

[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 4, 2003, 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 subsection (d), at noon on January 8, 2005, 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 Municipal Code. At that

time, the terms of office of the members of the Police Commission then holding office shall expire. 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 As of that date, Section 4.109 shall be repealed and the City Attorney shall remove the section from future editions of the Charter.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 shall also re-write and re-number Section 4.127 and this Section 6.105 to reflect these changes.

(c) On or before January 31, 2004, the Mayor shall appoint four members of the public and the Board of Supervisors shall appoint three members of the public to a committee to study the merger and make recommendations regarding its implementation. The Controller, City Attorney, Chief of Police, and Sheriff, or their designees, shall also serve on this committee. The Board of Supervisors may adopt any amendments to the Municipal Code it deems necessary to implement the merger.

(d) The provisions of subsection (b) shall only take effect if, prior to noon on January 8, 2005, the Board of Supervisors makes the following three findings:

(1) That the merger will save the City money, as verified by the Controller or by the Budget Analyst of the Board of Supervisors;

(2) That the merger will not diminish or compromise the 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) That the merger will enhance public safety.

If the Board of Supervisors fails to make these three findings by noon on January 8, 2005, this amendment shall expire and the City Attorney shall remove its provisions from future editions of the Charter.

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(e) 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