

LEGISLATIVE DIGEST

(Revised 10/30/2023)

[Charter Amendment - Minimum Police Department Staffing and Five-Year Annual Funding Requirement]

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to define “Full-Duty Sworn Officers” for purposes of establishing minimum staffing levels for sworn officers of the Police Department; and, contingent upon the Controller’s certification that a future tax measure passed by the voters will generate sufficient additional revenue to fund the cost of employing Full-Duty Sworn Officers at specified minimum staffing levels and the minimum amount necessary to implement a police staffing fund: 1) set the Minimum Staffing Number for five fiscal years beginning with 1,700 full-duty sworn officers in year one, with increases each year such that by the fifth fiscal year, the Minimum Staffing Number shall be 2,074; 2) require for a period of five years that the Mayor and Board of Supervisors appropriate funds to pay for at least the number of sworn officers as of February 1 of the prior fiscal year; 3) establish a Police Full Staffing Fund (“Fund”) for a period of five fiscal years to facilitate minimum police staffing; 4) require that \$16.8 million be appropriated into the Fund in the first year, and varying amounts in years two through five, calculated based on staffing shortages, but allowing for a temporary freeze of appropriations to the Fund after the first year in a budgetary or economic emergency.

Existing Law

Section 4.127 of the Charter sets forth a process for establishing the San Francisco Police Department’s current number of full-duty sworn officers and recommended full-staffing level. The Charter does not define the term “full-duty sworn officers.” The Charter requires the Chief of Police to report the Department’s recommended staffing levels to the Police Commission every two years. The Police Commission is required to consider the most recent report in approving the Department’s proposed budget each fiscal year; however, the Commission is not required to accept or adopt the findings in the Department’s report.

There is currently no requirement that the City’s budget appropriate funds for any specific number of police officers. Additionally, the Charter currently only allows the Mayor or a member of the Board of Supervisors to submit an amendment to the budget. There are no provisions in the Charter requiring the City’s budget appropriate funds for recruitment of police officers.

Amendments to Current Law

This Charter amendment would update the current process for establishing the San Francisco Police Department's full-staffing levels by defining the term "Full-Duty Sworn Officers" to mean the full-time sworn members of the Department except those assigned to the San Francisco International Airport, those on long-term leaves of absence, and Police Academy recruits. The Charter Amendment also would require the City to set aside sufficient funds as part of the biennial budget process to recruit and employ officers at specified levels, contingent upon the adoption of a future tax measure. The proposed Charter Amendment uses the term "Full Funding Date" to describe the date on which the Charter Amendment's funding requirements would become operative. The Full Funding Date could be triggered by: 1) a new special tax earmarked to support police staffing and recruitment at the new minimum levels; 2) a new general tax that the Controller determines will generate sufficient additional funding to support police staffing and recruitment at the new minimum levels; or 3) a measure that would amend an existing general or special tax to dedicate and/or increase tax revenue to support police staffing and recruitment and the new minimum levels.

Following the Full Funding Date, the Charter amendment would: (1) establish a "Minimum Staffing Number" for each of five fiscal years, beginning the first fiscal year at 1,700 Full-Duty Sworn Officers, with increases each year such that by the fifth fiscal year, the Minimum Staffing Number will be 2,074; (2) decrease the frequency with which the Chief of Police must make reports to the Police Commission regarding the Minimum Staffing Number from every two years to every five years; (3) require the Police Commission adopt a Minimum Staffing Number which may not be reduced by more than 5% year-over-year absent a two-third's vote of the Police Commission; (4) require the Police Commission approve a budget each fiscal year that funds at least the salaries required to meet that year's Minimum Staffing Number; (5) for the five fiscal years following the Full Funding Date, require the City to appropriate sufficient funds to pay for at least the actual number of Full-Duty Sworn Officers in the Department as of February 1 of the prior fiscal year; and (6) should the Department determine it is able to hire additional officers, allow the Department to submit an amendment to the budget directly to the Board of Supervisors.

The Charter amendment would also add a new Section 16.132 consisting of the Police Full Staffing Fund. The Fund would, for five fiscal years following the Full Funding Date, be used to support full staffing of Full-Duty Sworn Officers through recruitment and hiring efforts that prioritize local hiring and diversity in recruitment of applicants. In the first year starting with the Full Funding Date, the City would be required to appropriate \$16,800,000 to the Fund. The amount appropriated to the Fund in the subsequent four fiscal years would depend on the number of unfilled Full-Duty Sworn Officer positions within the Department, but would not exceed \$30 million in any fiscal year. The City may also freeze contributions to the Fund at the prior year's level in the event of a projected budget deficit. Unspent amounts in the Fund will be returned to the City's general fund at the end of each fiscal year. The Charter amendment authorizes, but does not require, the City to continue to appropriate money to the Fund for more than five fiscal years; but, absent an extension approved by the voters, the Fund will sunset ten years after the Full Funding Date.

Background Information

In November, 2020, voters amended Section 4.127 of the Charter to establish a process for determining the recommended staffing levels for full-duty sworn officers in the Department. The November 2020 amendment also eliminated the mandate that the police force in the City and County consist of no less than 1,971 full-duty sworn officers. That requirement had been in the Charter since 1996, and was originally adopted by the voters in June, 1994.

This Charter amendment was introduced on September 19, 2023. As initially introduced, the amendment would have established a Minimum Staffing Number of 1,800 Full-Duty Sworn Officers for Fiscal Year 2024-2025, with increases each year such that by Fiscal Year 2028-2029, the Minimum Staffing Number would be 2,182 Full-Duty Sworn Officers. The Charter amendment also would have, upon becoming effective: (1) required the City to begin appropriating funds to the Fund in Fiscal Year 2024-2025 and for the four fiscal years thereafter; (2) reduced the frequency with which the Chief of Police must make reports to the Commission from every two years to every five years; and (3) required the City to appropriate sufficient funds for the five fiscal years beginning in Fiscal Year 2024-2025 to pay for at least the actual number of Full-Duty Sworn Officers employed in the Department as of February 1 of the prior fiscal year.

On October 23, 2023, this Charter amendment was amended in the Rules Committee to reduce the Minimum Staffing Number for the first five years of the Fund, with the Minimum Staffing Number for years one through four being reduced by 100 each, such that the Minimum Staffing Number in the first year would be 1,700, and the Minimum Staffing Number for year five being reduced from 2,182 to 2,074. The Rules Committee also added language to the Fund to clarify that the amounts allocated to the Fund are intended to be in addition to those amounts previously appropriated for staffing in the prior fiscal year. The Committee further amended the Fund to permit the City to continue appropriating money to the Fund after five fiscal years.

On October 30, 2023, the Rules Committee also amended the Charter Amendment to make the measure's funding requirements contingent upon the Controller's certification that a future tax measure passed by the voters will generate sufficient additional general fund or dedicated revenue to fund the cost of employing Full-Duty Sworn Officers at the specified minimum staffing levels and the minimum amount necessary to implement the Fund.

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