



**SAN FRANCISCO PATROL SPECIAL
POLICE OFFICERS ASSOCIATION**

**RESPONSE TO THE REPORT
BY THE PUBLIC SAFETY STRATEGIES GROUP
DATED AUGUST 27, 2010**

SUBMITTED TO:
City and County of San Francisco
Police Commission
850 Bryant Street
San Francisco, California 94103

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INTRODUCTION

On August 30, 2010, the Public Safety Strategies Group, (hereafter "PSSG") released their report about the San Francisco Patrol Special Police.

According to their contract with the City & County of San Francisco, their objective was to find ways to better incorporate the Patrol Special Police into the everyday operations of the San Francisco Police Department.

This study presented a key opportunity during a developing recession for the City to identify and strengthen the benefits that the Patrol Special Police provide at insignificant cost to taxpayers.

Contrary to its stated mission, the PSSG report recommended that the City remove the Patrol Special Police from the City Charter and terminate any relationship with the force. We, the members of the San Francisco Patrol Special Police Officers Association, find this recommendation unsupported and unsound, and thus, unacceptable as a method of improving safety for all the citizens of San Francisco.

On September 1, 2010 and a year overdue, the San Francisco Police Commission (hereafter "Commission") heard the PSSG presentation. Commissioners responded with questions to the director of the study and presenter of this report, Ms. Kym Craven. The Commission focused upon (1) liability, (2) cost of operating the program, (3) training and these topics are addressed below and in more detail in this report:

LIABILITY:

The PSSG report alleged that the Patrol Special Police unfairly enjoy unique benefits giving them competitive advantage over security companies that do business in San Francisco. Our position is to the contrary, namely that security companies and their officers enjoy special benefits that give them unique competitive advantage.

First, security companies are required by code to provide much less insurance coverage than the Patrol Special Police. Under City law, specifically Municipal Police code section 1750, security companies must carry General Liability Insurance coverage including \$200,000.00 for injury to each person, \$300,000.00 for each occurrence, and \$50,000.00 for property damage.

Oddly enough, under State law, specifically Business & Professions Code Section 7583.40, security companies must carry over \$1 million in liability insurance coverage. The City should ensure that security companies comply with that law at the higher amount, yet it is our understanding that they do not do so.

This amount of \$200,000.00 is substantially below the Commission's requirements for the Patrol Special Police. Patrol Special Police beat owners were originally required by Commission regulation to carry \$500,000.00 in liability coverage until 2005, when the amount was increased by regulation change to a minimum coverage of \$1,000,000.00.

Second, Municipal Code Section 1750 provides that the Patrol Special Police are permitted by law to patrol the public streets. However, the San Francisco Police Department (hereafter "SFPD") and the City Attorney, both offices which are charged with enforcing the Municipal Code, fail to enforce this code.

Regarding the amount of coverage, it should be noted that in the fall of 2010 informal meeting of several commissioners, clients, and the Patrol Special Police Officers Association President in part discussing insurance coverage limits, various inquiries were made to beat owners and to insurance companies about raising coverage to \$10 million. It was learned that the cost to increase coverage as indicated, would be prohibitive.

Depending upon the beat owner's credit rating which can range from fair to excellent, and considering whether a claim has been filed within the past 10 years, the annual premium would range between \$25,500.00 and \$ 85,000.00. To implement this requirement would result in the practical elimination of Patrol Special Police beats because owners simply could not afford the premiums. This probable result does not serve the public safety needs of this City, and furthermore, could be deemed a punitive action and flies in the face of fair business practices in that it would create an undeserved hardship on all the beat owners.

As one final point regarding insurance, the San Francisco Police Department which oversees the "10-B" program in which off duty SFPD officers work privately, in SFPD uniform, requires that the person or business which is employing them, provide liability insurance, but without specifying the amount, which could be insignificant or substantial. Specifically from San Francisco Administrative code section 10B.2(e): *" Each person, firm or corporation or other organization requesting services under this article shall indemnify, hold harmless and defend the City and County of San Francisco. . . .from any and all liability, judgments and claims for personal or bodily injury"* Thus, the city requires this insurance but does not state an amount nor does it require this insurance to be verified.

COST OF OPERATING THE PATROL SPECIAL POLICE PROGRAM:

The PSSG report stated that the estimated annual cost to the City and taxpayers for administrative and regulatory support of the Patrol Special Police program amounts to over \$300,000.00 per year. The Patrol Special Police believe that this amount is exaggerated and composed of estimates that do not reflect the facts, or real-world thinking in a recessionary economy.

Patrol Special Police Officers are called by their clients and also overhear situations on the SFPD radio involving their clients. Patrol Special Police respond to these client calls and in doing so, alleviate situations that otherwise would require the regular SFPD to respond, thus saving the City money that can then be spent elsewhere in support of valid programs.

Patrol Special Police save the City a substantial cost for public safety and security. If the Patrol Special Police force of 29 officers were properly utilized, savings could amount to hundreds of thousands of dollars. This is easily understood based upon the fact that if each and every Patrol Special Police officer handles at least one low priority "C" service call from SFPD dispatchers per night, a savings of over \$250,000.00 per year, would result for the City - money that is sorely needed for other significant programs for needy citizens. Doubling our officers would double the savings.

This City is suffering financial hardship as is the rest of the country. A shrinking tax base, mismanagement of some funds and programs, and well-known large payouts for benefits, overtime earnings, and pensions for government workers, have drained the city coffers. Many in both the public and the private sectors are working diligently to find new and creative ways, in partnership and on their own behalf, to find and fund programs that are both efficient and effective in operations.

It is our contention that if the City and County of San Francisco enforced the Municipal Code Article 25, Section 1750 concerning regulation of private security including collection of licensing payroll taxes and operation fees, then the City would probably realize an annually collection, consisting of \$120,000.00 in unpaid registration fees, \$9,000.00 in unpaid business taxes, and \$14,500,000.00 in unpaid payroll taxes.

TRAINING

All training in both the classroom and on the range is set according to the Police Chief, as provided in Commission regulation. The San Francisco Patrol Special Police Officers Association has always maintained that training is a critical issue to policing effectiveness, protection of the public, and protection of officers as well.

Therefore, the Patrol Special Police have welcomed the training and in some instances requested training in subjects or techniques that has been denied to them for various short-sighted or ill-founded reasons. We have funded all annual training with one sole exception. In 2010 and without specific request from the Patrol Special Police, annual training was offered by the Academy at a much reduced cost.

Nonetheless, we believe that curriculum afforded by the SFPD does not meet adequate public security and policing standards needed for our force, nor reflect sound POST requirements. For example, legal updates and case law, as well as defensive physical training, are needed.

If the Commission is serious about improving public safety to protect the public, then higher standards should be implemented. Accordingly, the Patrol Special Police will be more fully prepared to accept more responsibility in public safety and become even more of an asset to the public and more support to the police department as well.

We specifically propose that the Commission raise minimum standards for applicants to our police force from the current requirement of the POST 832 class of 40 hours, to the POST Level III class which requires 200 hours of training. In this case, present Patrol Special Police officers who need additional training should be granted a reasonable amount of time to comply with this higher standard of training.

We propose that once a present officer satisfactorily completes the higher standard of training within the given time frame, then the uniform be changed in the following way. The light blue stripe and epaulettes would be removed to signal the officer's compliance with training. This would demonstrate the officer's commitment to the highest performance standards in public safety.

We further propose an idea previously espoused by the Commission, namely, that the words "Patrol Special" be embroidered onto the uniform above the name of the officers. This would ensure that the general public can easily distinguish between regular officers of the SFPD and the Patrol Special Police.

CONCLUSION

Patrol Special Police Officers carry their own insurance which holds harmless this city and the amount of coverage is much higher than what is required to a regular security company. The Patrol Special Police are willing to double the insurance requirement to 2 million dollars.

With the dwindling revenues of this city, the Patrol Special police are underutilized not only by the City and County of San Francisco, but by residents and business who know very little or nothing of this historic program. Patrol Special Police officers are uniquely positioned to fill the gap and augment the regular police officers. Because we have been around for over 150 years, we can and do fulfill well articulated city policy as stated in the Charter for the city. It is the city's responsibility as stewards of that policy to make maximum use of a resource which has such a positive impact on this city's ability to provide quality police service at such a low cost. Additionally, the Patrol Special officers are an additional deterrent by being on the street and visible as representations of authority.

The Patrol Special police have always requested more and better training to better serve the City and County of San Francisco as well as the citizenry. There are several Patrol Special Police Officers who have made the ultimate sacrifice for the city and hopefully with better training, this will never happen again.

The Rules and Regulations for the Patrol Special police need to be redesigned for this to work. We suggest that one Patrol Special officer as well as one SFPD officer meet and confer with members of the Police Commission to revamp these rules to not only better suit the city but to address the concerns of the commission.

The Patrol Special police are in no way advancing the idea of removing Administrative code 10-B. We feel that 10-B serves a useful purpose for the city and citizens, but the use of the Patrol Specials offers a unique alternative and a third choice to this city over regular security guards and off-duty police officers. All three choices have their place in San Francisco.

It is with thanks from the Patrol Special Police Officers Association to Officer Samuel Reyes, who thru many phone calls, conferences and meetings, tirelessly and unselfishly gave his time, money and effort to combine this report and documents for presentation.

Alan Byard

cc to: Mayor of San Francisco
Board of Supervisors
Chief of Police