File No.	<u>21 1031</u>	Committee Item No	1
		Board Item No.	

# **COMMITTEE/BOARD OF SUPERVISORS**

AGENDA PACKET CONTENTS LIST

Committee:	Rules Committee	Date _	Nov 8, 2021
Board of Su	pervisors Meeting	Date _	
Cmte Boar	<u>-</u>	eport and/or Rej	port
OTHER	Contract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Vacancy Notice Information Sheet Public Correspondence (Use back side if additional space	is needed	<b>1</b>
	OSE DACK SIDE II AUDITIONAL SPACE	is needed	
	oy: Victor Young	Date Date	Nov. 4, 2021

## AMENDED IN COMMITTEE 11/1/2021 ORDINANCE NO.

FILE NO. 211031

1	[Administrative Code - Request for Sheriff's Services]	
2		
3	Ordinance amending the Administrative Code to authorize the Sheriff to contract with	
4	private individuals and private entities to provide supplemental law enforcement	
5	services.	
6	NOTE: Unchanged Code text and uncodified text are in plain Arial font.	
7	Additions to Codes are in <u>single-underline italics Times New Roman font</u> .  Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .	
8	Board amendment additions are in double-underlined Arial font.  Board amendment deletions are in strikethrough Arial font.  Asterisks (* * * *) indicate the omission of unchanged Code	
9	subsections or parts of tables.	
10		
11	Be it ordained by the People of the City and County of San Francisco:	
12		
13	Section 1. Delegation.	
14	State law allows the Board of Supervisors to contract on behalf of the Sheriff to provid	
15	supplemental law enforcement services to private individuals or private entities at special	
16	events or occurrences that happen on an occasional basis. Under this Chapter 10A, the	
17	Board of Supervisors is delegating to the Sheriff the Board's authority under state law to	
18	contract with private individuals or private entities to provide supplemental Sheriff's law	
19	enforcement services at special events or occurrences that happen on an occasional basis.	
20		
21	Section 2. The Administrative Code is hereby amended by adding Chapter 10A,	
22	consisting of Sections 10A.1, 10A.2, 10A.3, 10A.4, <u>10.5</u> , and 10A. <del>5</del> 6, to read as follows:	
23		
24	10A.1. DEFINITIONS.	
25	For purposes of this Chapter 10A, the following definitions shall apply:	

1	<u>City means the City and County of San Francisco.</u>
2	"Department" means the Sheriff's Department.
3	"Requestor" means a private individual or private entity "Event Organizer" means the
4	person, firm, corporation, or organization hosting a cultural, recreational, entertainment, arts,
5	educational, civic, or religious event, including festivals and block parties, and seeking
6	additional personnel, equipment, or materials of the Department at special events or occurrences
7	that happen on an occasional basis, for law enforcement purposes within the City.
8	"Security Plan" means a plan drafted by the Event Organizer Requestor that adequately
9	addresses the safety of persons and property associated with the event or occurrence that is the
10	subject of the request for Department services. This definition of "Security Plan" does not limit the
11	discretion of the Department to impose more stringent requirements for a Security Plan as
12	<u>circumstances warrant.</u>
13	"Sheriff" means the Sheriff or the Sheriff's designee.
14	
15	10A.2. REQUEST FOR SHERIFF'S SERVICES.
16	(a) Any prospective Event Organizer Requestor desiring supplemental Department law
17	enforcement services within the City for their event special events or occurrences that happen on
18	an occasional basis, may request the Sheriff to provide Department personnel to perform such
19	services. Any request for such services shall include a Security Plan.
20	(b) If the Sheriff approves the request for Department services, the Sheriff shall include with the
21	approval a written staffing plan that includes the number of personnel to be detailed in response to the
22	request, the approximate personnel location assignments, the anticipated shifts for all detailed
23	personnel, and the contact information of the Department employee to be assigned to supervise those
24	personnel.
25	

1	(c) If the Sheriff determines that the requested Department services will require dispatch
2	services from the Department of Emergency Management, the Sheriff shall notify the Executive
3	Director of the Department of Emergency Management (or designee), who may detail such personnel
4	for such services in the number the Executive Director or designee determines to be necessary to
5	perform the dispatch services.
6	(d) An Event Organizer Requestor whose request for Department services has been denied
7	may submit a request for reconsideration of the denial to the Sheriff in writing within 10 days of receipt
8	of the denial. An Event Organizer Requestor whose request for Department services has been
9	approved may submit a request for reconsideration of the written staffing plan required under
10	subsection (b) to the Sheriff in writing within 10 days of receipt of the written staffing plan.
11	(e) The Sheriff shall inform the Event Organizer Requestor in writing of the Sheriff's final
12	decision regarding any request for reconsideration made under subsection (d) within 10 days of receipt
13	of the request for reconsideration.
14	
15	SEC. 10A.3. PAYMENT FOR SERVICES.
16	(a) The Event Organizer Requestor shall pay to the Department such sums of money as may
17	be necessary to pay for the additional services, including any dispatch services provided by the
18	Department of Emergency Management.
19	(1) The payment shall include a component for Department services, computed based
20	upon the rate paid or payable to those uniformed officers of the Department actually performing
21	services at the time they are to perform such additional services, and the cost of additional equipment
22	and materials expended, together with an administrative overhead charge to cover the proportionate
23	percentage of the Department's administrative costs that are attributable in the Department's
24	reasonable discretion to the work performed pursuant to the request.
25	

1	(2) The payment shall also include a component for any dispatch services provided by
2	the Department of Emergency Management, which shall be computed by the Department of Emergency
3	Management based on the rate paid or payable to the dispatch personnel actually performing services
4	at the time they are to perform such additional duties.
5	(b) The Department shall provide an estimate of the payment for such services, including an
6	estimate from the Department of Emergency Management for any dispatch services, to the Requestor
7	Event Organizer within a reasonable time prior to the date service is to be rendered. The Event
8	Organizer Requestor shall deposit the amount of estimated funds with the Department prior to the
9	time that the Department renders the requested service. The Department may waive the deposit
10	requirement if the Department reasonably believes that a waiver is justified based on criteria that the
11	Sheriff shall determine and post on the Department website at least 30 days before accepting any
12	requests for services under this Chapter.
13	(c) Within a reasonable time after the services are rendered, the Sheriff shall determine the
14	amount of payment due. The amount due shall be based on actual services performed by the
15	Department and any dispatch services by the Department of Emergency Management.
16	(1) If the deposit pursuant to subsection (b) is insufficient to cover the actual cost of
17	<u>Department and dispatch services, the Sheriff shall notify the Event Organizer Requestor by United</u>
18	States mail to the address listed on the request for such services, and the Event Organizer Requestor
19	shall have 10 days from receipt of the bill to pay the balance.
20	(2) If the amount deposited pursuant to subsection (b) exceeds the actual cost of
21	Department and dispatch services, the Sheriff shall authorize and arrange payment of a refund of the
22	excess to the Event Organizer Requestor.
23	(d) The Department shall deposit with the Treasurer such sums as received in a special account
24	designated public facilities overtime account; provided, however, that the amount for the Department
25	representing administrative overhead shall be deposited to the general fund unappropriated balance of

1	funds, and the amount for the Department of Emergency Management's dispatch services shall be
2	transferred to the Department of Emergency Management.
3	(e) The Event Organizer Requestor shall indemnify, hold harmless, and defend the City, the
4	Department, the Department of Emergency Management, and all City officers, agents, and employees,
5	from and against all liability, judgments, or claims for personal injury, including but not limited to
6	bodily injuries, or other claims, including but not limited to false arrest and false imprisonment, caused
7	by or purportedly caused by such personnel in the rendering of such services.
8	(f) The City shall not waive payment for Department or dispatch services provided pursuant to
9	this Chapter 10A except by ordinance.
10	
11	SEC. 10A.4. COMPENSATION.
12	(a) For services performed in excess of the basic week of service, Department members shall be
13	compensated on the basis of time and one-half in accordance with the ratio that said excess service
14	bears to the basic week of service and the annual compensation as determined under Section A8.400 of
15	the City Charter and applicable memoranda of understanding.
16	(b) Requested services from the Department and the Department of Emergency Management
17	shall be compensated upon the basis of four hours per employee minimum per assignment.
18	(c) For services performed in excess of the basic work week, Department of Emergency
19	Management personnel shall be compensated on the basis of time and one-half in accordance with the
20	ratio which said excess service bears to the basic week of service and the annual compensation
21	provided therefor in applicable memoranda of understanding.
22	(d) A member of the Department or Department of Emergency Management, detailed to
23	perform services pursuant to this Chapter 10A, shall not be entitled to any additional overtime benefits
24	other than those provided in this Section 10A.4.
25	

1	SEC. 10A.5. RESTRICTIONS ON DEPARTMENT MEMBER ELIGIBILITY TO
2	PERFORM SUPPLEMENTAL LAW ENFORCEMENT SERVICES.
3	(a) Department members shall be ineligible to perform supplemental law enforcement
4	services under this Chapter 10A under the following circumstances:
5	(1) The Department member is regularly scheduled to work during the hours for
6	which the supplemental law enforcement services are requested; or
7	(2) The Department member has used more than 20 hours of paid sick leave in
8	the three months prior to the date of the request.
9	(b) For purposes of subsection (a), the calculation of hours of paid sick leave used by
10	a Department member shall exclude:
1	(1) Leave for birth or adoption of a child;
12	(2) Bereavement Leave due to the death of a spouse/domestic partner, parent,
13	child or sibling. Bereavement Leave due to the death of a person not listed in this subsection
14	(b)(2) shall be included;
15	(3) COVID-19 Sick Leave;
16	(4) Federal COVID-19 Sick Leave:
17	(5) Unpaid Leave;
8	(6) Unpaid Sick Leave;
19	(7) Disability Leave, provided that the Department member has filed a disability
20	claim based on the disability. If that claim is denied, the calculation of paid sick leave shall be
21	adjusted to exclude Disability Leave; and
22	(8) Paid Parental Leave.
23	
24	SEC. 10A. 56. UNDERTAKING FOR THE GENERAL WELFARE.

25

1	In enacting and implementing this Chapter 10A, the City is assuming an undertaking only to			
2	promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an			
3	obligation for breach of which it is liable in money damages to any person who claims that such breach			
4	proximately caused injury.			
5				
6	Section 3. Effective Date. This ordinance shall become effective 30 days after			
7	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the			
8	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board			
9	of Supervisors overrides the Mayor's veto of the ordinance.			
10				
11	APPROVED AS TO FORM:			
12	DENNIS J. HERRERA, City Attorney			
13	By: <u>/S/ Jana Clark</u> JANA CLARK			
14	Deputy City Attorney			
15	n:\legana\as2021\2000140\01562994.docx			
16				
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## **LEGISLATIVE DIGEST**

(Amended 11/1/21)

[Administrative Code - Request for Sheriff's Services]

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private individuals and private entities to provide supplemental law enforcement services.

## **Existing Law**

Existing law authorizes the Board of Supervisors to contract with private individuals and private entities to provide supplemental law enforcement services at special events or occurrences that happen on an occasional basis.

#### Amendments to Current Law

This ordinance would delegate to the Sheriff the authority to contract with private individuals and private entities to provide supplemental Sheriff's services at special events or occurrences that happen on an occasional basis. This ordinance would require that the requestor include a security plan with their request for services and that the Sheriff develop a staffing plan that includes, if needed, Department of Emergency Management dispatch services. This ordinance also would delineate payment and compensation requirements. And finally, this ordinance would restrict Sheriff's Department member eligibility to perform supplemental law enforcement services by prohibiting member participation during regularly scheduled work hours or when the member has used more than 20 hours of paid sick leave (as defined) in the three months prior to the request.

#### **Background**

This ordinance reflects amendments made at the November 1, 2021 meeting of the Rules Committee. The amendments substitute "Requestor" for "Event Organizer" and add restrictions on Sheriff's Department member eligibility.

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BOARD OF SUPERVISORS Page 1



# HOW SAN FRANCISCO SHERIFF DEPUTIES CAN HELP BUSINESSES DETER COMMERCIAL RETAIL THEFT

Board of Supervisors Rules Committee Meeting November 1, 2021

# 10A Program: A Good Fit

# What Will Work Well



- 10A policy being drafted is consistent with the 10B Program
- SFSO to work with SFPD to evaluate their 10B so to adopt best practices
- Deputies are accustomed to fixed posts as it relates to law enforcement services
- SFSO experienced in managing contracted services to meet law enforcement staffing needs

# Who We Are & What We Do

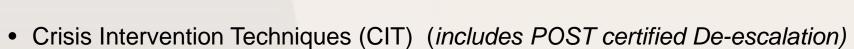
# 4 Divisions

- Sheriff's Administration and Programs Division
- Field Operations Division
- Custody Operations Division
- Planning and Projects Division
- Criminal Investigations Unit
- Contractual commitments for law enforcement services
  - City Hall, Dept. of Emergency Management, Municipal Transit Authority, Human Services Agency, Adult Probation, Dept. of Public Health, Public Library, Medical Examiner, Public Utilities Commission, Community Assessment and Referral Center
  - Special events at City Hall
  - Support Santa Clara PD with events at Levi's Stadium
  - Mutual aid to California law enforcement agencies

# Training

\* Items in RED are additional training for Deputies

- Basic Academy
  - POST mandates the same basic training for all law enforcement academies
  - BSCC mandates basic Core Course to supervise incarcerated justice involved
- Advanced Officer Training 24 annual hours
  - Continued Professional Training (12 hours)
  - Perishable Skills Program (12 hours)
  - POST requires 40 hours every two years (SFSO = 48 hours)
- Field Training Program (FTP)
  - 12-week program
- Jail Training Program (JTP)
  - 7-week program



- 24-hour course
  - Mandated for all sworn personnel



# Next Steps with 10A Legislation

- 10A Legislation
  - Work with Supervisor Safai to ensure 10A mirrors 10B
- <u>Department 10A Policy</u> (Planning and Projects Division)
  - SFPD 10B procedures/manual review for consistency/consulting with SFPD retired
  - Meetings scheduled with SFPD to evaluate their 10B so to adopt best practices
  - Work with DEM on communications plan
- Operational Needs Assessment (Field Operations Division)
  - Management / Scheduling
    - FOD Administration experienced in managing all contracted services to meet staffing needs
  - Operations / Investigations
    - Coordinate with SFPD investigations and DA for commercial retail theft issues/considerations
    - Coordinate with businesses for procedural/communications considerations
    - Required Department overview course prior to working 10A
  - Equipment
    - Class B or Class C, all issued safety equipment (no specialized inventory)

#### **BOARD of SUPERVISORS**



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

## MEMORANDUM

TO: Sherriff Paul Miyamoto

FROM: Victor Young, Assistant Clerk

DATE: October 11, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 211031

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private entities to provide supplemental law enforcement services.

If you have 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 or by email at: victor.young@sfgov.org.

c. Johanna Saenz, Sheriff's Department Katherine Johnson, Sheriff's Department Nancy Crowley, Sheriff's Department Rich Jue, Sheriff's Department Christian Kropff, Sheriff's Department



# City and County of San Francisco Master Report

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

File Number: 211031 File Type: Ordinance Status: 30 Day Rule

Enacted: Effective:

Version: 1 In Control: Rules Committee

File Name: Administrative Code - Request for Sheriff's Date Introduced: 09/28/2021

Services

Requester: Cost: Final Action:

Comment: Title: Ordinance amending the Administrative Code to

authorize the Sheriff to contract with private entities to

provide supplemental law enforcement services.

Sponsor: Safai

#### History of Legislative File 211031

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/28/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	10/28/2021	

Print Form

# **Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp

I hereby submit the following item for introduction (select only one):	or meeting date
1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amenda	nent).
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	s Commission
Planning Commission Building Inspection Comm	nission
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imp	perative Form.
Sponsor(s):	
Safai	TOTAL STATE OF THE
Subject:	
Administrative Code - Request for Sheriff's Services	
The text is listed:	
Ordinance amending the Administrative Code to authorize the Sheriff to contract with privisupplemental law enforcement services.	ate entities to provide
Signature of Sponsoring Supervisor:	Mily
For Clerk's Use Only	

From: <u>Clark, Jana (CAT)</u>

To: BOS Legislation, (BOS); Morris, Geoffrea (BOS); BOS Legislation, (BOS)

Cc: Chung, Lauren (BOS); Safai, Ahsha (BOS); Chung, Lauren (BOS)

Subject: RE: Legislation re Administrative Code - Request for Sheriff's Services

**Date:** Tuesday, September 28, 2021 1:40:19 PM

Attachments: <u>image001.png</u>

I approve the use of my electronic signature and also approve as to form.

Confidential and privileged communication

Jana Clark (she/her)
Deputy City Attorney
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place, Suite 234
San Francisco, CA 94102
(415) 554-4634

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Tuesday, September 28, 2021 1:30 PM

**To:** Morris, Geoffrea (BOS) <geoffrea.morris@sfgov.org>; BOS Legislation, (BOS)

<bos.legislation@sfgov.org>

**Cc:** Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Clark, Jana (CAT) <Jana.Clark@sfcityatty.org>

**Subject:** RE: Legislation re Administrative Code - Request for Sheriff's Services

Thank you Geoffrea. We are seeking the approval from Deputy City Attorney Jana Clark for use of her electronic signature and approval as to form for the Ordinance, by reply to this email.

Best regards,

#### **Jocelyn Wong**

San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



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From: Morris, Geoffrea (BOS) <geoffrea.morris@sfgov.org>

Sent: Tuesday, September 28, 2021 1:19 PM

**To:** BOS Legislation, (BOS) < bos.legislation@sfgov.org>

Cc: Chung, Lauren (BOS) < lauren.l.chung@sfgov.org>; Safai, Ahsha (BOS) < ahsha.safai@sfgov.org>;

Chung, Lauren (BOS) < <a href="mailto:lauren.l.chung@sfgov.org">lauren.l.chung@sfgov.org</a>>

**Subject:** Legislation re Administrative Code - Request for Sheriff's Services

Please see attached

Geoffrea (Jah-free-ah) Morris | Legislative Aide Supervisor Ahsha Safaí, District 11 San Francisco City Hall 1 Dr. Carlton B Goodlett Place, Room 256 San Francisco, CA 94102 t: 415.554.7896 | f: 415.554.6979

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Please note: This is a public email address and any messages sent to or from this address may be subject to a public records request.

From: Marisa Rodriguez Young, Victor (BOS) To: Randall Scott Cc: Subject: 10A Support

Date: Monday, November 1, 2021 10:16:32 AM

Attachments: image002.png

image003.png

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair and Committee Chairs,

The Union Square Alliance and the Fisherman's Wharf CBD are both in full support of this important and critical legislation.

The health and vitality of our retail and tourism corridors relies on the resources provided by this program to survive. We want to thank Supervisor Safai for taking initiative on this serious issue. Retail theft is hurting our city and we need the additional support to make it through the holiday season and beyond, safely.

Warmly,

Marisa Rodriguez and Randall Scott



**Marisa Rodriguez Executive Director** 415-781-7880 x102

marisa@unionsquarealliance.com

291 Geary Street, Suite 200 San Francisco, CA 94102

www.visitunionsquaresf.com Member Services 415-781-4456







The Union Square Business Improvement District is now the Union Square Alliance. Please make note of our new name and email address.

From: Ng, Wilson (BOS)

To: <u>Bullock, John (BOS)</u>; <u>Wong, Alan (BOS)</u>; <u>BOS-Operations</u>

Cc: Morris, Geoffrea (BOS); BOS Legislation, (BOS)

Subject: RE: Supervisor Mar cosponsoring 211031

Date: Monday, November 1, 2021 11:13:17 AM

Attachments: <u>image001.png</u>

Cc: BOS-Legislation

\_\_

Wilson L. Ng

**Deputy Director of Operations** 

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

Phone: (415) 554-7725 Web: <u>www.sfbos.org</u>



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----Original Message-----

From: Bullock, John (BOS) < john.bullock@sfgov.org>

Sent: Monday, November 1, 2021 11:06 AM

To: Wong, Alan (BOS) <alan.wong1@sfgov.org>; BOS-Operations <br/>bos-operations@sfgov.org>

Cc: Morris, Geoffrea (BOS) < geoffrea.morris@sfgov.org>

Subject: RE: Supervisor Mar cosponsoring 211031

You need to send this message to the committee clerk, not operations.

-----Original Message-----

From: Wong, Alan (BOS) <alan.wong1@sfgov.org>
Sent: Monday, November 1, 2021 11:04 AM
To: BOS-Operations <a href="mailto:bos-operations@sfgov.org">bos-operations@sfgov.org></a>

Cc: Morris, Geoffrea (BOS) < geoffrea.morris@sfgov.org>

Subject: Supervisor Mar cosponsoring 211031

BOS Legislation:

Supervisor Mar is cosponsoring file 211031.

Thank you.

 From:
 Temprano, Tom (BOS)

 To:
 BOS Legislation, (BOS)

 Cc:
 Mandelman, Rafael (BOS); Safai, Ahsha (BOS); Morris, Geoffrea (BOS); Young, Victor (BOS)

 Subject:
 Co-Sponsorship Request File # 211031 [Administrative Code - Request for Sheriff's Services]

**Date:** Friday, October 29, 2021 4:31:32 PM

Hello,

Please add Supervisor Mandelman as a co-sponsor of File # 211031 [Administrative Code - Request for Sheriff's Services]. Thank you.

Best,

## Tom Temprano 譚盼龍

Legislative Aide
Office of Supervisor Rafael Mandelman
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284
San Francisco, California 94102
(415) 554-6987 | tom.temprano@sfgov.org

Pronouns: he, him, his