

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Chief William Scott, Police Department
Police Commission
Micki Callahan, Director, Department of Human Resources

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: May 26, 2020

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 200515

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to remove the minimum police staffing requirement, to require the Police Department to submit a report and recommendation regarding police staffing levels to the Police Commission every two years, and to require the Police Commission to consider the report and recommendation when approving the department's proposed budget; at an election to be held on November 3, 2020.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office

Rebecca Peacock, Mayor's Office
Kanishka Cheng, Mayor's Office
Patrick Ford, Ethics Commission
Rowena Carr, Police Department
Asja Steeves, Police Department
Sergeant Rachael Kilshaw, Police Commission
Jayne Campbell, Police Commission
Carol Isen, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources

1 [Charter Amendment - Police Department Staffing Levels]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **3, 2020, to amend the Charter of the City and County of San Francisco to remove the**
5 **minimum police staffing requirement, to require the Police Department to submit a report**
6 **and recommendation regarding police staffing levels to the Police Commission every two**
7 **years, and to require the Police Commission to consider the report and recommendation**
8 **when approving the department’s proposed budget.**

9
10 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
11 and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of
12 the City and County by revising Section 4.127 and 16.123, to read as follows:

13 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
14 **Additions** are *single-underline italics Times New Roman font*.
15 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Charter
17 subsections.

18 **SEC. 4.127. POLICE DEPARTMENT.**

19 The Police Department shall preserve the public peace, prevent and detect crime, and
20 protect the rights of persons and property by enforcing the laws of the United States, the State of
21 California, and the City and County.

22 The Chief of Police may appoint and remove at pleasure special police officers.

23 The Chief of Police shall have all powers which are now or that may be conferred upon a
24 sheriff by state law with respect to the suppression of any riot, public tumult, disturbance of the
25 public peace or organized resistance against the laws or public authority.

1 DISTRICT POLICE STATIONS. The Police Department shall maintain and operate
2 district police stations. The Police Commission, subject to the approval by the Board of
3 Supervisors, may establish additional district stations, abandon or relocate any district station, or
4 consolidate any two or more district stations.

5 BUDGET. Monetary awards and settlements disbursed by the City and County as a result
6 of police action or inaction shall be taken exclusively from a specific appropriation listed as a
7 separate line item in the Police Department budget for that purpose.

8
9 POLICE STAFFING. By no earlier than October 1 and no later than November 1 in
10 every odd-numbered calendar year, the Chief of Police shall transmit to the Police Commission
11 a report describing the department's current number of full-duty sworn officers and
12 recommending staffing levels of full-duty sworn officers in the subsequent two fiscal years. The
13 report shall include an assessment of the Police Department's overall staffing, the workload
14 handled by the department's employees, the department's public service objectives, the
15 department's legal duties, and other information the Chief of Police deems relevant to
16 determining proper staffing levels of full-duty sworn officers. The report shall evaluate and
17 make recommendations regarding staffing levels at all district stations and in all types of jobs
18 and services performed by full-duty sworn officers. The Chief of Police may, but is not required
19 by this Section 4.127 to, submit staffing reports regarding full-duty sworn officers to the Police
20 Commission in even-numbered years.

21
22 The Police Commission shall hold a public hearing regarding the Chief of Police's
23 staffing report by December 31 in every odd-numbered calendar year. The Police Commission
24 shall consider the most recent report in its consideration and approval of the Police
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1 Department's proposed budget every fiscal year, but the Commission shall not be required to
2 accept or adopt any of the recommendations in the report. The police force of the City and
3 County shall at all times consist of not fewer than 1,971 full duty sworn officers. The staffing
4 level of the Police Department shall be maintained with a minimum of 1,971 full duty sworn
5 officers thereafter. That figure may be adjusted pursuant to Section 16.123.

6 ~~All officers and employees of the City and County are directed to take all acts necessary~~
7 ~~to implement the provisions of this section.~~ The Board of Supervisors is empowered to adopt
8 ordinances necessary to effectuate the purpose of this section regarding staffing levels including
9 but not limited to ordinances regulating the scheduling of police training classes.

11 Further, the Police Commission shall initiate an annual review to civilianize as many
12 positions as possible to maximize police presence in the communities and submit that report to
13 the Board of Supervisors annually for review and approval.

14 The number of full duty sworn officers in the Police Department dedicated to
15 neighborhood policing and patrol for fiscal year 1993-1994 shall not be reduced in future years,
16 and all new full duty sworn officers authorized for the Police Department shall also be dedicated
17 to neighborhood community policing, patrol and investigations.

19 * * * *

20 **SEC. 16.123. CIVILIAN POSITIONS WITHIN THE POLICE DEPARTMENT.**

21 ~~(a) The Controller shall review sworn and civilian staffing needs in the San Francisco~~
22 ~~Police Department. As part of that review, the Controller shall review police staffing levels and~~
23 ~~patterns in comparable jurisdictions, and best practices regarding police staffing.~~

1 ~~———— The Controller and the Chief of Police shall also audit all positions in the Police~~
2 ~~Department and identify those positions that must be filled by sworn officers and those that could~~
3 ~~be filled by civilian personnel or that, under best practices in other jurisdictions, typically are~~
4 ~~filled by civilian personnel.~~

5 ~~———— In conducting these studies, the Controller and the Chief of Police shall consult with the~~
6 ~~Board of Supervisors' Budget Analyst, the Director of the Department of Human Resources, and~~
7 ~~a representative of the bargaining unit representing sworn members of the Police Department.~~

8 ~~———— Upon the completion of these studies, the Controller and the Chief of Police shall~~
9 ~~forward to the Mayor and the Board of Supervisors a list of positions in the Police Department~~
10 ~~currently filled by sworn officers that could be filled by civilian personnel.~~

11 ~~———— Upon submission of the list of positions to the Mayor and the Board of Supervisors, the~~
12 ~~provisions of subsection (a) shall expire and the City Attorney shall cause them to be deleted~~
13 ~~from future publications of the Charter, and shall cause the remaining provisions to be relettered~~
14 ~~accordingly.~~

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16
17 (a) ~~(b)~~ Positions in the Police Department may only be converted from sworn to civilian
18 as they become vacant. No sworn officer shall be laid off in order to convert a position to
19 civilian personnel.

20 (b) ~~_____~~ If the Mayor ~~and~~ or any member of the Board of Supervisors proposes to convert
21 positions in the Police Department from sworn officers to civilian personnel through the budget
22 process, ~~the minimum staffing level set in Section 4.127 shall be reduced by the same number of~~
23 ~~positions~~ if the Controller and the Chief of Police shall report on whether jointly certify that the
24 reduction would ~~will not~~ decrease the number of police officers dedicated to neighborhood
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1 community policing, patrol, and investigations or would ~~and will not~~ substantially interfere with
2 the delivery of police services or the ability of the Police Department to protect the public in the
3 event of an emergency.

4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: /s/
7 ALICIA CABRERA
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Police Department Staffing Levels]

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to remove the minimum police staffing requirement, to require the Police Department to submit a report and recommendation regarding police staffing levels to the Police Commission every two years, and to require the Police Commission to consider the report and recommendation when approving the department's proposed budget.

Existing Law

Under the Charter, the San Francisco Police Department must maintain at least 1,971 full duty sworn officers.

Amendments to Current Law

The proposed measure would amend the Charter to require the Chief of Police to transmit to the Police Commission a report describing the department's current number of full-duty sworn officers and recommending staffing levels of full-duty sworn officers. The report will include an assessment of the Police Department's overall staffing, the workload handled by the department's employees, the department's public service objectives, the department's legal duties, and other information the Chief of Police deems relevant to determining proper staffing levels of full-duty sworn officers.

The Charter would require the Police Commission to hold a public hearing on the staffing report. The Police Commission would be required to consider the staffing report in its consideration and approval of the Police Department's proposed budget every fiscal year, but the Commission would not be required to accept or adopt any of the recommendations in the report.

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