

File No. 230708

Committee Item No. 4

Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Public Safety and Ngbh Services

Date: Sept. 28, 2023

Board of Supervisors Meeting:

Date: October 17, 2023

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- Department/Agency Cover Letter and/or Report
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OTHER

- Referral FYI – June 15, 2023
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: Sept. 7, 2023

Prepared by: Stephanie Cabrera

Date: Sept. 21, 2023

Prepared by: John Carroll

Date: October 12, 2023

1 [Police Code - Drawing of Firearms by Armed Guards]

2

3 **Ordinance amending the Police Code to prohibit armed guards from drawing or**
 4 **exhibiting firearms, other than a holster, to protect property.**

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

10 Section 1. Article 25 of the Police Code is hereby amended by revising Sections
 11 1750.19 and 175.20, to read as follows:

12

13 **SEC. 1750.19. DRAWING OF FIREARMS.HANDGUNS.**

14 It shall be unlawful for any armed guard, while in any place in the City and County of
 15 San Francisco, to draw or exhibit other than in a holster any *firearm handgun* except in lawful
 16 response to an actual and specific threat to a person or persons. and/or property.

17

18 **SEC. 1750.20. PERMITTING DRAWING OF FIREARMS. HANDGUNS.**

19 It shall be unlawful for any person, corporation, partnership, or association which
 20 employs or utilizes armed guards to require, allow or permit any such guard, while in any
 21 place in the City and County of San Francisco, to draw or exhibit other than in a holster any
 22 *firearm handgun* except in lawful response to an actual and specific threat to a person or
 23 persons. and/or property. In any prosecution for violation of this Section 1750.20, proof that such
 24 person, corporation, partnership, or association did not, at the time a guard unlawfully drew or
 25 exhibited a *firearm handgun*, have a written rule prohibiting such acts, shall be prima facie

1 evidence that such person, corporation, partnership or association required, allowed or
2 permitted such conduct.

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

8

9 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.

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17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19

19 By: /s/
20 ALICIA CABRERA
20 Deputy City Attorney

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25

LEGISLATIVE DIGEST

[Police Code - Drawing of Firearms by Armed Guards]

Ordinance amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

Existing Law

Currently, Article 25 prohibits any armed guard from drawing or exhibiting, other than in a holster, any handgun except in lawful response to an actual and specific threat to person and/or property. Article 25 also prohibits any person, corporation, partnership, or association which employs or utilizes armed guards to require, allow or permit any such guard, while in any place in the City and County of San Francisco, to draw or exhibit other than in a holster any handgun except in lawful response to an actual and specific threat to person and/or property.

Amendments to Current Law

If passed, these amendments would delete all references to property and update all references from a handgun to a firearm.

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• SAN FRANCISCO •
WOMEN'S POLITICAL COMMITTEE

**SFWPC Support for Ordinance #230708
amending the Police Code to prohibit armed guards from drawing or exhibiting
firearms, other than a holster, to protect property.**

July 25, 2023

San Francisco Board of Supervisors
City Hall, Legislative Chamber, Room 250
San Francisco, CA 94102

**RE: Ordinance #230708 (Preston, Walton, Ronen, and Peskin) - Police Code -
Drawing of Firearms by Armed Guards**

Dear Board of Supervisors,

On behalf of the San Francisco Women's Political Committee (SFWPC), we are writing in strong support of Ordinance #230708, amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

We ask you to support Ordinance #230708, as it can prevent future deaths from happening and it can be a step for local government, the San Francisco Police Department, and security companies to collaborate with the community to search for *new strategies* that deter and address the root causes of crime that do not involve high risk of death. Material things are replaceable, human lives are not.

Sadly, our city has a documented history of bias complaints against security guards, that the Board of Supervisors already tried to address in 2022¹. Our Black and LGBTQ+ neighbors are disproportionately targeted. The death of Bank Brown was preventable, and we need to make sure to address this issue before we lose more San Franciscans. Prohibiting security guards from drawing firearms in the protection of property will ensure that we place the value of all lives above the property of businesses, especially multi-billion dollar ones.

1. San Francisco Chronicle, San Francisco moves to increase oversight of private security guards after bias complaints, January 2022
<https://www.sfchronicle.com/bayarea/article/San-Francisco-moves-to-increase-oversight-of-16804462.php>



• SAN FRANCISCO •
WOMEN'S POLITICAL COMMITTEE

The United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials states that “*firearms should only be used by law enforcement in self-defense or against the imminent threat of death or serious injury.*”² Private security guards are not certified as law enforcement³, and should not be required by their employers to protect private property by putting themselves at high risk of injury or death to themselves, to the offender and to the public. The investigation of Banko Brown’s death revealed that the contracting company who employed the security guard had recently changed their policies to direct their employees to do “hands-on” recovery of the goods in stores: we can’t let private companies encourage violence and put in jeopardy the lives of the most vulnerable of us.

We urge you to pass Ordinance #230708, because our community needs healing in the wake of the death of Banko Brown. This Ordinance puts first our common value of protecting human life above private profits, while giving us the opportunity to re-think the meaning of public safety and find *new ways* to tackle crime and its roots in our community.

Sincerely,

SFWPC Board of Directors

2. Code of Conduct for law enforcement officials. (n.d.). OHCHR..

<https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>

3. Law enforcement: The Bureau of Justice Statistics describes law enforcement as the agencies and employees responsible for enforcing laws, maintaining public order, and managing public safety.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: William Scott, Police Chief

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

DATE: June 15, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Preston on June 6, 2023:

File No. 230708

Ordinance amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

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 Stefani and Supervisor Preston
Lisa Ortiz, Police Department
Lili Gamero, Police Department
Rima Malouf, Police Department
Diana Oliva-Aroche, Police Department

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: