

BOARD of SUPERVISORS



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MEMORANDUM

TO: William Scott, Police Chief
Ben Rosenfield, City Controller

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: August 4, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Stefani on July 27, 2021:

File No. 210869

Ordinance amending the Police Code to require the Police Department to perform an analysis for the implementation of Article 25, which, among other things, provides for registration of private protection and security services with the Police Department, to ensure that private security firms abide by all legal requirements and that they not engage in racial profiling or other discriminatory practices.

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: Offices of Chair Mar and Supervisor Stefani
Rowena Carr, Police Department
Lili Gamero, Police Department
Diana Oliva-Aroche, Police Department
Todd Rydstrom, Office of the Controller
Peg Stevenson, Office of the Controller
Mark dela Rosa, Office of the Controller

1 [Police Code - Private Protection and Security Services]

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3 **Ordinance amending the Police Code to require the Police Department to perform an**
 4 **analysis for the implementation of Article 25, which, among other things, provides for**
 5 **registration of private protection and security services with the Police Department, to**
 6 **ensure that private security firms abide by all legal requirements and that they not**
 7 **engage in racial profiling or other discriminatory practices.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 11 **Board amendment additions** are in double-underlined Arial font.
 12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 13 **Asterisks (* * * *)** indicate the omission of unchanged Code
 14 subsections or parts of tables.

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

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15 Section 1. Background and Findings.

16 (a) In November 1972, the Board of Supervisors added Article 25 of the Police Code to
 17 require all fixed patrols, street patrols, and private watchmen (sic) (collectively, “security
 18 services”), as defined in Article 25, operating within San Francisco to register with the Police
 19 Department (“SFPD”) and pay an annual registration fee to the Tax Collector. Under Article
 20 25, SFPD is to set forth certain rules governing the operation of a security service that has
 21 registered, and is to receive information from the security service regarding its employees.
 22 Security services are required to carry certain types and amounts of insurance, and are
 23 prohibited from employing titles, clothing, insignia, or vehicles that could be mistaken for those
 24 of SFPD or the Sheriff’s Department. In 1981, Article 25 was amended to restrict the drawing
 25 of handguns by employees of security services.

1 (b) The Police Department is not currently implementing Article 25. In a letter dated
2 May 21, 2021 to Supervisor Stefani regarding the failure to implement Article 25, the Chief of
3 Police indicated a need for a comprehensive assessment that would identify the number of
4 security services that are operating in San Francisco, both corporate and small/local
5 businesses, and the corresponding need to develop:

6 (1) an SFPD registration process that meets the requirements of Article 25;

7 (2) SFPD internal procedures to manage and sustain the other mandates of
8 Article 25;

9 (3) guidelines for denial or revocation of registrations by the Chief of Police;

10 (4) an appeal process for denied or revoked registrations; and

11 (5) a plan to include logistical, procedural, and staffing components, along with
12 timelines for bringing the SFPD into compliance with its obligations under Article 25, so that it
13 may fully implement its provisions.

14 (c) This ordinance is intended to mandate a comprehensive analysis of what will be
15 necessary and feasible to implement Article 25, as an important first step in reviving its
16 provisions. It is also important to update Article 25 to address concerns about racial profiling
17 by security services companies that have been reported by members of our Black,
18 Indigenous, People of Color (“BIPOC”) community when walking in certain neighborhoods or
19 shopping in certain stores. In the last couple of years, there have been reports of a security
20 services company, without any justification, stopping youth from our BIPOC community for
21 walking in one of our neighborhoods. Similarly, there have been recent reports of members of
22 our BIPOC community being confronted in stores by security services companies, without any
23 justification, and accused of stealing food or shoplifting. Incidents such as these are deeply
24 humiliating to the individuals involved, may well be unlawful depending on the circumstances,
25 and are just plain wrong. The public streets and walkways in San Francisco are for the use of

1 all, as are stores that are open to the public. Every person who is accessing these public
2 spaces should feel free to do so without risking being victimized and humiliated by security
3 services engaging in discriminatory practices.

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5 Section 2. Article 25 of the Police Code is hereby amended by adding Section
6 1750.21, to read as follows:

7 **SEC. 1750.21. ANALYSIS FOR IMPLEMENTATION OF ARTICLE 25.**

8 (a) The Police Department (“SFPD”) shall, in consultation with the Controller’s Office,
9 perform an analysis of this Article 25 that identifies: 1) the current state of implementation; 2) the
10 desired state of implementation; and 3) the gaps in its implementation. This implementation analysis
11 shall include, at a minimum, assessment of the need for, and recommendations for: development of an
12 SFPD registration process; development of SFPD internal procedures to manage and sustain other
13 mandates of Article 25; guidelines for denial or revocation of registrations for failing to comply with
14 Article 25; an appellate process for denied or revoked registrations; non-discrimination and
15 elimination of bias requirements for businesses and individuals subject to registration under Article 25;
16 penalties for engaging in discriminatory practices, and for the drawing of firearms in violation of
17 Article 25; and a complaint process for any alleged violations of Article 25, including but not limited to
18 violations of non-discrimination provisions. The analysis shall also include a comprehensive plan, with
19 strategic and operational components, an assessment of staffing needs, and a cost analysis, that focuses
20 on feasible implementation of this Article.

21 (b) The analysis required under subsection (a) shall be completed and submitted to the Board
22 of Supervisors no later than six months from the effective date of the ordinance in Board File
23 No. 210869 enacting this Section 1750.21.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

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9 By: /s/
10 ALICIA CABRERA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Private Protection and Security Services]

Ordinance amending the Police Code to require the Police Department to perform an analysis for the implementation of Article 25, which, among other things, provides for registration of private protection and security services with the Police Department, to ensure that private security firms abide by all legal requirements and that they not engage in racial profiling or other discriminatory practices.

Existing Law

In November 1972, the Board of Supervisors added Article 25 of the Police Code to require all fixed patrols, street patrols, and private watchmen (sic) (collectively, “security services”), as defined in Article 25, operating within San Francisco to register with the Police Department (“SFPD”) and pay an annual registration fee to the Tax Collector. Under Article 25, SFPD is to set forth certain rules governing the operation of a security service that has registered, and is to receive information from the security service regarding its employees. Security services are required to carry certain types and amounts of insurance, and are prohibited from employing titles, clothing, insignia, or vehicles that could be mistaken for those of SFPD or the Sheriff’s Department. In 1981, Article 25 was amended to restrict the drawing of handguns by employees of security services.

The Police Department is not currently implementing Article 25. In a letter dated May 21, 2021 to Supervisor Stefani regarding the failure to implement Article 25, the Chief of Police indicated a need for a comprehensive assessment that would identify the number of security services that are operating in San Francisco, both corporate and small/local businesses, and the corresponding need to develop various processes to implement the provisions of Article 25.

Amendments to Current Law

This ordinance is intended to mandate a comprehensive analysis of what will be necessary and feasible to implement Article 25, as an important first step in reviving its provisions. It is also important to update Article 25 to address concerns about racial profiling by security services companies that have been reported by members of our Black, Indigenous, People of Color (“BIPOC”) community when walking in certain neighborhoods or shopping in certain stores. In the last couple of years, there have been reports of a security services company, without any justification, stopping youth from our BIPOC community for walking in one of our neighborhoods. Similarly, there have been recent reports of members of our BIPOC community being confronted in stores by security services companies, without any justification, and accused of stealing food or shoplifting. Incidents such as these are deeply humiliating to the individuals involved, may well be unlawful depending on the circumstances, and are just plain wrong. The public streets and walkways in San Francisco are for the use of

FILE NO. 210869

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only