

BOARD of SUPERVISORS



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MEMORANDUM

TO: Greg Suhr, Chief, Police Department
Phil Ginsburg, General Manager, Recreation and Parks Department
Jocelyn Kane, Executive Director, Entertainment Commission
Anne Kronenberg, Executive Director, Department of Emergency Management

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: December 8, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Campos on December 1, 2015:

File No. 151228

Ordinance amending the Administrative Code to require event organizers seeking additional Police Department personnel ("10B officers") and equipment for law enforcement purposes to include a request for approval of alcohol license application, if applicable, and a security plan with the request for those services; require the Department to respond to the request for services, and provide a staffing plan if the response is favorable, at least 90 days before the event if the request was received at least 125 days before the event; require the Chief of Police to reconsider denials and staffing plans if so requested; and require the Department after the event to provide to the event organizer and the Entertainment Commission a written report reviewing the use of 10B officers at the event and the costs of the event.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department
Sarah Ballard, Recreation and Parks Department
Crystal Stewart, Entertainment Commission

1 [Administrative Code - Special Law Enforcement Services (“10B Officers”)]

2
3 **Ordinance amending the Administrative Code to require event organizers seeking**
4 **additional Police Department personnel (“10B officers”) and equipment for law**
5 **enforcement purposes to include a request for approval of alcohol license application,**
6 **if applicable, and a security plan with the request for those services; require the**
7 **Department to respond to the request for services, and provide a staffing plan if the**
8 **response is favorable, at least 90 days before the event if the request was received at**
9 **least 125 days before the event; require the Chief of Police to reconsider denials and**
10 **staffing plans if so requested; and require the Department after the event to provide to**
11 **the event organizer and the Entertainment Commission a written report reviewing the**
12 **use of 10B officers at the event and the costs of the event.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
16 **Board amendment additions** are in Arial font.
17 **Board amendment deletions** are in ~~Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. The Administrative Code is hereby amended by revising Sections 10B.1
22 and 10B.2, to read as follows:

23 **SEC. 10B.1. REQUEST FOR POLICE SERVICES.**

24 (a) Definitions. For purposes of Sections 10B.1 through 10B.5, the following definitions shall
25 apply:

1 “ABC Application” shall mean a California Department of Alcohol Beverage Control Daily
2 License Application Form or any successor form.

3 “Approval” shall mean the Chief’s signature.

4 “Chief” shall mean the Chief of the Police Department or the Chief’s designee.

5 “Department” shall mean the Police Department.

6 “Event Organizer” shall mean the person, firm, corporation, or organization hosting a cultural,
7 recreational, entertainment, arts, educational, civic or religious event, including festivals and block
8 parties, and seeking additional personnel, equipment, or materials of the Department, for law
9 enforcement purposes within the City and County of San Francisco.

10 “Security Plan” shall mean a plan drafted by the Event Organizer that adequately addresses
11 the safety of persons and property associated with the event subject to the request for police services.

12 The definition of Security Plan in this Subsection 10B.1 (a) does not limit the discretion of the
13 Department to impose more stringent requirements for a Security Plan as circumstances warrant.

14 (b) Any person, corporation, firm or organization desiring additional personnel,
15 equipment, or materials of the ~~San Francisco Police~~ Department, for law enforcement purposes
16 within the City and County of San Francisco, may request the ~~Chief of the San Francisco Police~~
17 Department to provide such personnel to perform such services. Any request for police services
18 shall include a Security Plan. Any request for police services for an event that requires a California
19 Department of Alcohol Beverage Control license, shall include a request for Department approval of
20 an ABC Application.

21 (c) If the Chief ~~of Police~~ approves the request for police services, ~~he~~ the Chief may detail

22 such personnel for such services in the number he or she determines to be necessary to

23 perform the services.

24 (1) If an Event Organizer requests police services and/or approval of an ABC
25 Application at least 125 days before a proposed event, the Department must notify the Event Organizer

1 in writing of approval or denial of the request for police services and/or ABC Application and include a
2 statement of reasons for any denial no later than 90 days before the event.

3 (2) If an Event Organizer requests police services and/or approval of an ABC
4 application less than 125 days before a proposed event, the Department shall make reasonable efforts
5 to notify the Event Organizer in writing of approval or denial of the request for police services and/or
6 ABC Application and include a statement of reasons for any denial, as soon as practicable and if
7 possible at least 20 days before the proposed event.

8 (3) If the request for police services is approved, the Chief shall include with the
9 approval a written staffing plan that includes the number of personnel to be detailed in response to the
10 request, the approximate personnel location assignments, the anticipated shifts for all detailed
11 personnel, and the contact information of the person to be assigned to supervise those personnel.

12 (4) If the ~~Police Department Chief~~ determines that the requested police services
13 will require dispatch services from the Department of Emergency Management, the Chief ~~of~~
14 ~~Police or designee~~ shall notify the Executive Director of the Department of Emergency
15 Management, and the Executive Director may detail such personnel for such services in the
16 number he~~r~~ or she determines to be necessary to perform the dispatch services.

17 (d) An Event Organizer whose request for police services and/or approval of its ABC
18 Application has been denied may submit a request for reconsideration of either or both denials to the
19 Chief in writing within 10 days of receipt of the denial. An Event Organizer whose request for police
20 services has been approved may submit a request for reconsideration of the written staffing plan to the
21 Chief in writing within 10 days of receipt of the plan.

22 (e) The Chief must inform the Event Organizer in writing of his or her final decision regarding
23 any request for reconsideration made under subsection (d) within 10 days of receipt of the request for
24 reconsideration.

1 (f) In enacting and implementing this Section 10B.1, the City is assuming an undertaking only
2 to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
3 obligation for breach of which it is liable in money damages to any person who claims that such breach
4 proximately caused injury.

5
6 **SEC. 10B.2. PAYMENT FOR SERVICES; REPORT.**

7 (a) Except as provided in subsection (f), below, the ~~person, corporation, firm or~~
8 ~~organization desiring such services~~ Event Organizer shall pay to the ~~Police~~-Department such sums
9 of money as may be necessary to pay for the additional services, including any dispatch
10 services provided by the Department of Emergency Management. The payment shall include
11 a component for ~~Police~~-Department services, computed based upon the rate paid or payable
12 to those uniformed officers of the ~~Police~~-Department actually performing services at the time
13 they are to perform such additional duties, and the cost of additional equipment and materials
14 expended, together with an administrative overhead charge to cover the proportionate
15 percentage of the ~~Police~~-Department's administrative costs that are attributable in the
16 Department's reasonable discretion to the work performed pursuant to the request. The
17 payment shall also include a component for any dispatch services provided by the
18 Department of Emergency Management, which shall be computed by the Department of
19 Emergency Management based on the rate paid or payable to the dispatch personnel actually
20 performing services at the time they are to perform such additional duties.

21 No ~~person, corporation, firm or organization~~ Event Organizer that contracts with the
22 ~~Police~~-Department for additional services that are: 1) of the type normally provided by Police
23 Officers on patrol in the designated area; and 2) to be provided at least four days per week,
24 each week, for a period in excess of one year, shall be required to pay an administrative
25 overhead charge, unless such additional services are provided in conjunction with a City

1 permit or license, or are otherwise necessary to mitigate a negative impact created by the
2 activity of the ~~person, corporation, firm or organization~~ Event Organizer contracting for the
3 additional services.

4 (b) The ~~Police~~-Department shall provide an estimate of the payment for such
5 services, including an estimate from the Department of Emergency Management for any
6 dispatch services, to the ~~person, corporation, firm or organization desiring the service~~ Event
7 Organizer within a reasonable time prior to the date service is to be rendered. Upon request, the
8 Department shall provide the estimate of the payment for such services to the Event Organizer within
9 30 days of receiving the request. The ~~person, corporation, firm or organization~~ Event Organizer shall
10 deposit the amount of estimated funds with the ~~Police~~-Department prior to the time that the
11 ~~Police~~-Department renders the requested service. The ~~Police~~-Department may waive the
12 deposit requirement if services are requested for 30 days or more, or if the Department
13 reasonably believes that a waiver is justified.

14 (c) Within a reasonable time after the services are rendered, the Chief ~~of Police~~ shall
15 determine the amount of payment due. The amount due shall be based on actual services
16 performed by the ~~Police~~-Department and any dispatch services by the Department of
17 Emergency Management. If the deposit pursuant to ~~S~~subsection (b) ~~hereof~~ is insufficient to
18 cover the cost of police and dispatch services, the Chief ~~of Police~~ shall notify the ~~person,~~
19 ~~corporation, firm or organization that requested the services~~ Event Organizer by United States mail
20 to the address listed on the request for such services and that party shall have ten days to pay
21 the balance. If the amount deposited exceeds the actual costs, the Chief ~~of Police~~ shall
22 authorize a refund of the excess to the applicant at the address shown on the application.

23 (d) The ~~Police~~-Department shall deposit with the Treasurer such sums as received in
24 a special account designated public facilities overtime account; provided, however, that the
25 amount for the Police Department representing administrative overhead shall be deposited to

1 the general fund unappropriated balance of funds, and the amount for the Department of
2 Emergency Management's dispatch services shall be transferred to the Department of
3 Emergency Management.

4 (e) Within 60 days of the final date on which the services are rendered, the Department shall
5 provide to the Event Organizer and the Entertainment Commission a written report setting forth the
6 number of personnel detailed, their approximate locations and shifts during the event, the number and
7 location of arrests, detentions, or citations conducted or issued by the detailed personnel at the event,
8 and the difference if any between the estimate of the payment for the services provided under Section
9 10B.2(b) and the amount of payment due under Section 10B.2(c). The Entertainment Commission shall
10 provide an annual report to the Board of Supervisors comprised of the data collected that calendar
11 year.

12 (ef) The ~~person, corporation, firm or organization~~ Event Organizer shall indemnify, hold
13 harmless and defend said City and County of San Francisco, the ~~San Francisco Police~~
14 Department, the Department of Emergency Management, and all City and County officers,
15 agents and employees, from and against all liability, judgments or claims for personal or
16 bodily injuries, false arrest and false imprisonment caused by or purportedly caused by such
17 personnel in the rendering of such services.


18 (fg) The City shall not waive payment for additional police or dispatch services
19 pursuant to this Chapter 10B except by ordinance of the Board of Supervisors.

20 Section 2. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

24 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

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

8 By: 
9 JANA CLARK
10 Deputy City Attorney

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