

LEGISLATIVE DIGEST
(Second Draft 10/23/2023)

[Charter Amendment – Minimum Police Department Staffing and Five-Year Annual Funding Requirement]

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to establish minimum staffing levels for sworn officers of the Police Department, requiring for a period of five years that the Mayor and Board of Supervisors appropriate funds to meet staffing levels, establishing a Police Full Staffing Fund for a period of five years for purposes of facilitating minimum police staffing, and allowing for a temporary freeze of appropriations to the Police Full Staffing Fund in a budget or economic emergency.

Existing Law

Section 4.127 of the Charter sets forth a process for establishing the San Francisco Police Department’s current number of full-duty sworn officers and recommended full-staffing level. The Charter does not define the term “full-duty sworn officers.” The Charter requires the Chief of Police to report the Department’s recommended staffing levels to the Police Commission every two years. The Police Commission is required to consider the most recent report in approving the Department’s proposed budget each fiscal year; however, the Commission is not required to accept or adopt the findings in the Department’s report.

There is currently no requirement that the City’s budget appropriate funds for any specific number of police officers. Additionally, the Charter currently only allows the Mayor or a member of the Board of Supervisors to submit an amendment to the budget. There are no provisions in the Charter requiring the City’s budget appropriate funds for recruitment of police officers.

Amendments to Current Law

This Charter amendment would update the current process for establishing the San Francisco Police Department’s full-staffing levels by: (1) defining the term “Full-Duty Sworn Officers”; (2) establishing a “Minimum Staffing Number” for each fiscal year; (3) setting the Minimum Staffing Number for five fiscal years beginning in Fiscal Year 2024-2025 with 1,700 Full-Duty Sworn Officers, with increases each year such that by Fiscal Year 2028-2029, the Minimum Staffing Number shall be 2,074; (4) decreasing the frequency with which the Chief of Police must make reports to the Police Commission regarding the Minimum Staffing Number from every two years to every five years; (5) requiring the Commission adopt a Minimum Staffing Number which may not be reduced by more than 5% year-over-year absent a two-third’s vote

of the Police Commission; and (6) requiring the Commission approve a budget each fiscal year that funds at least the salaries required to meet that year's Minimum Staffing Number.

The Charter amendment would further require that for the five fiscal years beginning in Fiscal Year 2024-2025, the City's budget appropriate sufficient funds to pay for at least the actual number of Full-Duty Sworn Officers in the Department as of February 1 of the prior fiscal year. Should the Department determine it is able to hire additional officers, the Department would be permitted to submit an amendment to the budget directly to the Board of Supervisors.

The Charter amendment would also add a new Section 16.132 consisting of the San Francisco Police Full Staffing Act. The San Francisco Police Full Staffing Act would create a Police Full Staffing Fund for five fiscal years beginning in Fiscal Year 2024-2025. The Fund would be used to support full staffing of Full-Duty Sworn Officers through recruitment and hiring efforts that prioritize local hiring and diversity in recruitment of applicants. In Fiscal Year 2024-2025, the City would be required to appropriate \$16,800,000 to the Fund. The amount appropriated to the Fund in the subsequent four fiscal years would depend on the number of unfilled Full-Duty Sworn Officer positions within the Department, but would not exceed \$30 million in any fiscal year. The City may also freeze contributions to the Fund at the prior year's level in the event of a projected budget deficit. Unspent amounts in the Fund will be returned to the City's general fund at the end of each fiscal year. The Charter amendment authorizes the use of private donations to satisfy the required appropriations. It also authorizes, but does not require, the City to continue to appropriate money to the Fund after Fiscal Year 2028-2029.

Background Information

In November, 2020, voters amended Section 4.127 of the Charter to establish a process for determining the recommended staffing levels for full-duty sworn officers in the Department. The November 2020 amendment also eliminated the mandate that the police force in the City and County consist of no less than 1,971 full-duty sworn officers. That requirement had been in the Charter since 1996, and was originally adopted by the voters in June, 1994.