2) Whether the merger would preserve the full 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) Whether the merger would enhance public safety.


The provisions of subsection (b) shall only take effect if the Board of Supervisors makes an affirmative finding on all three issues.

(e) If the Board of Supervisors makes the findings required under subsection (d), the City shall, prior to implementing the merger, meet and confer in good faith with labor over impact issues. The parties may use any mutually agreed-upon impasse resolution procedures. The meet and confer process and any impasse resolution procedures shall be limited to impact issues within the scope of representation and shall not involve any powers and duties given to the Civil Service Commission under Section 10.101. The meet and confer process and any impasse resolution procedures shall not involve the underlying decision whether to merge the two departments.

(f) If initial implementation of the merger has not occurred by noon on January 8, 2012, this amendment shall expire automatically and the City Attorney shall remove its provisions from future editions of the Charter. The Board of Supervisors may by motion extend any date or deadline established under this Section for a period not to exceed nine months for any one extension.

(g) 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**  
(Second Draft, dated 4/6/2010)

[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 is a charter amendment that would merge the Police Department with the Sheriff's Department, combining them both under the command of the Sheriff. The Police Commission and the office of Chief of Police would be eliminated. The merger would happen on January 8, 2012.

By January 15, 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 Chief of Police, and the Sheriff would be non-voting members of the committee. The committee would submit its report and recommendations to the Mayor and the Board by April 16, 2011.

By May 4, 2011, the Board would consider: (1) whether the merger would result in long-term savings to the City, as verified by the Controller or by the Board's Budget Analyst; (2) whether the merger would preserve the full right of citizens to file complaints with the Office of Citizen Complaints regarding misconduct by a City law enforcement officer or that a

City law enforcement officer has not properly performed a duty; and (3) whether the merger would enhance public safety. If the Board did not answer "yes" to all three questions by May 4, 2011, the merger would not happen.

If the Board did make the findings discussed above, it would meet and confer with affected labor groups over the implementation of the merger.

If the City did not merging the departments by January 8, 2012, the amendment would automatically expire. But the Board of Supervisors could by motion extend that date, or any other deadline under the amendment, for up to nine months at any one time.



CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE CONTROLLER

orig: Rules Clerk  
Dep Reg, CA  
cpage: COB  
Ben Rosenfield  
Controller  
BOS-11  
Monique Zmuda  
Deputy Controller

June 16, 2010

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA 94102-4689

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 JUN 16 PM 2:51  
BY                     


RE: File Number 100235 - Charter amendment regarding consolidation of Police and Sheriff functions

Dear Ms. Calvillo,

Should the proposed Charter amendment be adopted by the voters, in my opinion, there would be a minimal increase in the cost of government. The proposed amendment would require the Mayor to appoint four members of the public and the Board of Supervisors to appoint three members to a committee to study a merger of the Sheriff's Department and the Police Department. The committee would also include the Sheriff, Police Chief, Controller and City Attorney or their designee(s). Providing the analysis required by the committee would generate some staff costs due to the number and complexity of administrative, procedural, legal and personnel issues that would be reviewed.

The amendment specifies that the merger would place law enforcement under the command of the Sheriff and eliminate the Police Commission. In addition, the amendment specifies that the merger would go forward only if certain findings are made by the Board of Supervisors. The required findings are that the merger would result in savings to the City as verified by the Controller's Office or by the Budget Analyst; that the merger would not diminish the right of citizens to file complaints against law enforcement personnel; and that the merger would enhance public safety. If these findings have not been made and the merger implemented by January 8, 2012 the amendment would expire.

Sincerely,

  
Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

**OFFICE OF CITIZEN COMPLAINTS**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

*orig Rules Clerk  
c: Rules Members  
cpage*

CITY AND COUNTY OF SAN FRANCISCO

2010 JUL -1 PM 4:12



BY AK

July 1, 2010

Joyce M. Hicks  
Executive Director

San Francisco Board of Supervisors  
City Hall  
1 Dr Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: File No. 100235  
Office of Citizen Complaints' Comments on Proposed Charter Amendment  
Transferring Police Department Functions to Sheriff

Dear Supervisors:

This letter supplements the Office of Citizen Complaints' written comments of March 22, 2010 on the Proposed Charter Amendment Transferring Police Department Functions to the Sheriff.

The City Charter currently establishes civilian oversight for the Police Department through the Police Commission and the Office of Citizen Complaints. Under the proposed amendment, the Sheriff's Department and the Police Department would merge under the Sheriff's command; the Police Commission would be eliminated.

Addressing a similar Sheriff-Police Department merger proposal in 2003, the Legislative Analyst noted that the Police Commission and the Office of Citizen Complaints provide "strong oversight measures for Police Department accountability". The Legislative Analyst emphasized that the merger proposal would "necessitate a review of these citizen protections to ensure that department accountability is not eroded." (Legislative Analyst Report, OLA#:009-03, "Merger of the Police and Sheriff's Departments, p.9.)

The proposed charter amendment authorizes a committee to study the merger and make recommendations regarding its implementation. To ensure civilian oversight representation, the Office of Citizen Complaints should serve as a non-voting, ex officio member of this committee.

Thank you.

Respectfully submitted,  
  
Joyce M. Hicks  
Executive Director



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