

LEGISLATIVE DIGEST

[Charter Amendment - Minimum Police Staffing Levels 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 establish minimum staffing levels for sworn officers of the Police Department for the period from July 2025 through July 2028; requiring the Police Commission to set the minimum staffing level, based on a report from the Chief of Police, at least every three years thereafter; requiring the Police Commission to approve and submit to the Board of Supervisors a budget for the Police Department that accounts for the minimum staffing level of sworn officers; and establishing a new voluntary deferred retirement option program (“DROP”) for the period from July 2025 through July 2030, for eligible members of the Police Department that allows those members to earn additional deferred compensation in the Retirement System for up to 60 months in exchange for agreeing to perform 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.

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

Amended Charter Section 4.127 would establish a Minimum Staffing Number for the Police Department. For the first three years, beginning on July 1, 2025, the Minimum Staffing Number would be 2,074. The Minimum Staffing Number will be reestablished at least every three years using a workload methodology. Beginning in 2027, and in every year thereafter that the Police Chief prepares a report on staffing levels, the Police Commission will be required to consider that report and adopt a Minimum Staffing Number for the following three fiscal years. The Police Commission may not reduce the Minimum Staffing Number by more than 5% year-over-year absent a vote of at least two-thirds of its members. Additionally, beginning July 1, 2025, the Police Commission must approve a budget each fiscal year that includes funding for the salaries required to meet at least the Minimum Staffing Number.

This proposed amendment would also reestablish the DROP at Sections A8.900 through A8.910 of the Charter, for an initial five-year period beginning on July 1, 2025. Thereafter, and every five years until the DROP expires, the Board is required to vote whether to reauthorize the DROP for an additional five years. If a motion to reauthorize the DROP fails, the program will expire.

Only certain members of the Police Department in the ranks of Officer, Sergeant, and Inspector will 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 must also 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 is authorized to limit the number of DROP participants.

Participants in the DROP will continue working for the Police Department, but are not eligible for promotions. They will continue to draw a salary, but will also receive a DROP Account within the Retirement System, into which the City will 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 will be required to terminate their participation in the DROP and will forfeit their existing DROP contributions. Similarly, members who are temporarily unable to perform the required duties of a DROP participant will 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 are not eligible for a disability pension.

Background Information

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. This Charter Amendment would re-establish a mandatory minimum staffing number, but unlike the 1994 Charter Amendment, the number would not be static and would be updated at least once every three years using the workload methodology.

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.