

LEGISLATIVE DIGEST

(Revised 7/8/2024)

[Charter Amendment - Police Staffing and Voluntary Deferred Retirement Option Program for the Police Department]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2024, to amend the Charter of the City and County of San Francisco to define the term “Full-Duty Sworn Officer”; modify the criteria for establishing recommended staffing levels for sworn officers; change the requirement for the Chief of Police to submit a staffing report from every two years to every three years; and establish a new voluntary Deferred Retirement Option Program (“DROP”) for the period from July 2025 – July 2030, for eligible members of the Police Department (in the rank of officer, sergeant, or inspector) that allows those members to earn additional deferred compensation in the Retirement System for up to 60 months in exchange for agreeing to perform neighborhood patrol or investigative work.

Existing Law

Charter Section 4.127 describes the Police Department, including the method by which the department must, every two years, use a workload methodology to establish a recommended minimum number of police officers for the City. The Police Commission is required to consider that recommendation when approving the Police Department’s proposed budget. Currently, the Charter does not define “Full-Duty Sworn Officers” for purposes of recommended staffing levels.

Charter Section A8.900 through A8.910 were approved by the voters in 2008 to establish a deferred retirement option program (“DROP”) for an initial three-year period. In 2011, the Board voted not to renew the DROP. Although these sections remain in the Charter, they currently have no legal effect.

Amendments to Current Law

The proposed Charter Amendment would change the current process by which the Police Chief makes staffing recommendations to the Police Commission by defining Full-Duty Sworn Officer to mean full-time sworn members of the Department except those assigned to the San Francisco International Airport, those on long-term leaves of absence, and Police Academy recruits, and changing the frequency of the report from every two years to every three years.

This proposed Charter Amendment would also reestablish the DROP, for an initial five-year period beginning on July 1, 2025. Thereafter, and every five years until the DROP expires, the Board would be required to vote whether to reauthorize the DROP for an additional five years. If a motion to reauthorize the DROP fails, the program would expire.

Only certain members of the Police Department in the ranks of Officer, Sergeant, and Inspector would be eligible to participate in the DROP, and only if they have at least 25 years of service credit – including service credit granted to lateral transfers – and are at least 50 years old. Members participating in the DROP would also be required to agree to be assigned to district stations within the Field Operations Bureau to perform patrol work, or to the Investigative Bureau to conduct investigations. The Board would be authorized to limit the number of DROP participants.

Participants in the DROP would continue working for the Police Department, but would not be eligible for promotions. They would continue to draw a salary, but would also receive a DROP Account within the Retirement System, into which the City would deposit the pension payments the participant would have otherwise been receiving if they had retired. Those deposits will earn 4% interest, and the funds in the DROP Account will only be made available to the member at the conclusion of their participation in the DROP.

DROP participants who become disabled during their participation may be eligible for disability retirement, but would be required to terminate their participation in the DROP and forfeit their existing DROP contributions. Similarly, members who are temporarily unable to perform the required duties of a DROP participant would not be permitted to participate in the program during the time there are incapacitated, but may be eligible to extend their participation in the DROP for up to 30 months. Participants who end their participation in the DROP and take a distribution from their DROP account would not be eligible for a disability pension.

Background Information

This legislative digest reflects amendments made by the Rules Committee on July 8, 2024. Specifically, the Rules Committee revised the measure, as introduced, to eliminate the minimum staffing requirement.

In 1994, voters amended the Charter to adopt a specific mandatory staffing number (1,971). In 2020, the voters amended the Charter to remove the mandatory staffing number and to replace it with the requirement that the Police Department use a workload methodology to establish a minimum staffing recommendation every two years.

In 2008, voters approved a DROP for certain members of the police department, including Lieutenants and Captains. Eligible members were permitted to participate in the DROP for up to 36 months and were permitted to remain in their existing assignments. The original DROP was authorized for three years and was not extended by the Board.

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