



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller
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Deputy Controller

August 30, 2010

The Honorable Gavin Newsom
Mayor, City and County of San Francisco
Room 200, City Hall

The Honorable Members, Board of Supervisors
Room 244, City Hall

The Honorable Members, San Francisco Police Commission
850 Bryant Street, Room 505

Dear Mayor Newsom, Ladies and Gentleman:

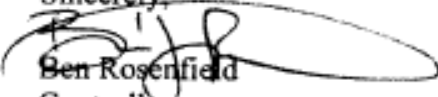
I am pleased to provide you the final report on the Patrol Special Study commissioned by the San Francisco Police Commission and managed by the Controller's Office. The purpose of the study was to determine the following; if the operation of the Patrol Specials fit the mission, vision and values of the San Francisco Police Department (SFPD), if the Patrol Specials operate in a comparable fashion to other private police entities and if the Patrol Specials meet the needs of stakeholders.

Key findings contained in the report include:

- Patrol Specials and their activities are private in nature;
- Patrol Specials have unique benefits not available to other security guards;
- Patrol Specials place a financial burden on the City;
- The similar appearance of Patrol Specials to the SFPD causes confusion;
- The Police Commission has legal oversight over the appointment of Patrol Specials, but not over their day-to-day operations;
- Patrol Specials routinely violate the regulatory rules and procedures set out by the Police Commission.

In response to these and other findings, consulting experts from the Public Safety Strategies Group (PSSG), who performed the study on our behalf, recommend that the Patrol Specials no longer operate under the City Charter. We recognize that the recommendations presented in the report represent a significant change in the operation of the Patrol Specials, however, the Patrol Specials would be able to continue to offer services to businesses and homeowners as security guards. We appreciate your careful consideration of the findings in the attached report.

Sincerely,


Ben Rosenfield
Controller



Review of the Patrol Specials

Final Report

Prepared for:

The City and County of San Francisco

Prepared by:

The Public Safety Strategies Group

August 30, 2010



Review of the Patrol Specials

August 27, 2010

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Executive Summary

The following provides an overview of the Patrol Special Study commissioned by the San Francisco Police Commission through the Controller's Office in the City and County of San Francisco¹ (herein referred to as the City), key findings, recommendations, and next steps contained in this report.

Background

Patrol Specials² date back to the Gold Rush, when the city lacked an organized police force. After the City formed the San Francisco Police Department, Patrol Specials remained in effect, patrolling the neighborhoods of the city at the request and expense of private citizens and merchants. At times, the number of Patrol Specials was in the hundreds; now there remain a few dozen. Today, Patrol Specials own geographically defined beats in the city and solicit clients within the confines of the beat. Patrol Specials are part of the City Charter, with oversight and regulatory responsibility assigned to the Police Commission.

During the past three decades, the roles and responsibilities of Patrol Specials have been the center of much controversy. Conflicting opinions from Patrol Specials, many segments of government, and the community have resulted in public discussion and, upon escalation, lawsuits. Rule and policy changes enacted by the Police Commission have resulted in multiple lawsuits, court filings, and discussions concerning the role of Patrol Specials, their powers and status as peace officers, their connection with the Police Commission, and their relationship with the SFPD.

The objective of this project is to study the operation of the San Francisco Patrol Specials and make recommendations for future use of Patrol Specials or other ancillary police services in San Francisco.

PSSG performed this study in accordance with the desire of the Commission and with oversight from the Controller's Office. The study began in April 2009 and concluded in March 2010. The information contained in the report provides guidance on Patrol Specials and their relevance to policing in the City.

This report contains the following sections: Methodology; About Patrol Specials; Overview and History of Rules and Procedures and Significant Legal Action for Patrol Specials and Assistants; Comparative Strategies for Ancillary Police Services; Perceptions of the Patrol Special Program; and Conclusions and Recommendations.

¹ Information regarding the City is contained in Attachment A.

² Patrol Specials are referred to in several manners including Patrol Special Police, Patrol Special Officers, SFPD Special Police and likely other terms unknown to PSSG. For consistency, the term Patrol Specials is used in the report.

Methodology

This section outlines the approach utilized by PSSG for primary and secondary data collection and data analysis. It also describes the scope, key evaluation questions, and data gathering for purposes of the assessment.

About Patrol Specials

This section provides details of the evolution of Patrol Specials in the City and information on topics including the organization of Patrol Specials, their authority, training, appointment process, equipment, and services offered. Also contained in this section is a review of historical changes and opinions rendered related to Patrol Specials.

Perceptions of the Patrol Special Program

This section contains summary information obtained during the study. Included are the results of interviews and meetings with the Patrols Specials and Assistants, clients, SFPD personnel, and government officials. This section also includes information gathered while reviewing files maintained by the SFPD and various documents provided to PSSG during the study. The information gathered during the data collection phase of the study, along with lessons learned through the review of other ancillary policing strategies, shaped the findings and recommendations.

Overview and History of Rules and Procedures and Significant Legal Action for Patrol Specials and Assistants

This section appears an attachment and provides a timetable of the rules and procedures governing Patrol Specials, as well as a review of recent significant changes to the rules and procedure³ related to the operation of Patrol Specials. In 1970, the Police Commission drafted the original rules and procedures. In 2008, the Police Commission discussed updates, which they implemented in 2009⁴.

Comparative Strategies for Ancillary Police Services

This section appears as an attachment and reviews the private policing approaches of Portland, Oregon; Cincinnati, Ohio; and the State of North Carolina. In addition, information on reserve police services and civilians provides an overview of how communities incorporate both sworn and non-sworn individuals into policing activities.

³ The rules and procedures appear in Attachment B.

⁴ The interim rules appear in Attachment C.

Conclusions and Recommendations

This section provides conclusions and recommendations that reflect the information gathered during the course of the PSSG study of Patrol Specials. The recommendations incorporate strategies used in other municipalities and reflect what is in the best interest of the City.

Patrol Specials and their activities are private in nature.

- Private policing focuses on customers and individuals, whereas municipal or public police focus on the community at large. Patrol Specials contract directly with clients, provide services dictated by clients, and are not under the direction and control of the City while performing these private services.

Patrol Specials secure unique benefits not available to other security guards.

- Outside of the municipal police, Patrol Specials have the exclusive right to patrol the street and sidewalks of the City.
- Patrol Specials are privy to sensitive and restricted radio traffic as they operate on police channels.
- Patrol Specials receive annual training at the SFPD academy with the SFPD bearing the cost.

The Police Commission has legal oversight over the appointment of Patrol Specials, but not the day-to-day operations.

- The Police Commission has legal oversight over the Patrols Specials, but lacks the ability to direct and control their services, opening up the City to liability issues.

Patrol Specials place a financial burden on the City.

- The conservative annual estimate of resources expended by the SFPD and City on Patrol Specials is over \$300,000 annually – excluding any resources used during litigation.
- The SFPD assigns a full-time police officer as a liaison to oversee the Patrol Special program.
- City entities such as the Police Commission, Office of the City Attorney, Controller's Office, and the SFPD administration allocate extensive resources to address issues related to the Patrol Specials, including lawsuits.
- Patrol Specials do not compensate the City for use of Department of Emergency Management dispatching services.

Patrol Specials routinely violate the rules and procedures.

- During this study, PSSG documented and/or witnessed the following infractions:

- Patrols Specials violated uniform, accountability and operational rules and procedures.
- Patrol Specials committed several violations of traffic and parking laws.
- Patrol Specials responded to SFPD calls for service.⁵
- Proof of vehicle and liability insurance were missing from several Patrol Specials' files.
- Patrol Specials announced themselves as "Police".
- Patrol Specials failed to have handouts/flyers/brochures approved by the SFPD, and material lacks the required disclaimer.

The similar appearance of Patrol Specials to the SFPD causes confusion.

- Patrol Specials wear a "star" patch and uniform nearly identical to that worn by the SFPD.
- Patrol Specials and their clients acknowledge the similar appearance and assert that their perceived connection to the SFPD increases their credibility.

Future Implementation of the Patrol Specials program

PSSG recommends that the City discontinue the Patrol Specials program. Specifically, the City should remove Patrol Specials from the City Charter and cease any connection between the City and the Patrol Specials.

Removal of the Patrol Specials from the City Charter does not limit the ability of the Patrol Specials to continue to operate their businesses as private security guards. Assistant Patrol Specials already meet the standards to obtain a "Guard Card"⁶. Patrol Specials could do the same and continue to provide services to their clients as private security guards.

Future Ancillary Police Services

PSSG recommends that the City and SFPD explore other programs to supplement the municipal law enforcement services. Viable options for enhancing community safety include public-private partnerships for policing, reserve officer programs, part-time police officer programs, volunteers in police services⁷, expanded use of civilian personnel, contracting with private security firms, and other similar initiatives.

⁵ Calls for Service occur when dispatch provides information over the police radio regarding an issue requiring police attention. Officers assigned to the area respond. Patrol Specials do not have the authority to answer these calls without a direct request from the SFPD.

⁶ A "Guard Card" is the common name for the license granted to security guards after completing the requirements.

⁷ The national Volunteer in Police Services (VIPS) Program, established under the Citizens Corp, provides support and resources for agencies interested in developing or enhancing a volunteer program and for citizens who wish to volunteer their time and skills with a community law enforcement agency.

Summary

The topic of the role and activities of the Patrol Specials in the City is not a new one. Various newspaper articles, Police Commission meeting minutes, and cases filed in the courts document the issues over several decades. Through the years, and specifically since the adoption of the rules and procedures in the 1970s, the relationship between Patrol Specials and the City has deteriorated. Attempts to coordinate the services of Patrol Specials to align with the needs of the City appear to have failed. At this time, Patrol Specials put a financial burden on the City, yet do not provide services directly to the City. Patrol Specials are a private entity providing services for private clients.

The recommendation to discontinue Patrol Specials under the City Charter centers on the overarching fact that Patrol Specials are a private entity. There are three other critical areas contributing to this recommendation: cost to the City, lack of command and control over the activities of the Patrol Specials, and liability. Given these factors, PSSG recommends that Patrol Specials no longer fall under the City Charter, but rather continue their business as private security guards. PSSG understands that changing the City Charter is a lengthy process; therefore, interim steps are required and explained in the recommendations.

Methodology

This section outlines the study approach utilized by PSSG for primary and secondary data collection and compilation of findings. This section describes the scope, key evaluation questions, and data gathering for purposes of the study.

Scope of the Study

PSSG conducted the assessment under a contract with the City Controller's Office, the Police Commission, and the SFPD. PSSG meetings with Patrol Specials, Assistant Patrol Specials, clients of the Patrol Specials, community groups, associations, the SFPD Police Officers Association (POA), the SFPD, Board of Supervisors (BOS), Police Commission, and the City Attorney's Office, along with research on other community practices, informed the recommendations.

The purpose of the study was to provide a comprehensive assessment of the Patrol Specials program, including the organizational design, capacity, authority, capabilities and culture. The study achieves the following: documents the history of Patrol Specials; provides best practices and comparative practices in special police officer utilization and deployment in other police agencies; evaluates the effectiveness of the current rules and procedures; and recommends organizational and programmatic improvement, including defining the appropriate role and authority of Patrol Specials.

Key Evaluation Questions

- What are the best and comparative practices with special police officer utilization and deployment in other police agencies?
- What are the current roles and authority of Patrol Specials and their Assistants?
- How does the current role of Patrol Specials fit with the mission, vision, and values of the SFPD?
- How does the current role of Patrol Specials fit with the needs of community stakeholders?
- What is the process for becoming a Patrol Special or Assistant in terms of background checks and training?
- Is the current process of oversight, supervision, and program administration effective?
- How are the uniforms and equipment regulated?

Information Gathering

The first step in the study was to gather information through secondary and primary sources on Patrol Specials and any similar type of organizations in other jurisdictions.

The list below contains documents collected and/or reviewed during the course of the study specific to Patrol Specials. The list of materials is representative and not inclusive of all materials examined by the PSSG team. In addition to the list below, PSSG reviewed SFPD files on each of the Patrol Specials, along with documents on Patrol Specials operations, beat sales, and lawsuits filed. When possible, dates appear; however, many documents reviewed by PSSG were undated. In addition to the documents listed, PSSG also reviewed countless newspaper articles, documents from other states, and private agency websites during the course of the information-gathering phase.

Interviews and Observations

The PSSG team conducted interviews with Patrol Specials, clients of Patrol Specials, members of the Police Commission, Board of Supervisors, SFPD, and SFPD Police Officers Association.

Patrol Specials Meetings and Interviews

At the onset of the study, PSSG invited all current Patrol Specials and Assistant Patrol Specials to an informational meeting. The purpose of the meeting was to introduce PSSG team members, discuss the scope of the project, and answer questions regarding the study.

Client Interviews

Through the limited client lists provided by Patrol Specials to the Police Commission, and through information obtained directly by PSSG, team members conducted interviews with clients of the Patrol Specials. In several cases, a single representative of a management agency spoke on behalf of several clients. The purpose of the interviews was to determine the scope of services provided, the reason the client chose the Patrol Specials, and the cost of services.

Police Commission and Board of Supervisors Interviews

Interviews with members of the Police Commission and Board of Supervisors enabled PSSG to assess the impression that government leaders have regarding the activities of Patrol Specials. Each interview with the elected officials occurred privately between PSSG staff and individual members of the Police Commission and Board of Supervisors.

San Francisco Police Department and Police Officer Association Interviews

PSSG interviewed representative SFPD personnel from the District Stations, Patrol, and Administration. In addition, PSSG conducted interviews with members of the SFPD Police Officers Association (POA). Meetings topics included the history of the Patrol Specials, their policies and procedures, operations of the Patrol Specials, and the impact of Patrol Specials on policing in the City.

PSSG Observations of Patrol Special Activities

In addition to the interviews and review of documentation, PSSG observed Patrol Specials while on duty. PSSG informed the Patrol Specials that as time permitted, PSSG staff would visit areas known to have Patrol Specials coverage. In addition, PSSG photographed several locations of Patrol Specials accounts as a means to document the types of locations at which Patrol Specials have clients.

Summary

The study approach ensured review of all information available and provided interviews to individuals either actively involved with the Patrol Specials, tasked with administration of the Patrol Specials program, or in a position to shape the future operations and regulations of the Patrol Specials.

The research conducted during the study revealed a variety of perceptions and opinions locally regarding Patrol Specials. On a national level, Patrol Specials are unique, as the study did not reveal a program identical to the San Francisco Patrol Specials. However, there are significant similarities between the Patrol Specials and other private security and police organizations across the country.

The study revealed strong support of Patrol Specials by their clients, who perceive a gap between the operation of the Patrol Specials and services provided by public policing operations. While Patrol Specials are popular with the community, research revealed that the Patrol Specials routinely ignored the rules set by the Police Commission, including failure to wear the proper uniform, failure to provide client lists, and failure to maintain proper certifications. The outcomes of the research, meetings, and interviews appear in the findings and recommendations sections of the report.

The next section provides details on the Patrol Specials.

About the San Francisco Patrol Specials

This section provides details of the evolution of Patrol Specials in the City, as well as information on the organization of Patrol Specials, authority, training, appointment process, equipment, and services offered. Also contained in this section is a review of historical changes and opinions rendered related to Patrol Specials.

History of the Patrol Specials

Patrol Specials date back to the Gold Rush era of the 1840s -1850s. The organization of Patrol Specials was to provide protection for merchants and citizens during a time when the City was experiencing tremendous growth and significant crime.

In 1935, the City incorporated Patrol Specials into the City Charter. The City Charter defines Patrol Specials as “private”; however, the Police Commission is the oversight body for Patrol Specials. As part of their oversight responsibilities, the Police Commission approves new Patrol Specials, develops and implements rules, and imposes discipline on the Patrol Specials.

Patrol Specials Beats and Staffing

At some point prior to 1982, the City was divided into 64 “beats”⁸. The Patrol Specials then purchased the beats. That system continues today. Once Patrol Specials own a beat, they are the only individuals granted permission to work as a Patrol Special in that specific area. If a Patrol Special believes he or she needs additional staffing, the Patrol Special can identify a candidate to perform the duties of an Assistant Patrol Special. Patrol Specials may also hire other Patrol Specials to work within their geographic boundaries. The Police Commission approves the sale and transfer of beats; however, the City does not derive any financial benefits from the sale of a beat. A minimum of \$500 is required to cover administrative cost of the sale of a beat.

According to records maintained by the SFPD Patrol Special Liaison Officer, there are currently 13 Patrol Specials⁹. The Patrol Specials own a combined 46 beats. Individual Patrol Specials own from one to as many as seven beats. Seven inactive Patrol Specials own a combined total of 16 - 22 beats¹⁰. Two beats appear on two separate lists provided by the Patrol Specials. Of the 64 beats appearing on the list, it is not documented which are active or inactive. Recordkeeping on the details of the beats is

⁸ There are 64 beats in the City. The map provided to PSSG displays a date of 1982; however it is unknown when the actual beat lines were created. Current Patrol Specials did not provide, nor did information provided to PSSG contain a date for the beat development.

⁹ Nine are active, four are inactive (yet employing assistant Patrol Specials)and the beat owned by Jane Warner is being administered by an individual that is not a Patrol Special and an Assistant Patrol Special.

¹⁰ The numbers are inconsistent due to incomplete, missing or contradicting information provided by the patrol specials

limited. The client lists provided by Patrol Specials lacked information regarding the specific beat number.

There are currently 18 active Assistant Patrol Specials and four inactive Assistant Patrol Specials. The active Assistant Patrol Specials report working in 26 beats. Two of the beats on which the Assistant Patrol Specials reported working do not appear on the list of beats owned by Patrol Specials.

Application Process of the Patrol and Assistant Patrol Specials

To apply to become an Assistant Patrol Special, a current Patrol Special must sponsor the applicant. The application process includes a written application, pre-employment investigation by the Patrol Special, a background check by the SFPD, urinalysis testing, fingerprint check, and a physical exam. Once an applicant completes the process, the SFPD Patrol Special Liaison provides the information on the candidate to the Chief of Police. If approved by the Chief of Police, it is the role of the Police Commission to approve and appoint the Patrol Special. A defined job description for Patrol Specials does not exist. Essentially, if an application is complete and the applicant passes the background check, the Chief appoints the individual as a Patrol Special.

Patrol Specials and Assistant Patrol Specials undergo annual firearms training, and Assistant Patrol Specials are required to secure a "Guard Card"¹¹. Any additional training and certifications are at the discretion of each individual Patrol Special. Recently, the SFPD has provided additional training for the Patrol Specials in defensive tactics. The Findings and Recommendations section explores this topic further.

Training Process of Patrol Specials

Patrol Specials hold a variety of training certifications; however, there is no Patrol Special training per se. Unlike reserve or full-time police officer training, which follows a prescribed course of training monitored by the California Police Officer Standards and Training (POST), there is no such training for the Patrol Specials. Patrol Specials are required to complete the PC 832 Arrest and Firearms Course. The PC 832 course contains two components, totaling a minimum of 64 hours of training. The Arrest component is 40 hours and the Firearms component is 24 hours. The curriculum further separates the two components into 14 individual sections covering a wide range of topics such as leadership, ethics, criminal law, search and seizure, and other related topics¹². The SFPD provides refresher training at the Academy at no cost to the Patrol Specials. The SFPD also support annual firearms training for the Patrol Specials. Patrol Specials cover the cost of ammunition, but not staff.

¹¹ Guard Cards are issued by the California Department of Consumer Affairs, State Bureau of Security and Investigative Services.

¹² CA Post 832 course specifications.

Role of Patrol Specials

Patrol Specials are private individuals, operating private businesses. Patrol Specials perform work only when hired by a private business or individual to provide security services. The Patrol Specials and their clients¹³ negotiate the terms of the contract and clients pay the Patrol Specials directly. Based on interviews and written documentation, it appears that Patrol Specials provide an array of services, including checking on vacant commercial buildings, checking on private residences, checking in on shop owners, and providing a physical presence at merchant establishments, warehouses, and office buildings establishments.

Neither the City, nor SFPD, nor the Police Commission request or direct the patrol services of the Patrol Specials.

Authority of the Patrol Specials

Patrol Specials operate with the same authority as private citizens. Neither the SFPD, nor Charter, nor Commission grants Patrol Specials the authority to make arrests or engage in the practices of other public duties such as writing traffic tickets. Moreover, neither the City, nor SFPD, nor the Commission requests or directs the services of the Patrol Specials.

Government, law enforcement, and legal authorities do not recognize Patrol Specials as peace officers. California Penal Code 830, 830.1 and 830.2, which details to whom peace officer status is granted, does not recognize Patrol Specials as police or peace officers¹⁴. The San Francisco Police Commission and the California Police Officer Standards and Training (POST) concur with this position, and a San Francisco Superior Court and Appeals Court affirmed the Commission's authority to define the role and authority of Patrol Specials. Furthermore, in a recent San Francisco Superior Court ruling¹⁵, the court dismissed the criminal case against a defendant who had been arrested for posing as a Patrol Special. The court did not uphold the charge of impersonating a police officer because the court does not recognize Patrol Specials as "public officers".

Patrol Special Uniforms

Patrol Special uniforms traditionally consisted of navy blue shirts and navy blue pants, making them appear very similar to the uniform of an SFPD officer. As detailed in the Overview of Rules and Procedures section of this report, there have been several

¹³ While approximately half of the Patrol Specials provided client lists, the Patrol Specials maintain their client lists are private and refused to provide the information to the commission.

¹⁴ An individual not appointed as a Patrol Special acted as a Patrol Special by wearing the uniform and working for clients. The individual was charged with impersonating a police officer. The court ruled that Patrol Specials are not Police Officers – therefore the court dismissed the charge.

¹⁵ Superior Court of California, County of San Francisco, January 21, 2010, Transcript, Honorable Curtis E.A. Karnow, Judge.

changes in the uniform to make them appear less like those of the SFPD. Through accounts from the Patrol Specials, members of the SFPD, and PSSG observations, it is evident that Patrol Specials have routinely ignored the uniform standards. The Interim Rules adopted in 2009 dictated a uniform that consisted of navy blue shirts with light blue epaulettes and navy blue pants with the ¼-inch light blue stripe on the outside seams.

Patrol Specials wear a six-point silver star engraved with “San Francisco Patrol Special Police” on the front. The patch worn by the Patrol Specials is similar to that worn by the SFPD and clearly states “San Francisco Police”; however, it states “Patrol Special” in smaller type at the top and is trimmed in silver rather than gold.

Image 1: San Francisco Patrol Special (left) and San Francisco Police (right) Patches



Equipment of the Patrol Specials

The following describes the type of equipment Patrol Specials may use during the course of their work.

Firearms

The rules and regulations approved by the Police Commission permit a Patrol Special to carry a firearm, although it is not a requirement. Should a Patrol Special choose to carry a firearm, he or she may do so only while in uniform, while on duty, or traveling to a duty assignment. Firearms must be visible and in an approved holster. Patrol Specials carrying a firearm must complete annual firearms training and certification.

Vehicles

Patrol Specials may drive vehicles of their choice, provided the vehicles are properly registered with the California Department of Motor Vehicles. Patrol Specials may not equip a vehicle with emergency signaling equipment, including forward facing red lights, flashing red/blue warning lights, or sirens of any type. Patrol Specials can possess a yellow warning light, but may use it only when they have brought the vehicle to a stop.

Patrol Specials are not afforded any special privileges related to driving or traffic rules and must obey all motor vehicle and parking laws.

Patrol Specials must carry auto liability insurance and provide the insurance certificate to the SFPD. The SFPD maintains the right to inspect vehicles driven by the Patrol Specials.

Estimated Annual Cost to Support Patrol Special Program

As part of the PSSG study, PSSG and SFPD staff evaluated the SFPD resources expended on an annual basis that are directly attributed to support of the Patrol Special Program. They estimated the annual cost at \$303,838.00 (Three Hundred and Three Thousand – Eight Hundred and Thirty Eight Dollars) which includes the Patrol Special Liaison, range personnel, command staff, and other members of the SFPD who devote time to support the Patrol Special Program. The table below shows the breakdown of the estimate.

Table 1: Estimate Cost to SFPD for Operation of the Patrol Special Program

Line Item	Estimate
Administrator salary (Lieutenant) 1/2 time	\$72,124
Liaison annual salary (Sergeant) full time	\$126,282
Command Staff (Commander, Assistant Chief, Chief) 240 hours minimum per year	\$36,000
MCD staff (Sergeant, Inspector, Lieutenant, Attorneys) 480 hours minimum per year	\$34,800
Range personnel (3 Officers/1 Sergeant) 8 hours minimum per year	\$1,752
Academy (Captain, Officer, Sergeant) 24 hours minimum per year	\$5,480
Police Commission (Lieutenant) 120 hours minimum per year	\$12,000
Miscellaneous (Station personnel / legal) 240 hours minimum per year	\$14,400
Office supplies (paper/envelopes, postage etc.)	\$1,000
Total	\$303,838

The estimated cost is conservative based on the number of hours that SFPD staff members spend working directly on the Patrol Special Program. This annual cost does not include costs attributed to the City Attorney's Office for preparation and defense of suits and actions filed by the Patrol Specials, or costs incurred by other City agencies, such as the Department of Emergency Management for dispatch services.

Complaint and Discipline Procedures

Unlike the process for complaints against SFPD officers overseen by the Office of Citizens Complaints (OCC), complaints against Patrol Specials are directed to the SFPD district station and processed by the SFPD. The Watch Commander or Captain may take immediate action or may submit preliminary investigation information to the SFPD Patrol Special Liaison. An administrative investigation follows. The SFPD Patrol Special Liaison then forwards the administrative investigation results and recommendations to the Assistant Chief of Field Operations. The Assistant Chief then forwards the information for further investigation either to the Management Control Division (MCD). MCD then forwards the sustained cases to the station for written admonishment or to the Police Commission for disciplinary action.

The Chief of Police reviews complaints based on the investigations and then determines if discipline is warranted. In addition to complaints from the public, an investigation may be initiated by the SFPD based on behavior they observe.

Complaints against Patrol Specials

Between July 2006 and March 2010, the SFPD MCD investigated 40 complaints against Patrol Specials and Assistant Patrol Specials. The 40 complaints contained 22 charges of Conduct Unbecoming a Member, 15 for Neglect of Duty, five for Unwarranted Action, one for Unnecessary Force, one for Harassing Comments to a Citizen, and one Administrative Investigation. All of these cases required the involvement of SFPD personnel at District, Management Control Division, and Administrative levels.

Lawsuits and Court Cases

PSSG reviewed 11 cases¹⁶ filed by Patrol Specials in the San Francisco Superior Court, Small Claims Court, or Unfair Practice Charges, as well as a criminal case filed against a Patrol Special. The cases involved lawsuits by Patrol Specials against the City, the Police Commission, and other Patrol Specials, in most cases claiming that the rules governing Patrol Specials violated their rights. The cases date from 1994 to present and many required the resources of the City Attorney's office.

The majority of all the suits and actions brought against the City are the direct result of the City having oversight responsibilities of the Patrol Specials. As a result, the City becomes a party to the action and incurs all the costs associated with researching and preparing a defense to the allegations. The cost associated with the litigation becomes a burden to the taxpayers of the City. The cost estimate to support the Patrol Specials

¹⁶ Because there is not a master log of cases facilitating additional research, PSSG was able to access and review only 11 cases. However, it is believe that there were additional cases filed.

discussed later in the report does not include these legal costs, which are likely significant¹⁷.

Summary

Patrol Specials have a long history of operation in the City. The City Charter includes the Patrol Specials and grants them the ability to patrol streets and sidewalks, in addition to business and residential buildings. While the Police Commission provides oversight, they do not exercise control over day-to-day activities. The Patrol Specials are a private entity, but receive significant financial support from the SFPD. The services of the Patrols Specials do not directly benefit the City, as private clients hire them and direct their activities while on “patrol”.

The next section provides an overview of the input gathered by PSSG from the stakeholders of the Patrol Special Program.

¹⁷ PSSG did not request a specific cost of the court cases or other time the Office of the City Attorney spends on Patrol Special-related issues due to the prohibitive time and cost that would have been required for the research.

Input from Stakeholders of the Patrol Special Program

During the study, PSSG interviewed members of the Police Commission, Board of Supervisors, Patrol Specials, SFPD, SFPD Police Officers Association (POA), clients of the Patrol Specials, and community-based organizations that formally hired Patrol Specials. The information gathered during the data collection phase of the study, along with knowledge gained through the review of other ancillary policing strategies, shaped the findings and recommendations.

Patrol Special Introductory Meeting

At this meeting, PSSG informed the Patrol Specials of each component of the study. Further, PSSG conveyed its desire to conduct a survey of all current clients of the Patrol Specials as a means to gather information in a uniformed and efficient fashion. To facilitate the survey process, PSSG requested that each Patrol Special compile a complete list of clients with contact information. PSSG created a form to facilitate the information gathering, ensuring consistency of the data. The Patrol Specials attending the meeting expressed concerns over the confidentiality of the lists and the possibility that the SFPD POA would obtain copies of the list. PSSG requested the list on two other occasions and met with limited cooperation. Although providing a list of clients is a requirement imposed by the Police Commission, less than half of the Patrol Specials complied with the regulation.

Many of the Patrol Specials attending the meeting were in uniform. PSSG observed that the majority of the uniforms worn by the Patrol Specials did not comply with the uniform regulations. When PSSG asked about the lack of compliance with the uniforms, the Patrol Specials responded that they were not going to conform to the uniform requirement.

Patrol Special Interviews

PSSG offered private interviews to each of the 29 Patrol Specials and assistant Patrol Specials. Conducted at neutral off-site locations, the purpose of the interviews was to collect individual comments, thoughts, concerns, and opinions of the Patrol Specials' program and operation.

Nineteen Patrol Specials and assistants agreed to participate in the interview process. During the interviews, the Patrol Specials raised several common concerns. Concerns included the following:

- The SFPD private details known as 10B are in direct competition with the Patrol Specials.
- The SFPD and Commission wanted to secure the Patrol Special client list to allow the 10B program to secure the clients of the Patrol Specials.
- The lack of arrest powers hinders the duties of the Patrol Specials.

- The lack of Peace Officer status is a major concern that hinders the duties of the Patrol Specials.
- The uniform changes imposed by the Police Commission give less of an appearance that the Patrol Specials and SFPD are connected.
- Appearing less like an SFPD Officer poses a safety concern for the Patrol Specials.
- Appearing less like an SFPD Officer poses a business concern for the Patrol Specials, who indicated they would lose business if they did not look like an SFPD Officer.
- The appearance of being an SFPD Officer garners more respect for the Patrol Specials.¹⁸
- The majority of the Patrol Specials believe that the Police Commission is the proper oversight body.
- The Patrols Specials expressed concern that the SFPD influenced the Police Commission's decisions on rules, procedures, operations, and discipline.
- The Patrols Specials do not believe the SFPD should provide oversight, fearing a conflict between the Patrol Specials and 10B.

Client Interviews

Through the interview process, PSSG spoke with representatives of more than 45 clients of the Patrol Specials. Here is a summary of those interviews:

- The majority of the clients are satisfied with the day-to-day services provided by the Patrol Specials.
- Several clients reported dissatisfaction with the level of reporting and accountability provided by the Patrol Specials.
- Clients hire the Patrol Specials for a variety of services, including vacant building checks and "drive-by" patrols after hours, business security checks, alarm response, private residence checks, walk-through of Single Room Occupancy Hotels (SROs) and apartment buildings, and addressing of issues related to unruly persons, mainly moving unwanted people along.
- Most clients expressed that the similarity in uniforms between the Patrol Specials and SFPD was important, as the Patrol Specials appear to have a connection with the SFPD, which gives them a higher level of credibility.
- Some clients thought that the Patrol Specials had arrest powers, while others did not.
- Clients report that Patrol Specials cost less than other security companies and can provide drive-by checks.

Patrol Specials did not uniformly comply with the request for client lists and contact information. This precluded efforts to conduct a scientifically valid survey of the types of services provided, types of accounts (e.g. business, residential, festivals), cost, and

¹⁸ Several Patrol Specials confirmed that members of the public often mistake them for SFPD Officers.

other measures to determine if the Patrols Specials services were integral to the safety the City.

During the time of the PSSG study, the Patrol Specials privately contracted with an individual¹⁹ to conduct a survey of their clients. The survey was hand delivered²⁰ or mailed to 146 clients, of which 63 (43%) responded. The report does not state the basis for the selection of 146 clients or what percent of the total Patrol Specials clients were surveyed. While the survey contained questions on the type of business responding, this information did not appear in the report issued by the consultant hired by the Patrol Specials. The report, while lacking details on the methodology and representing a small sample size, states that clients are satisfied with the Patrol Specials, with 9 out of 10 being the median ranking.

SFPD and Government Interviews

PSSG interviewed members of the SFPD, Board of Supervisors, and the Police Commission. The results of the interviews showed a mixed level of understanding of the Patrol Specials. While some individuals support the Patrol Specials, others are wary of their role and levels of accountability. Common themes included concern over liability, a commitment to ensuring the program runs in accordance with the best interest of the city, and the acknowledgement of the desire of individual community members and businesses to increase safety and security in their areas.

Specific concerns of the SFPD included reporting protocols; command/direction and control over Patrol Specials; allowable actions; use of the police radio; uniforms (giving the impression of SFPD); lack of adherence to rules and procedures; improper actions of the Patrol Specials (arrests, use of the term “police”, lack of proper uniform, obtaining “hot sheets”²¹); and access to police facilities.

PSSG Findings on Patrol Specials

PSSG devoted a significant amount of time determining the types of locations at which Patrol Specials have accounts, observing the actions of the Patrol Specials, and assessing the operations of the Patrol Specials through primary and secondary research. In addition to randomly conducted observations, PSSG arranged to meet with several Patrol Specials while they were working their beats.

¹⁹The survey contains the names of Prof. Edward Peter Stringham, Ph.D. and Shelby Cullom Davis, Associate Professor of American Business and Economic Enterprise, Trinity College. In December 2009 the Independent Institute published a Working Paper by Stringham and Cullom Davis.

²⁰ The report does not state who delivered the surveys.

²¹ Hot sheets are informational bulletins created and used by the SFPD to communicate information on activities and wanted individuals.

The observations served to validate information gathered during the study. Through the direct observations and review of SFPD, Police Commission and documentation provided by the Patrol Specials, PSSG determined the following:

Uniforms and Equipment

- Patrol Specials routinely ignored the uniform rules set forth by the Police Commission. In the first few months after the adoption of the Interim Rules, PSSG observed Patrol Specials wearing a uniform similar to the SFPD and failing to display the epaulets or stripe set forth as a requirement in the Interim Rules. Midway through 2009, the SFPD instituted a sign-in log with a column for uniform review. As PSSG reviewed the daily logs maintained by the district captains, the Patrol Specials began to comply with the uniform rules. However, often the uniform section of the log was not checked off, so the actual compliance rate is unknown. In the case of one Patrol Special, it appears the individual arrived at the district station improperly outfitted on most occasions. While the adherence to the Interim Rules increased, historically, the Patrol Specials failed to comply with the light blue shirt requirement in the previous rules.
- Despite the epaulets and stripe, the uniform, right down to the “star” and patch, is nearly identical to that of the SFPD.

Required Paperwork

- Paperwork requirements established by the Police Commission – such as the submission of complete applications for Assistants, insurance coverage, monthly status reports, and clients list – were often ignored or incomplete.

Hours

- At least four of the Patrol Specials reported working in excess of 95 hours a week. The Patrol Specials are not required to log hours, submit time sheets, or otherwise account for their time. Outside of anecdotal information, gaining an accurate assessment of the time Patrol Specials spend on patrol is impossible at this time. While not police officers, Patrol Specials are subject to the same level of fatigue as police officers. Studies completed by the National Institute of Justice and documented in *Tired Cops*, a research article by Bryan Vila, document the issues related to police officer fatigue. In general, fatigue impacts officers in the following ways:
 - Impairs an officer's mental and physical ability.
 - Creates a negative feedback loop or cycle of fatigue.
 - Limits job performance.
 - Damages an officer's health.

Documentation of Activities

During the study, PSSG requested documentation of the activities of the Patrol Specials. None of the Patrol Specials provided information that could provide insight into services conducted for clients. Some Patrol Specials presented binders of various newspaper articles, commendations, training certificates, and promotional brochures, but not patrol or security-related material. Individual clients mentioned that Patrol Specials filled out information sheets at their businesses noting the time of the patrol at a specific location.

The promotional brochures developed by the Patrol Specials did not appear to have the required authorization by the SFPD, as they were lacking the disclaimer as required in the Patrol Special rules and procedures. Additional material such as handouts, flyers, and information on community events contained instructions to call the Patrol Specials directly if the establishment required assistance. One flyer advertised a program in which Patrol Specials would provide merchants with radios (for a fee), enabling the businesses to contact the Patrol Special rather than calling the police. This Patrol Special was promoting this program during Halloween, which is one of the most active community events in the City.

When PSSG interviewed Patrol Specials and clients, both maintained that the activities of the Patrol Specials reduced crime. While PSSG agrees that Patrol Specials may provide visual reassurance to businesses and community members, there is no documentation supporting the claim that Patrol Specials reduce or have any measurable impact on crime. To support this claim would require a complete tracking of hours worked by location, along with activities conducted by the Patrol Specials, compared to calls for service and reported crime.

Training

The Police Commission rules and procedures for becoming a Patrol Special require the completion of PC 832 Arrest and Firearms through the California Commission on Peace Officer Standards and Training (POST). This course consists of a total of 64 hours. Some Patrol Specials obtained additional training through POST by completing the reserve police officer training program. In addition, Patrol Specials must participate in 24 hours of annual training.

The Patrol Specials pay an outside vendor for their CPR training (for the last session it was \$50 per person), and 16 hours of the training is provided free of charge by the SFPD. Each April and October, the Patrol Specials attend firearms training. While they pay for their ammunition (\$20), they do not reimburse the SFPD for the time of the training personnel. The SFPD also provides some training in areas such as defensive tactics.

When promoting their services to potential clients, Patrol Specials advertise, “Patrol Officers are trained at the San Francisco Police Academy, or the equivalent thereof, and have fulfilled requirements of the California Commission on Peace Officers Standards and Training”. This advertising is misleading, as the POST does not require or regulate the training of Patrol Specials.

Activities and Operation

Through direct observation, review of written and video material, and interviews with Patrol Specials and SFPD, it is evident that the Patrol Specials routinely operate outside the rules and procedures. Through the review of written reports by the Patrol Specials, PSSG found that Patrol Specials are making arrests beyond the limitations of their roles. Under Police Commission rules, Patrol Specials are able to make only a citizen’s arrest; however, Patrol Specials write arrest reports on SFPD police paperwork. This is a breach of conduct. In addition, Patrol Specials have identified themselves as “Police”²² when dealing with members of the community. Further, PSSG observed Patrol Specials actively involved in police activities including responding to calls for service. Patrol Specials are required to notify the SFPD if they or a member of the community requires the assistance of a police officer; however, it appears the Patrol Specials overstep their authority. There are reports at the SFPD filed by Patrol Specials that show they were making arrests; the fact that they are filing police reports is in itself a violation of rules and procedures.

The lack of adherence to clearly stated rules and procedures puts at risk not only the community and SFPD, but also the Patrol Specials themselves. For example, in February 2010, a Patrol Special had left the business of a client when he observed a physical altercation. Instead of calling the SFPD for assistance – as required by rules and procedures – the Patrol Special intervened, resulting in an injury to himself. The rules and procedures clearly state that Patrol Specials are required to call the SFPD for assistance prior to becoming involved in such an incident.

Patrol Specials use police radio frequencies to respond to calls. This practice creates the perception of a direct connection to the police department. The Glen Park²³ safety

²² In February of 2007, a video clip of former Patrol Special Hanley Chan shows that he identified himself as a police officer. In a “Judge Judy” appearance, he is introduced as “Officer” asked when asked by Judge Judy – “You are a Police Officer in San Francisco?”, Mr. Chan responds, “Yes, working in the San Francisco Patrol Special Police Division”. This video clip supports the assertion that Patrol Specials misrepresent themselves as police officers. On April 16, 2008, Patrol Special Jane Warner discusses the 2005 SFCAN initiatives, stating that Patrol Specials provided a police escort to city workers. On December 16, 2008, in a promotional video “SF Patrol Special Police”, Jane Warner answers her cell phone stating, “Patrol Special Police” and later approaches a man sitting on the side walk and says, “Police Officer. You’re gonna have to move out of here. It’s getting too crowded for you to be sitting on the sidewalk.” She also states, “Hey guys, come here for a minute. I wanna talk to you. You are causing too much trouble and so you are under arrest” and repeats “You’re under arrest”. In the clip, members of the SFPD joined Ms. Warner on the scene.

²³ Glen Park is a neighborhood in San Francisco that hires Patrol Specials at various business and residential locations.

page, under its “frequently asked questions” section, states, “He ²⁴reports in daily to our Ingleside Police Station to review recent crime stats. He's on police bandwidth at all times when patrolling our Village streets to enable more rapid response and prevent problems, sometimes even before the SFPD can respond”. This raises the concern that Patrol Specials are exceeding their authority of working for their private clients and are assuming the role of police officers by responding to police calls for service. This example illustrates the manner in which Patrol Specials use police resources to operate their businesses. While this occurs frequently, the Glen Park webpage documents the actions. Patrol Specials misrepresenting themselves as San Francisco police officers raises serious potential issues of public safety and liability.” A more complicated scenario includes a Patrol Special inadvertently becoming involved in an undercover or surveillance based operation, thereby impeding the strategy of the SFPD.

Another public safety and liability concern of the operation is that Patrol Specials act based on the requests of clients, not at the direction of the SFPD. For example, a press release issued by the Patrol Specials on March 24, 2010 states, “Residents in the vibrant, expanding redeveloped neighborhoods of South Beach, Rincon Hill, and Mission Bay regularly approach the privately funded Patrol Special Police Officers Scott and Todd Hart, brothers who patrol the area, and request assistance in removing a homeless person who is blocking access to a residence or throwing garbage out of cans”. The actions of the Patrol Special may or may not support the mission and intent of the City and / or SFPD. This highlights the complication of any real or perceived connection to the SFPD.

Patrol Specials conduct their patrols without notifying the SFPD of the location and nature of their duties. Conversely, the Patrol Specials request and expect assistance from the SFPD when needed. The lines of relationship between SFPD and this private entity – the Patrol Specials – are blurred. It appears that Patrol Specials promote and take advantage of their alignment to SFPD when it serves their purposes, but point to the fact that they service private clients when they act independently or outside of police regulations.

The SFPD does not enforce all violations of the Patrol Special rules and procedures. Due to the time required for the complaint process, filing a complaint for every violation would prevent the liaison from following through on most of them. The resources allocated by the SFPD are significant, and further accountability and discipline would require additional SFPD members be assigned to the Patrol Specials program to manage the increased oversight.

Community Policing

Patrol Specials advertise that they are engaged in community policing and neighborhood policing. Clients and advocates of Patrol Specials have expressed that the SFPD/municipal police is not the proper entity to engage in Community Policing as

²⁴ Glen Park references Patrol Special Calvin Wiley on their web page.

they believe they do not possess the correct training or resources to engage the community. PSSG disagrees with both statements.

The following information appears verbatim from the U.S. Department of Justice, Office of Community Policing.

Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Community Policing is comprised of three key components:

Community Partnerships

Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police.

- Other Government Agencies
- Community Members/Groups
- Nonprofits/Service Providers
- Private Businesses
- Media

Organizational Transformation

The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving.

Agency Management

- Climate and culture
- Leadership
- Labor relations
- Decision making
- Strategic planning
- Policies
- Organizational evaluations
- Transparency
- Organizational Structure

Geographic assignment of officers

- Despecialization
- Resources and finances

Personnel

- Recruitment, hiring, and selection
- Personnel supervision/evaluations
- Training

Information Systems (Technology)

- Communication/access to data
- Quality and accuracy of data

Problem Solving

The process of engaging in the proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses.

- Scanning: Identifying and prioritizing problems
- Analysis: Researching what is known about the problem
- Response: Developing solutions to bring about lasting reductions in the number and extent of problems
- Assessment: Evaluating the success of the responses
- Using the crime triangle to focus on immediate conditions (victim/offender/location)

Although Patrol Specials work in the community, they do not meet the criteria of community policing. The SFPD, conversely, is engaged in several aspects of community policing²⁵. In 2007, the City invested significant resources in the Police Effectiveness Review, components of which included review of community policing efforts by the SFPD. In addition, the City's Mayors Office of Criminal Justice completed a Community Policing Advisory Committee Report, providing a review and recommendations on the community policing strategy implemented by the SFPD.

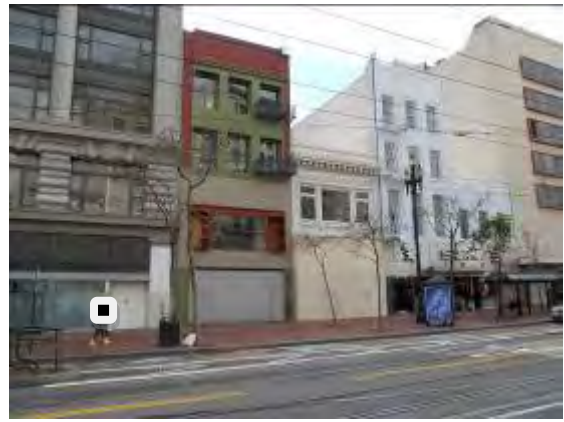
Based on the lists provided by the Patrol Specials and the map provided by the City, PSSG conducted site assessments on as many locations as possible. The Patrol Special beats in the Castro and Glen Park neighborhoods are well known as the Patrol Specials in those areas are visible. Despite recognition by many that these two areas have active Patrol Specials, they do not represent the majority of the beats and clients of the Patrol Specials. The majority of locations were industrial buildings, vacant building, residential homes and shopping plazas. Following are representative examples of client locations. The photographs list a type of location rather than an exact street location to ensure the privacy of businesses and individuals.

²⁵ The efforts of the SFPD with respect to Community Policing appear in the San Francisco Community Policing – Report on Current Efforts issued by the Mayor's Office – November 2006

Photograph 1: Business District



Photograph 2: Business District



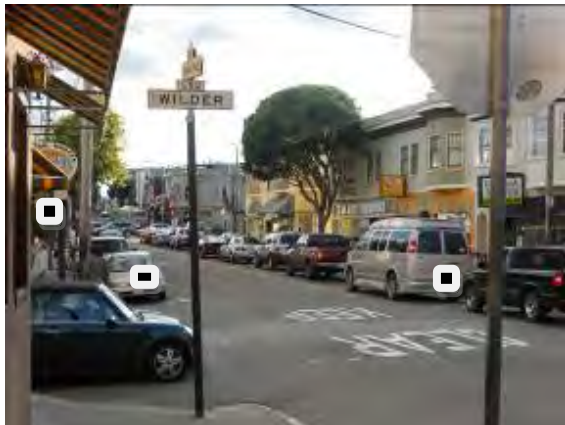
Photograph 3: Industrial Site



Photograph 4: Residential Site



Photograph 5: Village Site



Photograph 6: Neighborhood Site



Oversight

While on the surface, it may appear logical that the Patrol Specials program would fall under the authority of the Police Commission with oversight by the SFPD, it is an improper alignment. If it is the desire of the City to regulate private security, it needs to regulate that security on a consistent, uniform basis. Through oversight by and an affiliation with the City, Patrol Specials hold an unfair advantage over private security agencies. In addition, the oversight does not provide the ability of the SFPD to direct the activities and operations of the Patrol Specials related to patrol. Patrol Specials work at the times and locations request by their clients – which is not necessarily a direct benefit to the City.

The hiring process of the Patrol Specials does not follow the same guidelines of City employees²⁶. The authority to approve Patrol Specials is limited to individuals brought forth by the Patrol Specials. The difference in hiring standards places a liability on the City, as they do not recruit, interview, test, or otherwise hold the Patrol Specials to the hiring standards. Yet, they are responsible for appointing them.

Cost of Services

The Patrol Specials would not disclose their actual salaries, hours worked for the salary earned, or the services provided for the compensation. The actual cost of the services of the Patrol Specials is unknown. The information provided by the Patrol Specials shows a range of rates from a few dollars per building to \$700.00 per month. Among the Patrol Specials, the rates do not appear consistent for services by type, by client, or by location. Supporters of Patrol Specials, specifically in Glen Park, advertise subscription rates for Patrol Specials ranging from \$25.00 to \$200.00 per month, per person or business. The City does not exercise any control over the rates charged, and the Patrol Specials maintain that the rates charged, along with the list of clients, is private. This stance supports and reinforces the fact that the Patrol Specials are a private entity. Public police and public contracts are just that – public. The City discloses the amounts paid to City employees and contractors, yet Patrol Specials refuse to disclose this information in a consistent or complete manner.

Summary

The study reveals four key findings: that clients value the services of Patrol Specials; that there is confusion over the role and authority of Patrol Specials; that Patrol Specials in general ignore the rules and procedures created by the Police Commission; and that the connection between Patrols Specials and the City creates both a financial burden and a liability for the city.

The next section provides the study conclusions and recommendations for the future.

²⁶ This statement is not to imply that Patrol Specials are City employees. They are not and the fact that they do go through the City hiring process supports this determination.

Conclusions and Recommendations

This section provides conclusions and recommendations that reflect the information gathered during the course of the PSSG study of Patrol Specials. The recommendations incorporate strategies used in other municipalities and reflect what is in the best interest of the City.

Conclusions

Patrol Specials and their activities are private in nature.

- Private policing focuses on customers and individuals, whereas municipal or public police focus on the community at large. Patrol Specials contract directly with clients, provide services dictated by clients, and are not under the direction and control of the City while performing these private services.

Patrol Specials secure unique benefits not available to other security guards.

- Outside of the municipal police, Patrol Specials have the exclusive right to patrol the street and sidewalks of the City.
- Private merchants and residents desiring this type of private security patrol have no other options but Patrol Specials, limiting fair and open competition²⁷.
- Patrol Specials purchase their radios, but then use them to relay information to Department of Emergency Management and the SFPD without compensating the City for dispatching services.
- Patrol Specials can hear and transit sensitive and restricted radio traffic as they operate on police channels²⁸.
- Patrol Specials receive annual training at the SFPD academy at a cost to the City²⁹.

The Police Commission has legal oversight over the appointment of Patrol Specials, but not the day-to-day operations.

- The Police Commission has legal oversight over the Patrols Specials, but lacks the ability to direct and control their services, opening the City up to liability issues.

²⁷ While other security guard companies operate at locations in the City, only the Patrol Specials are allowed to patrol the street and sidewalks.

²⁸ There have been California Law Enforcement Telecommunication System

²⁹ Examples of the training include an 8-hour First Aid/CPR class co-taught by an outside vendor. The course is \$700.00 per session. Fourteen of the Patrol Specials attended the first session and each person paid \$50.00 to the outside vendor. SFPD personnel conducted the remaining 16 hours at no charge. Another example is firearms training, the Patrol Special pay \$20.00 to the Range every April/October when they attempt re-qualification, however the fee only cover ammunition, not staff.

- The Police Commission has assigned the SFPD to oversee the day-to-day supervision of Patrol Specials.
- SFPD has assigned personnel at headquarters and the district stations as liaisons to Patrol Specials, resulting in a quasi-chain of command, again raising liability issues.
- The SFPD Patrol Specials Liaison collects required paperwork and maintains files on the Patrol Specials, but cannot direct the activities of the Patrol Specials when they are working for their clients.

Patrol Specials place a financial burden on the City.

- The conservative annual estimate of resources the SFPD and City spend on the Patrol Specials is over \$300,000 annually – excluding any resources expended during litigation.
- The SFPD assigns a full-time police officer as a liaison to oversee the Patrol Special program.
- City entities such as the Police Commission, Office of the City Attorney, Controller’s Office, and the SFPD administration allocate extensive resources to address issues related to the Patrol Specials, including lawsuits.
- Patrol Specials do not compensate the City for use of DEM dispatching services.

Patrol Specials routinely violate the rules and procedures.

- Patrol Specials announce themselves as “Police”.
- In almost every contact with the Patrol Specials, the PSSG team observed the Patrol Specials lacked the proper uniform. The most common violations were the lack of the light blue epaulette on the shirt and trousers.
- Patrol Specials failed to submit complete client lists and some turned in no list.
- Patrol Specials do not maintain monthly activity reports.
- PSSG observed Patrol Specials commit several violations of traffic and parking laws.
- Patrol Specials respond to SFPD calls for service.
- Proof of vehicle and liability insurance were missing from several Patrol Special files.
- Patrol Specials failed to have handouts/flyers/brochures approved by the SFPD and the material lacks the disclaimer.

Patrol Specials are confused with SFPD.

- The lack of clear differentiation between Patrol Specials and municipal police operating in the City results in confusion over their role and authority.
- The similar appearance of Patrol Specials to the SFPD causes confusion. Patrol Specials wear a “star”, patch, and uniform nearly identical to that worn by the SFPD.

- Patrol Specials and their clients maintain that the apparent connection to the SFPD increases the credibility of the Patrol Specials, but it causes confusion in the community.

There are multiple and significant issues regarding the role and authority surrounding the Patrol Specials, including liability, oversight, authority, and misperceptions. The most significant is that they are a private entity often representing themselves as and receiving the benefits of public police officers.

Public police serve at the will of the municipality for the common good, welfare, and safety of community members. Private policing targets private crime while responsible only for the businesses and residents for whom they work.

The concept of private policing is not new. Allen Pinkerton established the first private police organization, the Northwest Police Organization in 1855. By the 1900s, other major private organizations, such as Burns and Wackenhut, emerged. In 1930, the Ford Motor Company had a private police force of 3,500. These organizations operate at the direction of private businesses and are not affiliated with municipal police organizations.

Private policing, then and now, fills the gap between public police resources and the needs of private businesses and individuals. PSSG understands this need and supports the ability and rights of businesses and individuals to supplement policing needs at private locations. However, private policing services should not be connected to municipal policing or municipal governments, unless very specific requirements are met.

If a public entity desires additional policing services that extend outside of the public police, hiring and deployment should be under the direction and control of a city entity. Much like the way a municipality hires for other services through a competitive bid process, they should secure additional policing services in the same manner.

Recommendations

The following provides recommendations related to Patrol Specials and future ancillary police services for the City and SFPD.

Patrol Specials

PSSG recommends that the City discontinue the Patrol Special program. Specifically, the City should remove Patrol Specials from the City Charter and cease any connection or affiliation between the City and the Patrol Specials.

Removal of the Patrol Specials from the City Charter does not limit the ability of the Patrol Specials to continue to operate their businesses as private security guards. Assistant Patrol Specials already meet the standards to obtain a “Guard Card”, which licenses them to operate as security guards. Patrol Specials could obtain this license

and continue to provide services to their clients in their new, more appropriate role as private security guards.

PSSG understands that the change in the City Charter could be lengthy. In the interim PSSG recommends the City do the following:

- The Police Commission and SFPD should cease to approve any new applications for Patrol Specials or Assistant Patrol Specials.
- The Police Commission should require Patrol Specials to obtain guard cards.
- The Police Commission should require a full accounting of the clients of the Patrol Specials to include the location, schedule/dates of service, hours of the service, and type of service provided. This will ensure knowledge of the whereabouts of the Patrol Specials, enhancing their safety and reducing City liability.
 - Patrols Specials should submit this accounting immediately to the Police Commission for filing by the SFPD Liaison.
 - The Police Commission and SFPD should suspend any Patrol Special that does not comply.
 - Patrols Specials must immediately inform the district station to which they report of any changes and follow up in writing to the SFPD Liaison.
 - The SFPD should create a standard electronic form for Patrols Specials to use to document their work details.
- The Police Commission should require Patrol Specials to wear a light blue shirt as outlined in the original rules.
 - Patrol Specials should not cover the light blue shirt with a jacket resembling that worn by the SFPD.
 - Pants worn by the Patrol Specials should display the light blue stripe as set forth in the interim rules.
- The Police Commission should require Patrol Specials to wear only light blue jackets.
- The Police Commission should change both the patch (change the color and design) and star (change to a shield) of the Patrol Specials ensuring that it is markedly different from the SFPD.
- The Police Commission should require Patrol Specials to mark their vehicles, either permanently or with magnetic signs, with the words Patrol Special and ensure there is not any reference to “police” or SFPD.
- The SFPD should prohibit Patrol Specials from using police radio frequencies.
 - If Patrol Specials desire a dispatch service, they should create or hire their own, as is the practice with other security agencies.
- The Police Commission, the SFPD, and the City should conduct a campaign to inform the community that Patrol Specials are not City employees and provide a description of services that Patrol Specials can perform.
- The Police Commission and the SFPD should eliminate any City-provided training for Patrol Specials.

- If the SFPD provides training for a fee to other security guards, Patrol Specials would be in the same category as security guards and could participate for a fee.
- The Police Commission and SFPD should prohibit Patrol Specials from carrying firearms.
 - Once the Patrol Specials have adhered to security guard requirements, they may obtain firearms for work use as permitted by the California Penal Code.
- The Police Commission should enact specific penalties to address the lack of adherence to any rule or requirement pertaining to the patrol specials.
 - Penalties should be applied quickly after the observance or knowledge of any infractions of rules.
- Any future program should eliminate patrol by private businesses on municipal streets unless under contract or cooperative agreement with the City.

Future Ancillary Police Services

PSSG recommends that the City and SFPD explore other programs to supplement the municipal law enforcement services.

Viable options for enhancing community safety include public–private partnerships for policing, reserve officer programs, part-time police officer programs, volunteers in police services³⁰, contracting with private security firms, and similar initiatives.

San Francisco already has a reserve program, and the use of the reserves by the SFPD has increased since August 2009. PSSG suggests the City continue to increase its reserve program. Los Angeles and New York are two large police departments that have effectively used reserve police officers. The use of reserves is a positive step to increase community involvement in public safety efforts. The City should also increase programs similar to the Castro on Patrol³¹ to encourage community engagement on public safety issues.

Reserve or volunteer programs have limitations. By the very nature of volunteering, individuals have the option to participate. A part–time program could bridge the gaps between the cost burden of full time officers and the need for additional police services. Typically, part-time officers receive less pay and fewer benefits than full-time officers. In addition, part time officers are not eligible for promotion. The stability of the pool of part-time officers remaining on patrol allows a police administration to assign personnel to the areas needed without concern that a promotion will require an assignment elsewhere.

³⁰ The national Volunteer in Police Services (VIPS) Program, established under the Citizens Corp, provides support and resources for agencies interested in developing or enhancing a volunteer program and for citizens who wish to volunteer their time and skills with a community law enforcement agency.

³¹ Castro on Patrol is a community-based organization that acts as additional “eyes and ears” performing voluntary citizen patrols. More information on Castro on Patrol appears in the appendix.

The use of civilians in police departments is widespread. From forensics, to crime analysis, to crime scene investigation and community services, departments assign civilians to tasks that do not require sworn personnel. The ability to reallocate sworn personnel maximizes the resources of a department and is a proactive strategy for increasing the number of officers on the street.

Contracting for additional services from security companies has its merits. The City establishes the contract based on specific needs and sets the criteria with regard to qualifications, dates, times, location and types of services. An example of how this type of arrangement could benefit the City is special events. The City and/or SFPD could hire additional personnel for a defined period with specific objectives such as staffing gates at an event. The hired personnel, while working for a private company, would then be under the direction and control of the City and/or SFPD. This differs from the current Patrol Specials program as they contract with private clients and not the City and/or SFPD. Utilization of this type of contracting may require negotiation with the SFPD POA.

Summary

The topic of the role and activities of the Patrol Specials in the City is not a new one. Various newspaper articles, Police Commission meeting minutes, and cases filed in the courts have documented the issues for several decades. Over the years, and specifically since the adoption of the rules and procedures in the 1970s, the relationship between the Patrol Specials and the City has deteriorated. Attempts to coordinate the services of Patrol Specials to align with the needs of the City appear to have failed. At this time, Patrol Specials put a financial burden on the City, yet do not provide services directly to the City. Patrol Specials are a private entity providing services for private clients and the City should treat them as such.

The recommendation to discontinue Patrol Specials under the City Charter centers on the overarching fact that Patrol Specials are a private entity. There are three other critical areas contributing to this recommendation: cost to the City, lack of command and control over the activities of the Patrol Specials, and liability. Given these factors, PSSG recommends that Patrol Specials no longer fall under the City Charter, but rather continue their business as private security guards.

There are many opportunities for public-private partnerships related to police services in San Francisco. To be successful, partnerships with private entities must be open to all, and the activities must focus on the needs of the City as a whole and not just the needs of the private entity. The structure and operations of the Patrol Specials do not meet the public-private partnership standards and requirements. Despite the recommendation to remove the Patrol Specials from the City Charter, PSSG recognizes that the clients desire and appreciate the work of Patrol Specials. The recommendation does not discredit the value clients hold for Patrol Specials; however, PSSG stands firm that the Patrol Specials are operating as a private business that does not directly serve

the City and needs to operate outside the operation of the City, SFPD, and Police Commission.

Attachment A: About the City and County of San Francisco

The City and County of San Francisco (the City), incorporated on April 15th, 1850, is a legal subdivision of the State of California. The City is the fourth largest city in the state of California and geographically the smallest county in California. Occupying just 47 square miles, the City is located on a peninsula bounded by the Pacific Ocean to the west, San Francisco Bay on the east, the entrance to the Bay and the Golden Gate Bridge to the north and San Mateo County to the south. The City is very compact, and its density creates a rich variety of experiences and encounters on every street.

The City is the only consolidated city and county in the State, exercising the governmental powers of both a city and a county under California law. The City's governance structure, codified in the City Charter of 1996, is similar in form to the federal government. The Mayor's Office comprises the executive branch of local government. The Board of Supervisors acts as the legislative branch and the Superior Court is the judicial arm of local government.

The United States Census Bureau reported a 2000 population of 815,358. San Francisco is a racially and ethnically diverse city, with minority groups combining to represent approximately 57% of the population, with no single majority group. Among persons aged five and older, 46% speak a language other than English.

San Francisco is a city of neighborhoods, comprised of more than 40, each with its own unique character and appeal. Neighborhoods host festivals, fairs, and other events throughout the year. The neighborhoods, through their associations and groups, play an integral part in governmental affairs. The City is cosmopolitan and affable, easily traversed by foot or by bus, and offers an intriguing balance of urban architecture.

The City is the economic and cultural hub of the nine counties contiguous to the Bay (Bay Area): Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The economy of the Bay Area includes a wide range of industries that supply local needs, as well as the needs of national and international markets. In San Francisco, the top growth industries are business and professional services, hospitality, digital media, and health.

There are more than 60,000 businesses located within the City. Ninety-five percent of all businesses in San Francisco have 50 employees or fewer. In total, one out of every four jobs in the Bay Area is in San Francisco. The City has a resident workforce of 433,000. An additional 590,500 workers commute into the City each day, bringing the City's total daily workforce to more than one million.

The San Francisco International Airport (SFO) is located 15 miles south of the City and County in the unincorporated County of San Mateo. The SFO is one of the 30 busiest airports in the world.

According to The City's Convention and Visitor's Bureau, 15.7 million people visited San Francisco in 2005 and spent approximately \$7.37 billion. In addition to the cultural and historic attractions, the City is home to two professional sports teams. The San Francisco Giants play at AT&T Park, and the San Francisco 49ers play at Monster Park. The San Francisco sports teams draw large crowds of both residents and visitors.

PSSG reviewed the following during the course of the study.

Patrol Special-Provided Material

- Corbett Heights Neighbors meeting bulletin, with Patrol Special Jane Warner³² listed as presenter, 4/2006
- Patrol Special solicitation for services letter - Noe Valley merchants, 11/2006
- Communication from merchants in Hayes Valley to Mayor Gavin Newsom requesting more police service
- Patrol Special solicitation for services letter - Castro merchants, 10/2006
- Patrol Special History booklet
- Correspondence to SF Police Commission from Patrol Special Jane Warner regarding Halloween activities
- Client lists

SFPD – Patrol Special Liaison

- List of Patrol Specials and assistants, 2/2/2009
- Patrol Special and assistants applications list, 2005-2007
- List of Patrol Specials beats and owners as of 4/2009 and 2/2010
- Patrol Specials beat maps
- Daily reporting logs for Patrol Specials, 2/2009 – 1/2010
- SFPD Incident Reports submitted by Patrol Specials
- Commission meeting minutes of Patrol Special Jane Warner's presentation of history and current affairs of the Patrol Specials program, 3/22/2006
- Request from Patrol Specials to revise rules, 1996
- Patrol Specials files maintained by SFPD
- District Captains' Complimentary Reports on Patrol Specials

SFPD Administrative Memos and Reports

- Letter from SFPD Management Control Division to Mission Captain, requesting an investigation of a citizen complaint against a Patrol Special, 8/2006
- Memo to Deputy Chief Shinn from Lt. Lazar regarding Patrol Specials proposed Rules and Procedures changes, 3/2006
- Report to Police Commission President Pat Norman from Commissioner Sidney Chan re: proposed Patrol Specials rule changes, 1997
- Memos and letters regarding Patrol Specials proposal for Rules and Procedures changes, 2006

³² Jane Warner is mentioned in this report on several occasions as she was an active and vocal Patrol Special and was the President of the Patrol Special Association. PSSG would like to acknowledge the death of Ms. Warner on May 8, 2010 following a lengthy illness.

Charter Amendments

- Charter amendments 2003/ 2004
- Amendment to Charter Sec: 4.127 Police Department, Nov 2003 - Mar 2004

Patrol Special Rules and Procedures

- Patrol Special Rules and Procedures, effective 10/1/1970
- Patrol Special Rules and Procedures, amended 11/30/1994
- Patrol Special Rules and Procedures, amended 7/15/1998
- Patrol Special Rules and Procedures, effective 11/10/1999
- Memo, adoption of new Patrol Special Rules and Procedures, 12/10/2008

Court Documents

- San Francisco Superior Court case, 954102, Patrol Special vs. City and County of San Francisco
- District Three Appellate Court case, 965565, Robert Hart vs. City and County of San Francisco
- California Superior Court case 2302284 State vs. Willie Adams, preliminary hearing, 1/19/ 2010

Bureau of Security and Investigative Services Documents

- Letter from the Department of Consumer Affairs, State Bureau of Security and Investigative Services, giving opinion of state laws and regulations that apply to Patrol Specials, 10/22/1997
- California Department of Consumer Affairs, State Bureau of Security and Investigative Services (publicly posted agency information)

California Commission on Peace Officer Standards and Training

- Letter from the California Commission on Peace Officer Standards and Training (POST) to Chief Fred Lau, detailing requirements to use Patrol Specials as Reserve Police Officers
- CA POST review of options for Commission's Recognition of San Francisco Patrol Special Officers, 10/2/1986
- CA POST requirements for Reserve Police Officers
- CA POST Administrative Manual, Chapter 7, Certificate

California Codes

- San Francisco Police Code, Section 1750, Article 25, Regulations for Private Protection and Security Services
- California Penal Code

Attachment C: Patrol Special Court Cases

PSSG reviewed 11 cases³³ filed by Patrol Specials in the San Francisco Superior Court, Small Claims Court, or Unfair Practice Charges, as well as a criminal case filed against a Patrol Special. The cases involved lawsuits by Patrol Specials against the City, the Police Commission, and other Patrol Specials. The cases date from 1994 to present and many required the resources of the City Attorney's office. The cases reviewed include:

- Barry, John v. SF Patrol Special, San Francisco Superior Court Case No. 468-301; Serge White (Patrol Special Officer is a named defendant); suit alleging lost wages/hours
- Hart, Robert, et al. v. SF Police Commission, San Francisco Superior Court Case No. 965-565; Writ of Mandate; named petitioners/Patrol Special Officers include John Andrews, Anthony Cirimele, Sam Reyes, Albert Taylor, Theodore Torres, Serge White and Calvin Wiley
- Hart, Robert, et al. v. CCSF, San Francisco Superior Court Case No. 968-357; Writ of Mandate; named petitioners/Patrol Special Officers include John Andrews, Anthony Cirimele, Sam Reyes, Albert Taylor, Theodore Torres, Serge White and Calvin Wiley
- Burns, Robert v. CCSF, Small Claims Case No. 746425; defamation case
- Burns, Robert v. Wiley, Calvin, Small Claims Case No. 759283
- Byard, Alan v. Fiscal, Paula, et al., San Francisco Superior Court Case No. 505-960; Writ of Mandate re Prop. H (Gun Control)
- SF Patrol Special v. CCSF, San Francisco Superior Court Case No. 954-102; Writ of Mandate; Patrol Special Officer Sam Reyes is named in the lawsuit
- Warner, Jane v. CCSF, et al., San Francisco Superior Court Case No. 494-917;
- Wiley, Calvin v. CCSF, San Francisco Superior Court Case No. 946-070; Writ of Mandate Case
- Morales v. Wiley, Calvin, San Francisco Superior Court Case No. 454-396; traffic collision case
- California Superior Court case 2302284 State vs. Willie Adams, preliminary hearing, 1/19/2010

³³ While PSSG reviewed 11 cases, likely there were other cases filed; however, there is not a master log of cases.

Attachment D: Overview and History of Rules and Procedures and Significant Legal Action for Patrol Specials and Assistants

The following provides a timetable of the rules and procedures governing Patrol Specials, along with a review of recent significant changes to the rules and procedures related to the operation of Patrol Specials.

Rule Changes and Outcomes

In September 1970, the San Francisco Police Commission adopted Rules and Procedures to govern Patrol Specials and Assistant Patrol Specials. The Commission based the rules for Patrol Specials on the rules in place for regular full-time sworn SFPD members.

The 1970 rules gave Patrol Specials authority to issue citations and make arrests, but did not define Patrol Specials as peace officers. The 1970 rules caused many disputes between the City and Patrol Specials over the ensuing years; the report cites several instances of lawsuits filed by Patrol Specials against the City.

In 1986, the City Attorney threatened suit against the California Commission on Police Officer Standards and Training (POST), seeking that POST provide full peace officer training to the Patrol Specials. POST affirmed its position that Patrol Specials are not peace officers. Discussion on this ruling appears later in this section.

In 1993, the Patrol Special Police Officers Association sued the City, alleging that the Police Commission was violating their rights by allowing private security and detail (10B) SFPD officers to compete with them.

In November 1994, the Police Commission modified the rules and procedures. These changes aligned the operations of Patrol Specials with private security guards rather than peace officers. The new rules stated that Patrol Specials were not city employees, limited their authority to carry weapons to their time on duty, took away Patrol Specials' authority to make arrests (except as any citizen can), and required Patrol Specials to carry their own liability and workers compensation insurance.

In response to the 1994 changes, the Patrol Specials filed a lawsuit alleging that the Police Commission did not have the authority to make the changes. The Superior Court and the Appeals Court upheld the changes.³⁴ The Appeals Court stated that the Police Commission, under the City Charter, has the authority to promulgate general rules regulating the qualifications of the Patrol Specials.

In 1998, the Police Commission again revised the rules. In these changes, the Commission established the SFPD Patrol Special Liaison Officer and District Stations

Liaisons. The changes required that Patrol Specials sign in and out of the district stations, changed the uniform shirt color to light blue, established discipline and complaint procedures³⁵, and clarified range qualification requirements.

In response to the 1998 changes, the Patrol Specials again filed suit in federal court³⁶, alleging the rule changes violated anti-trust and civil rights laws. The Federal District Court dismissed the case and the Patrol Specials appealed the ruling. The appeals court also ruled for the City.

In 1999, the Police Commission made one change to the rules by adding a section that requires Patrol Specials and assistants involved in a vehicle accident while on duty to remain at the accident scene and notify the on duty SFPD district commander.

In December 2008, the Police Commission adopted Interim Rules and Procedures for Patrol Specials and Assistants. In these rules, there was a change in the uniform requiring light blue epaulettes on both shoulders of shirts and jackets and a one-half inch light blue stripe on the outside seams of the trousers.

Landmark Decisions Related to Patrol Specials

CA POST 1986 Review of Status of San Francisco Patrol Special Officers.

In March 1986, San Francisco City Attorney George Agnost sent a letter to the Police Officer Standards and Training (POST) Executive Director Norm Boehm informing the director that it was the City Attorney's opinion that the Patrol Specials were SFPD officers and peace officers within the meaning of Section 830.1 of the Penal Code. The City Attorney went on to inform POST that if they did not train the Patrol Specials as peace officers, the City would file a lawsuit against POST.

In response to the City Attorney's letter, the POST commission heard testimony at their April meeting and ordered that POST staff prepare a report on the issue and report back to the POST commission. POST staff completed a report and presented the findings to the POST commission at their July meeting. As there was additional testimony at the July meeting, the commission scheduled the issue for discussion at their October meeting.

At the both the April and July meetings, testimony supporting the request was heard from the City Attorney's office. A representative of SFPD, speaking for Chief Frank Jordan, opposed the City Attorney's position and supported the Patrol Specials' classification as Reserve Police Officers.³⁷ The attorney for the Patrol Specials also testified at the meetings.

s Complaints.

Circuit Court No. CV98-02461, Appeals Court No. 99-17192

³⁷ Reserve Officers attend the police academy and work at varying levels within police departments. At the SFPD, Reserve Officers are unpaid.

At the October meeting, the POST commission agreed with the recommendation of the POST staff report and declined the request of the City Attorney. The recommendation was, "Decline to recognize the Patrol Special Officer as a peace officer defined in Penal Code Section 830.1. Because the Commission has no basis to define the status of this position, clarification of their status rests with the City and County of San Francisco or legislative/legal action."

The conclusions section of the POST staff report stated that Patrol Specials are defined differently than SFPD officers in the charter and state law. Further, the report states that the requirements and operations of the Patrol Specials differed from SFPD officers in rules, policies, procedures, and day-to-day activities.

Summary

The evolution of rules and procedures attempting to define and clarify the roles of Patrol Specials clearly indicates confusion and lack of clarity in the program. The changes in the rules and procedures have defined Patrol Specials as separate and distinct from the SFPD in that the SFPD are peace officers and Patrol Specials are not. In addition, California Penal Code Section 830.1 does not recognize Patrol Specials as peace officers. The rules and procedures also limit the activity of Patrol Specials with respect to powers of arrest; Patrol Specials have no arrest authority beyond any citizen. Both a Superior and Appeals Court affirmed the Police Commission's authority to define the role and authority of the Patrol Specials.

Attachment E: Comparative Strategies for Ancillary Police Services

Communities across the country operate police departments with fewer resources than optimal to meet needs. As community members demand higher levels of police services than can be met with existing resources, communities are developing strategies to increase the perception of safety for community members and mitigate losses to businesses.

PSSG completed extensive research to find ancillary police services comparable with the San Francisco Patrol Specials. This section of the report describes various private policing agencies/businesses and reserve police initiatives from across the country. Based on PSSG research, there does not appear to be an ancillary police service in direct comparison to the governance structure of the San Francisco Patrol Specials. However, there are programs that may benefit the city.

Private Policing

Private policing agencies share the common mission of contracting with private citizens and businesses, and in some instances government entities, to protect persons and property within a defined area. These agencies, regulated by local, county or state laws and regulations, have varying degrees of law enforcement powers and training.

Viewing the present structure and initiatives of the San Francisco Patrol Specials in comparison to other private policing agencies provides insight into the laws, regulations, oversight, operations, resources, and strategies used by other private policing agencies to achieve their very similar missions. The review of the practices and strategies of these agencies provides the City and County of San Francisco and the San Francisco Police Commission with useful information in determining operational and regulatory decisions regarding Patrol Specials.

The table, Comparison of Representative Private Police Organizations, on the next page provides a comparative view of three private agencies in addition to the Patrol Specials. The other agencies included are:

- North Carolina Company Police Program
- Cincinnati, Ohio Private Police Officers
- Portland, Oregon Portland Patrol Inc.

The three agencies included in the table, in addition to San Francisco Patrol Specials, are representative of private organizations providing security and/or policing services. Following the table is an overview of each of the private entities. Complete information on the Patrol Specials appears in the “About the Patrol Specials” section of the main report on page 9. The section on reserve police programs appears after the discussion on private police strategies.

Table 2: Comparison of Representative Private Police Organizations

Comparison of Representative Private Police Organizations ³⁸				
Agency Name	San Francisco Patrol Specials	North Carolina Company Police	Cincinnati, Ohio Private Police	Portland, Oregon Portland Patrol Inc.
State	CA	NC	OH	OR
Governing Laws	Yes	Yes	Yes	Yes
Armed	Yes	Yes	Yes	Yes
Arrest Powers	No	Yes	Limited	No
Oversight	Police Commission	Attorney General	Police Department	Private Business
Fees Regulated	No	No	No	No
Required Training ³⁹	Yes	Yes	Yes	Yes
Entity Regulating Training	Police Commission	State	City	State
Police Radio Frequency	Yes	Yes	Yes	No
Entity Investigating Citizen Complaints	Police	Attorney General	Police	Private Business
Uniforms Regulated	Yes	Yes	Yes	No
Government Funding ⁴⁰	Indirectly – Operational Support	No	No	Indirectly - Contracts
Population ⁴¹	815,358	9,380,884	333,013	566,141
Size of Police Department	1,971 ⁴²	1,813 ⁴³	1,057	704
Number of Individuals Participating	30 ⁴⁴	900+	12	60 ⁴⁵

³⁸ Information derived from secondary research and interviews by PSSG with agency representatives.

³⁹ In San Francisco, the Patrol Specials receive subsidized training, in the other locations, individuals or their agencies pay for their own training.

⁴⁰ Private agencies receive funding from sources such as the Community Development Block Grant and Business Improvement Districts.

⁴¹ 2009 U.S. Census Bureau Estimates.

⁴² This is the mandated number, recommended by the Controller's Office to decrease to 1,666.

⁴³ This figure is for the North Carolina State Police only as total number of officers in North Carolina was unavailable.

⁴⁴ This includes Patrol Special and their Assistants.

⁴⁵ They are licensed security guards and most have law enforcement experience.

North Carolina Company Police

Overview

The history of Company Police in North Carolina spans 120 years. Over the years, as special policing issues arose which local law enforcement could not adequately handle, the state enacted law to authorize the creation of special police. Examples of entities seeking additional security services include railroads, power companies, schools, construction companies, and other various types of businesses. The Governor commissioned these special police under state laws until 1971, when that responsibility for commissioning individuals moved to the Attorney General through a change in statute. These special police, under the Company Police Act, became the Company Police.

There are currently 78 Company Police agencies and more than 900 commissioned Company Police officers in North Carolina. The agencies range in size from one officer to 60 officers. The agencies and their officers, by law, may provide the same police service within their territorial jurisdiction as do municipal law enforcement officers. Company Police officers patrol and enforce criminal laws on private and public school property, on trains, in train stations, hospitals, shopping centers, apartment complexes, office buildings, and other private property. The Company Police contract with both public and private entities.

Oversight

Chapter 74E, The Company Police Act of the North Carolina General Statutes gives the Attorney General the authority to certify an agency as a Company Police Agency and to commission individuals as Company Police officers. Commissioned police officers must work for a certified agency. Chapter 12, Subchapter 2I of the North Carolina Administrative Code also gives authority over the Company Police to the Attorney General.

Under the general statutes and administrative code, the Attorney General has the power to:⁴⁶

- Establish minimum education, experience, and training standards, and establish, and require written or oral examinations for an applicant for certification as a Company Police agency and applicant for commission as a Company Police officer.
- Require a Company Police agency or a Company Police officer to submit reports or other information.
- Inspect/audit records maintained by a Company Police agency.

⁴⁶ North Carolina Attorney General's 2009 Company Police Study Guide

- Conduct investigations regarding alleged violations of the Act or an administrative rule adopted under the authority of the Act and to make evaluations as may be necessary to determine if a Company Police agency or a Company Police officer is complying with the Act and the rules adopted pursuant to the Act.
- Deny, suspend, or revoke a certification as a Company Police agency or a commission as a Company Police officer for failure to meet the requirements of or comply with the Act or an administrative rule under the authority of the Act.
- Appear in the name of the Company Police Program and apply to the courts having jurisdiction for injunctions to prevent a violation of the Act or the rules adopted under the authority of the Act.
- Delegate the authority to administer the Program.
- Require that the Criminal Justice Standards Division provide administrative support staff for the Program.
- Adopt rules needed to implement the Act.

The Attorney General has appointed an Administrator for the Program, and promulgated administrative rules to oversee the Company Police and enforce the laws and rules.

Appointment

An agency desiring to employ Company Police officers and contract with individuals and business for policing services must first apply for and obtain appointment through the Attorney General's Office. There is an application fee of \$250.00 and an annual renewal fee of \$200.00. The agency must designate a person – for example, a department head/chief – to be in charge of the Company Police officers employed by the agency. The designated individual must be a commissioned Company Police officer.

The commissioned agency then hires individuals as Company Police officers. The Attorney General must then commission these employees as Company Police officers. The application fee is \$250.00 for an agency with a \$200.00 per year renewal fee, application fees for an officer is \$100.00 with a renewal cost of \$50.00. Commissioned officers cannot transfer their commission from one police company agency to another.

Qualifications and Training

Prior to commission as a Company Police officer, candidates must meet minimum requirements as promulgated by the Attorney General. These requirements include an intensive background examination similar to that required for full-time law enforcement officers and require that the applicant meet the minimum standards for criminal justice officers established by the North Carolina Criminal Justice Education and Training Standards Commission. The certification program lasts for 26 weeks.

Company Police officers must meet and maintain the same minimum pre-employment and in-service standards required of all State law enforcement officers by the North Carolina Criminal Justice Education and Training Standards Commission. These

standards include an extensive background investigation, educational requirements, and completion of the Basic Law Enforcement Training program, as well as mandated update training each year.

Authority

Company Police officers fall into three categories: Campus Police Officers, Railroad Police Officers, and Special Police Officers. All three categories have the same law enforcement powers as municipal police officers while on the property of their clients. They also have authority off the property when in sight of and in fresh pursuit of a suspect that has committed a crime on the property of their client. Campus and Railroad Police Officers have added authority, beyond that of a Special Police Officer, specific to the special nature of their jurisdictions. Company Police officers only have police powers while on duty. When off duty, they can only act as a private citizen.

State statutes do not consider Company Police officers an "Officer of the State" for purposes of charging an individual with Assault on an Officer of the State if an assault occurs. The statutes do allow for a charge of resisting arrest.

Company Police officers can operate vehicles with emergency lights and sirens while on the property of their clients and while performing a law enforcement function. The vehicles must clearly indicate that it is a Company Police vehicle. Company Police may transport prisoners once arrested for appearance before a magistrate.

Company Police officers, once off the property of their clients, cannot exercise police powers even if requested to do so by a municipal officer. Company Police can assist as a private citizen.

Uniforms and Equipment

Company Police Agencies enter into agreements with local police agencies enabling them to use public radio frequencies. These local police assign specific radio frequencies to the Company Police. Uniforms standards are set by each individual agency.

Clients

Company Police agencies in North Carolina, after being commissioned by the Attorney General, privately contract with public and private organizations to provide police services on property owned or leased by the organization securing the services. The agency sets its own rates for services, as there are no regulations governing rates and fees.

Examples of clients include private and public institutions such as schools, hospitals, railroads, parks, shopping centers, and apartment complexes.

Cincinnati, Ohio Private Police

Overview

The history of private police in Cincinnati dates back to the early 1900s, when private police agencies contracted with private citizens and private corporations to provide ancillary police services. The number of private police has varied over the years, with only a limited number still operating. Cincinnati Municipal Code 887.7, enacted in 1983, legislated very specific guidelines and regulations pertaining to private police.

According to the Cincinnati Police Department (CPD), there are only two private police companies currently operating in the City of Cincinnati. One company employs two officers and the other employs 10 officers. The companies and their officers are armed and have the powers of police officers in enforcing certain laws and ordinances. The CPD Chief, under authority of Municipal Code 887 (Code 887), has limited these powers.

Oversight

Cincinnati Municipal Code 887, Private Police Officers, provides for private police officers to perform police duties for private persons and corporations at the expense of the private entity. The CPD Chief is granted the authority to commission private police agencies. In addition, the CPD Chief of Police commissions private police officers upon the showing of a need for the services by the private entity. The Chief of Police must commission the private police prior to performing any services.

Appointment

Private police officers must apply to the CPD Chief of Police for commission as a private police officer. Code 887 and the Manual of Rules and Regulations (Manual) issued by the CPD Chief provides for specific criteria for applicants. Commissions are valid for one year with annual renewals. The application fee is \$250.00 with annual renewal fees of \$120.00 for individual private police officers. Officers must work for an approved private police agency. Officers moving from one private police agency to another must pay a transfer fee of \$75.00. Individual private police officers must also carry liability insurance with \$1,000,000 coverage. Private police agencies hiring private police officers must be licensed by the City and are required to pay an application fee of \$500.00 and annual renewal fees ranging from \$25.00 to \$625.00, depending on the number of officers employed. They are also required to maintain liability insurance of at least \$2,000,000.

Qualifications and Training

Prior to commission as a private police officer, candidates must meet minimum requirements under Code 887 and the CPD rules and regulations. These requirements include educational requirements, an intensive background examination similar to that

required for full time law enforcement officers, and proof of the successful completion of an Ohio Peace Officer Training Commission basic police academy consisting of 582 hours of instruction.

Individuals possessing a private police commission must comply with the following provisions in order to have their commission renewed:⁴⁷

- Receive eight hours of annual in-service training at the Cincinnati Police Academy. The training will consist of topics designated by Police Chief.
- Receive eight hours of firearms training yearly under the supervision of the CPD Firearms Training Unit if they wish to carry a firearm on duty. At the end of this training, the private police officer must pass the CPD pistol qualification course in order to continue carrying a firearm. CPS regulates the type of firearm and ammunition and the officers must provide their own ammunition.
- Reimburse CPD the sum of \$75.00 per individual for the sixteen hours of yearly training.
- Pay a yearly renewal fee of \$120.00.

Authority

The Cincinnati Municipal Code, Sec. 887-11, Powers of Private Police Officers, gives private police officers the same powers as CPD officers in arresting or citing persons for offenses against the laws and ordinances. The Code also gives the CPD Chief the authority to limit the powers to those that the Chief deems necessary to perform the tasks of the commissioned individual. In the Manual of Rules and Regulations, the powers of the private police officers are limited to issuing criminal minor misdemeanor citations within the scope of their responsibility, on the premises of their employer and while on duty.

The Manual also prohibits the private police from enforcing any traffic violation on any property except in the case of an emergency. In the case of an emergency traffic stop, immediate contact with CPD is required of the private police and the case turned over to a CPD officer.

Uniforms and Equipment

The Manual requires private police officers to wear different color uniforms than the CPD officers. The Manual states they, “will not wear any police uniform parts, excluding the leather duty belt, similar to those worn by officers of the Cincinnati Police Department (CPD).” CPD officers wear white shirts and private police officers are required to wear dark blue shirts.

The Manual authorizes private police officers to use the CPD radio system. To use the system, officers must lease the required portable radio from CPD for its purchase price

⁴⁷ Cincinnati Police Department, Private Police Commissions Manual of Rules and Regulations (Revised 5/30/06)

and are responsible for any damage or repair costs. They must complete training in radio procedures.

Private Police Agency Clients

Private police agencies in Cincinnati, after commission by the CPD Chief of Police, contract with private individuals and organizations to provide police services on property owned or leased by the client. The agency sets its own rates for services, as there are no regulations governing rates and fees.

Examples are private individuals, businesses such as shopping centers, apartment complexes, department stores, and other businesses desiring ancillary police services. The Manual prohibits private police officers from contracting with liquor establishments, acting as “bouncers”, checking identifications, or entering the establishments except in an emergency. When this occurs, the private police officer must notify a CPD supervisor of the situation.

Portland Oregon, Portland Patrol Inc.

Overview

Portland Patrol Incorporated (PPI), established in 1997 by two Portland police detectives, is a private armed and unarmed security service. When established, the City was experiencing budget cutbacks that resulted in the Portland Police Bureau (PPB) reassigning foot patrol officers from the downtown business area to other duties. At the same time, the downtown businesses formed a Business Improvement District (BID) funded through annual membership dues, special events, and sponsorships. The BID hired PPI to provide armed security patrols in the business district. The BID falls under the umbrella of the Portland Business Alliance (PBA), formerly the Chamber of Commerce.⁴⁸

Initially all employees of the PPI were retired PPB officers. PPI currently hires only former police officers with at least three years of experience as armed security officers. Many of their employees are former PPB officers.⁴⁹

The PBA contracted with a private non-profit Portland Downtown Services Inc. (PDSI) to provide “Clean and Safe” initiatives and other programs to downtown property owners. As part of PDSI's commitment to promoting a clean and safe urban center, downtown businesses fund the below listed services through the Portland Business Alliance:⁵⁰

- Private security patrols
- Portland Police bike patrol officers
- Crime-prevention services

⁴⁸ Portland Patrol Inc. Interview by PSSG staff

⁴⁹ Portland Patrol Inc. Interview by PSSG staff.

⁵⁰ <http://www.portlandalliance.com>

- Sidewalk cleaning
- Graffiti removal
- Sidewalk Ambassadors
- Market research
- Downtown retail and marketing

Oversight

The Oregon Department of Public Safety Standards and Training (DPSST), by authority of Oregon State Statute 181, Private Security, has licensing and regulatory control over private security. The DPSST has developed professional standards for licensing, qualifications, fees and training for private security. The DPSST also enforces these requirements.

Private security companies such as PPI employ private security officers and oversee the day-to-day supervision. PPI management handles personnel issues and complaints made against employees of PPI.

Appointment

PPI hires DPSST licensed private security officers as civilian employees who work at the will of the PPI.

Qualifications and Training

The Oregon Department of Public Safety Standards and Training (DPSST) requires certification for PPI, a private security company. There are two unique certifications for armed and unarmed security officers. Armed security officers must attend a 12-hour basic training and a 24-hour armed training module by a DPSST certified instructor. Renewal requirements each year include a four-hour renewal module and armed renewal-training components.⁵¹ Unarmed security officers are not required to take the armed training. The DPSST also has age, educational, testing and background requirements for issuance of a license. There are minimal fees for obtaining and renewing the licenses.

Authority

Armed security officers in Oregon, including PPI officers, have no powers to serve criminal process or make arrests under Oregon state statutes. They have the same powers as any private citizen.

⁵¹ DPSST Private Security Officers Rules and Regulations

Uniforms and Equipment

The PPI officers wear uniforms nearly identical to those worn by sworn officers of the Portland Police Bureau. The uniform differences are that the PPI officers do not have a stripe on the pant leg, the arm patch is different, and the badge is smaller.

PPI maintains its own radio communications system. Each PPI officer has a PPI radio while on duty. The four PPB officers carry issued PPB radios as well as a PPI radio while on duty. PPI officers will call the PPB officers when needing police assistance. When the PPB officers assigned to the BID are not on duty, PPI will call PPI dispatch for police assistance.

Clients

Private security companies in Oregon contract with individuals and organizations to provide security services. The companies set their own rates for services, as there are no regulations governing rates and fees.

PPI contracts with the BID to perform “order maintenance” in the parks, garages and public areas of the BID. Order maintenance consists of handling quality of life issues such as homeless sleeping in doorways, intoxicated, disorderly, and undesirable persons on the property of their clients.

PPI, by contract, is required to provide a wake-up service in the business district each morning. This service consists of PPI officers patrolling the sidewalks each morning before the businesses open and waking the homeless that are sleeping in doorways and on the private property of the BID members. Once completed, the PPI officer will call a BID contracted cleaning company to clean the doorway area if needed.⁵²

The PPI officers also patrol the parks and garages in the BID and request unauthorized and disorderly persons to leave the private property. The garages have a posted list of 15 rules of conduct. PPI officers use this list to issue an “Exclusion Notice” to repeat violators. An exclusion notice is a written document served to the unwanted person by a PPI officer, prohibiting the unwanted person from returning to the property for a specified amount of time. The Portland Police Bureau, Central District, maintains the notices and PPB officers arrest repeat violators and charge them with trespassing.⁵³

The BID pays the PPB the full salaries of three full-time Portland police officers to patrol the BID on bicycles. These three officers, permanently assigned to patrol the BID, work out of the Central Police District. The Portland Police also assigns a fourth full-time bicycle officer to patrol the BID. These four officers work different hours to provide maximum coverage. The four bicycle officers carry PPI radios when on patrol and have frequent interactions with the PPI officers. When a PPI officer needs police assistance, they call the on-duty bicycle officer who also has radio communications with the

⁵² Portland PPI and Portland Police Bureau, Interview

⁵³ Portland Police Bureau Commander, Interview

Portland police dispatch. The Portland officers and the PPI officers work well together and coordinate efforts to provide the maximum coverage in the BID.⁵⁴ The daily coverage in the BID is from 7 a.m. to 11 p.m. weekdays and to 3 a.m. on weekends.

Reserve and Volunteer Police Services

The following provides an overview of reserve and volunteer programs in San Francisco, Los Angeles, and New York City. Reserve programs are a strategy to supplement full-time patrol in communities across the county. Often Reserve Officers are unpaid; however, there are communities that compensate Reserve Officers. Volunteer programs operate formally within police departments where volunteers perform administrative functions and in the community conducting citizen patrols.

San Francisco Reserve Officer Program

The SFPD Police Reserve Officer Program is an unpaid volunteer program consisting of approximately 30 individuals. The Reserves assist and supplement the full-time officers in many ways. Reserves patrol in vehicles, on foot patrols, and/or bicycle patrol. Typically, Reserve Officers work alongside full-time SFPD officers. However, depending on the training level, Reserves can conduct solo patrols. Reserve members are often individuals that do not wish to make a full transition to full-time SFPD member, although some envision the Reserve program as “foot in the door” to a full-time law enforcement career.

San Francisco – Castro on Patrol

While not a formal volunteer program with the SFPD, the Castro on Patrol is a group of volunteers committed to increasing safety in their neighborhood. As described on their website, Castro Community on Patrol (CCOP), founded in November 2006, is a grassroots, non-profit organization dedicated to promoting safety and safety awareness in the Castro and Duboce Triangle neighborhoods. CCOP volunteers patrol the neighborhood and create a visible safety presence. Patrol volunteers note and report violent and property crimes, as well as conditions conducive to that kind of crime. The CCOP works closely with the San Francisco Police Department and other organizations dedicated to community safety. The CCOP also has a formal application and training program for the volunteers.

Los Angeles Reserve Officer Program

The Los Angeles Police Reserve Corps is an unpaid volunteer program consisting of approximately 650 active armed Reserve Officers. The Reserve Officers are all Level I, II or III POST-certified Reserve Officers. Level III Reserve Officers work within the LAPD, assisting in administrative-type functions. Level I and II Reserve Officers work in

⁵⁴ Portland Police Bureau Commander, Interview

the field alongside full-time LAPD officers and perform all police-related functions. Hiring requirements are the same as full-time LAPD officers.

The Los Angeles Reserve Officers are required to volunteer 16 hours of service a month and to attend a monthly reserve officer meeting. Reserve Officers are also required to maintain POST certification. The LAPD Recruit Training Center provides required training.

New York City Auxiliary Officer Program

The New York City Auxiliary Officer Program is an unpaid volunteer program consisting of approximately 4,500 active auxiliary officers. The New York Police Department (NYPD) recruits, hires, trains, and manages the auxiliary force. Auxiliaries are considered employees of the NYPD and receive worker's compensation benefits.

Auxiliaries are required to attend and pass the New York State Criminal Justice Training Council (NYSCJTC) Basic Training course. This course is 48 hours and provides law enforcement training that includes arrest procedures, defensive tactics, and use of a police baton. The NYPD conducts extensive background checks on all applicants. The minimum age for an auxiliary is 17. Auxiliary officers apply at a specific police district and work out of that district.

The Auxiliary Officers volunteer their time and are required to work a minimum of 144 hours annually. NYPD provides uniforms and equipment. Duties include administrative functions, patrolling neighborhoods, traffic and crowd control, search and rescue, and assisting the department in most aspects of policing. Younger Auxiliaries often work with specialty units of the department in undercover sting operations regarding liquor sales to minors and other products requiring proof of age for sale of an item.

Auxiliaries do not have arrest powers other than those of any citizen. An exception to this rule is when requested by an NYPD member to arrest a person known to have committed a crime. The other exception is a State Law that authorizes the NYPD to give Auxiliary Officers "peace officer status". This limited authority is only valid during a period of imminent or actual attack by enemy forces, and during official duties. The primary responsibility of the Auxiliary Officer is to be the "eyes and ears" of the police and to observe and report incidents to the NYPD by use of a department-issued radio.

Civilian Personnel

The use of civilian personnel in policing is common. During the past several years, the City has researched the process of civilianization. The Controller's Office most recent memorandum issued on June 14, 2010 recommends an increase of an additional 251 civilians.

Across the county in municipalities of all sizes, civilians take on tasks such as crime analysis, crime scene investigation, collision analysis, community outreach and other

responsibilities that do not require sworn personnel. Given the extensive research already completed on civilianization, PSSG did not replicate the study. PSSG concurs with the findings and recommendations to increase the use of non-sworn personnel as a means to increase the capacity of the police department and maximize its resources.

Security Guard Services

Security Guards are a private form of policing. Ranging from small, local agencies to large national organizations, security companies are active across the country. Each state sets requirements, with an increased number mandating ongoing training for retention of licensure. Individual agencies also set internal requirements ranging from communication, emergency management, first aid, and specialized training relevant to their particular assignment.

ASIS International, a member organization of security professionals, developed training guidelines providing regulating agencies consistent minimum standards for professional security services. The guidelines include 48 hours of training within the first 100 days of employment and a requirement to pass a written and/or performance testing. Annual training and additional firearms training for armed officers is another suggested baseline requirement.

The security industry is growing. Community demands for protective services outpace the growth of traditional law enforcement services. In 2008, there were 1.1 million jobs in the security industry. Of those, approximately 55 percent were jobs in investigation and security services, including guard and armored car services⁵⁵. The estimated growth in the security industry is significant, with a 14 percent increase expected by 2014, which represents a faster than the national average when compared to other professions⁵⁶. The number of police officers in 2008 was 883,600⁵⁷, lower than the number of security guards. Of the total, local governments employed approximately 79 percent of the officers. .

Services provided by security companies vary depending on the needs of the client. Security guards provide basic services, from fixed post watches of a specific building, doorway, or ATM, to patrolling at transportation facilities and museums to undercover surveillance for theft deterrence. The client and the private agency negotiate the scheduling and fees.

In the past, the hiring of security guards appeared most commonly as a tactic for private entities to increase the visibility of safety and enhance security. Since 9/11, the Federal government has increased its reliance on private security for overseas missions, and recently, municipalities have contracted with private firms for public security showing new reliance on other forms of policing.

⁵⁵ Bureau of Labor Statistics

⁵⁶ Bureau of Labor Statistics

⁵⁷ Bureau of Labor Statistics

Examples of municipalities hiring private companies include the City of Oakland, California. In April 2009, the City of Oakland hired International Services Inc. to provide patrol services. The hiring of the private security marked the first time the city hired armed guards to supplement police services through street patrols. Previously, business groups in Oakland pooled their resources to hire unarmed private security; however, those efforts were independent of any city council action.

Historically, municipalities have hired uniformed, unarmed guards to patrol downtown or other highly visible tourist or merchant districts. Often, a business district or grant supplies the funding for the services.

The Rand Group conducted a study of the 30 improvement districts in downtown Los Angeles. The study reviewed data from 1994 - 2005 and found that the districts with the guards showed a reduction in violent crime an average 8 percent greater than the rest of the city during that period.

In 1997, residents in New Orleans petitioned Louisiana's Legislature to create a tax on property owners to pay for a private force. The legislation initially created 20 residential tax districts that employed approximately 100 private guards. Since the initial legislation, additional districts have embraced the strategy.

A unique example of public/private partnership is the Center City District (CCD) community services program operating in Philadelphia. The Community Service Representatives (CSRs) patrol on foot and bicycle seven days a week. Unarmed, the CSRs wear a highly visible teal uniform and provide services ranging from first aid, notification to the police of issues needed a response, and outreach to homeless individuals. The CSRs work in partnership with the police and attend role call session together. The CSRs carry a radio that connects them to the Center City Dispatch, co-located with the police dispatch.

The CSRs and CCD provide several customized services dedicated to improving the quality of life in the CCD. The programs includes a "public space reporting" service. The CSRs are equipped with handheld computers and geographic information systems. The CSRs go block-by-block and record quality of life issues such as code violations, graffiti, and other issues that need attention. The information is transmitted to the appropriate city or private agency and then the CCD follows up to ensure that the issue is resolved. In addition, the CSRs provide outreach services to homeless individuals and connect them with social service agencies to help meet their needs. The CCD runs the community court and involves offenders in cleanup programs as well as provides referrals to address underlying social service needs.

Summary

Communities across the country operate police departments with fewer resources than optimal to meet needs, as community members desire high levels of police services. Strategies to increase the perception of safety for community members and mitigate

losses to business include the hiring of private security agencies by private entities. A limited, but emerging number of municipalities are contracting with private companies to supplement traditional law enforcement services.

Based on the research completed by PSSG, there does not appear to be a direct comparison of ancillary police services with the governance structure of the San Francisco Patrol Specials. The two strategies that are most similar to the Patrol Specials appear to be the North Carolina Police and the Cincinnati, Ohio Private Police. Like the Patrol Specials, the North Carolina Police and the Cincinnati Private Police operate with government controls in place that exceed that of other security guard regulations. Portland Patrol Inc. is similar in that they, like some of the Patrol Specials, provide services to a group of business owners. What is significantly different about the Patrol Specials is the ability to purchase beats and patrol city streets (discussed in the section of the report dedicated to the Patrol Specials).

Reserve Police Officer programs are underway in police agencies across the county. From the largest organizations to the smallest, the use of Reserve Officers is an accepted and beneficial practice in police organizations. Many programs operate on a volunteer basis; however, some organizations pay for the time at a rate less than that of a full-time officer.

Employing civilian personnel is also a strategy to increase the capacity of the department and maximize its resources.

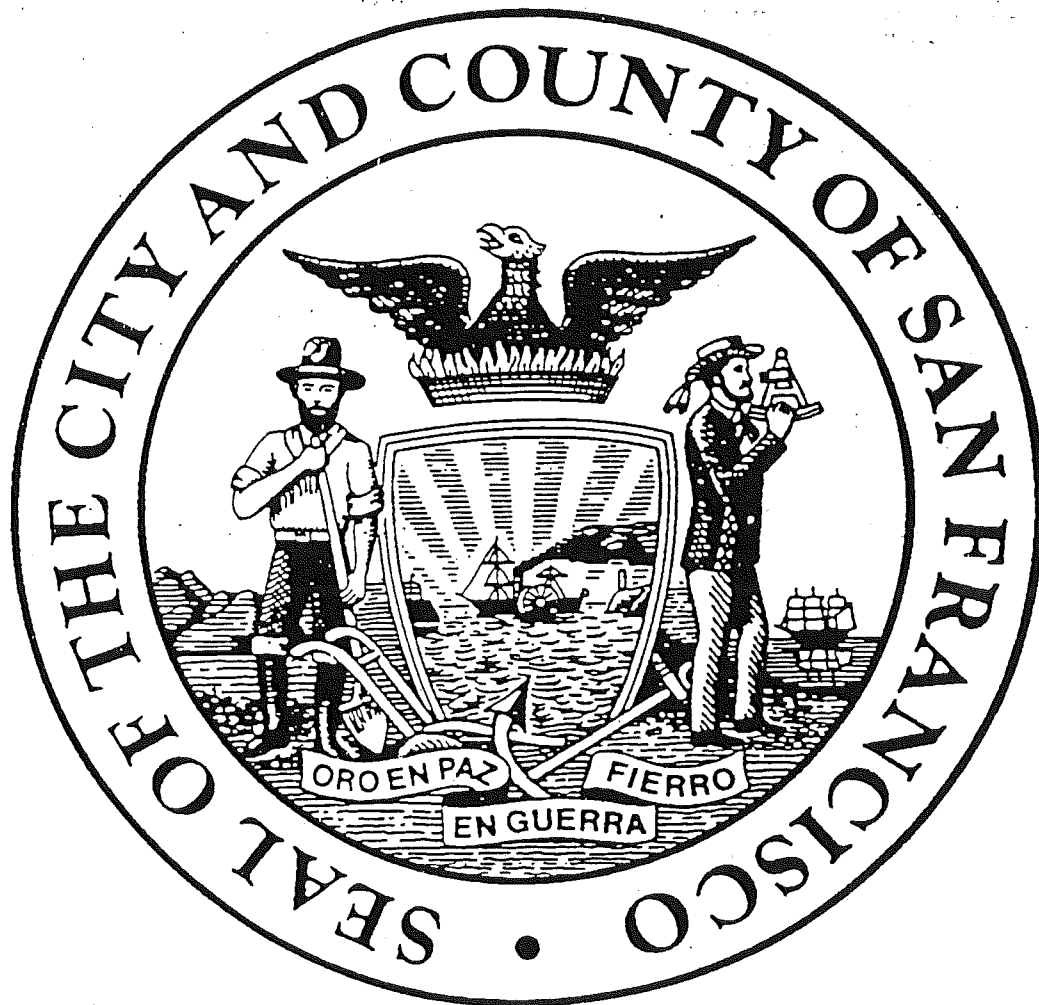
Private security guards are the most popular type of private policing services and are typically hired by private entities. Municipalities are struggling with budgets and the desire for increased police services. A few examples of municipalities (such as Oakland and New Orleans) hiring private firms for public safety and security services are emerging as measures to meet the demands. The differentiator between the practices employed with San Francisco Patrol Specials and the services of a private security firms is that once hired, the private firms are under the direction and control of the municipalities, as opposed to the Patrol Specials, who answer to private businesses and citizens for their day-to-day operations.

Other strategies, including public/private partnerships - such as the Center City District (CCD) community services program in Philadelphia - are emerging as viable long-term strategies to address crime and quality-of-life issues.

Attachment F: Patrol Special Rules and Regulations

SAN FRANCISCO POLICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RULES AND PROCEDURES
FOR
PATROL SPECIAL OFFICERS
AND THEIR ASSISTANTS



Adopted November 30, 1994
AMENDED NOVEMBER 10, 1999

Rules and Procedures for Patrol Special Officers and Their Assistants
 Adopted by the San Francisco Police Commission 11/30/94
 Amended November 10, 1999

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Section 1 GENERAL PRINCIPLES

1.01 AUTHORITY FOR RULES

The following Rules and Procedures are adopted pursuant to the authority vested in the Police Commission by the Charter of the City and County of San Francisco Section 4.127. The Police Commission delegates to the Chief of Police and the Police Department the authority to implement and administer these Rules and Procedures within their capabilities and resources.

1.02 STATEMENT OF INTENT

These Rules and Procedures are intended to provide for the safe and efficient management and supervision of Patrol Special Police Officers (hereinafter referred to as "Patrol Specials") and Assistant Patrol Special Police Officers (hereinafter referred to as "Assistant Patrol Specials") by the Police Commission and the Chief of Police.

1.03 PATROL SPECIAL OFFICERS DUTIES

- A. The Police Commission defines a Patrol Special Officer (approved by the Commission pursuant to San Francisco Charter Section 4.127) as a private patrol person, who contracts to perform security duties of a private nature for private persons and businesses within the geographical boundaries set forth by the Police Commission.
- B. While a Patrol Special is performing duties as a private patrol person, he or she is an independent operator and not a member of the San Francisco Police Department nor an employee of the City and County of San Francisco.

1.04 HIRING OF ASSISTANT PATROL SPECIAL OFFICERS

Patrol Specials may hire as assistants only those persons who are duly licensed under section 7580 *et seq.* of the Business & Professions Code and approved by the Chief of Police. Assistant Patrol Special Officers are employees of Patrol Special Officers.

1.05 AUTHORITY OF PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers are not expected to, nor shall they engage in general law enforcement duties; therefore, no need for peace officer status exists or is required. The Police Commission does not intend to confer such status on Patrol Special Officers or their Assistants. The arrest powers of Patrol Special Officers and their Assistants shall be the same as those enumerated in Penal Code Section 837.

1.06 FIREARMS

- A. Patrol Specials are authorized to carry a loaded firearm only while on duty in uniform, or en route to or from being on duty, if they comply with all training and other provisions within Penal Code Section 12031(c) (1).
- B. Assistant Patrol Specials are authorized to carry firearms only while on duty in uniform, or en route to or from being on duty as authorized by Penal Code Section 12031(d) (5) and if they comply with all training and other provisions pursuant to Penal Code Section 12033.

1.07 PROGRAM ADMINISTRATION

- A. The Deputy Chief of Field Operations Bureau is responsible for the administration of the Patrol Special Program. To discharge this responsibility, the Deputy Chief is authorized to and shall appoint a Program Administrator to run the day to day operation of the program.

- B. For reporting and disciplinary action, Patrol Specials and Assistant Patrol Specials shall be under the supervision of the captains of the districts in which their beats are located. In case of multiple beats in multiple districts, the Program Administrator shall determine which district captain has authority over the Patrol Specials and Assistant Patrol Specials.

Section 2 DEFINITION OF TERMS

Words used in these Rules and Procedures in the present tense include the future as well as the present; the masculine includes the feminine; the singular includes the plural and the plural the singular.

2.01 DEFINITIONS OF WORDS

The following words have, in these Rules and Procedures, the signification attached to them in this section unless otherwise apparent from the context.

- A. **CITY AND COUNTY**
City and County of San Francisco.
- B. **CHARTER**
Charter of the City and County of San Francisco.
- C. **COMMISSION**
The Police Commission of the City and County of San Francisco.
- D. **DEPARTMENT**
San Francisco Police Department.
- E. **P.O.S.T.**
California Commission on Peace Officers Standards and Training.
- F. **CHIEF**
The Chief of Police for the City and County of San Francisco.

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- G. **POLICE OFFICER**
Person appointed to the Department as a full-time, regularly salaried police officer as defined in California Penal Code section 830.1.
- H. **POLICE EMPLOYEES**
All persons other than police officers appointed to the Department in any permanent or temporary Civil Service classification.
- I. **PATROL SPECIAL OFFICER**
A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special Officer is the owner of a beat.
- J. **ASSISTANT PATROL SPECIAL**
A private patrol person approved and appointed by the Chief of Police and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employers beat. An Assistant Patrol Special is not the owner of a beat.
- K. **DISTRICT**
An administrative area commanded by a Captain of Police.
- L. **BEAT**
That area of patrol within which a Patrol Special Officer has contracted with private persons or businesses to perform security duties with permission granted from the Police Commission, per Charter section 4.127.
- M. **WATCH**
An eight (8) hour tour of duty.
- N. **DAY**
Twenty-four (24) hours commencing at 0001 hours and ending 2400 hours the same day.

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- O. **WEEK**
Seven (7) successive twenty-four (24) hour periods commencing at 0001 hours Sunday.
- P. **SHALL**
Mandatory.
- Q. **MAY**
Permissive.
- R. **B & P Code**
California Business and Professions Code.
- S. **SUPERVISORY OFFICER**
A Q50 Police Sergeant assigned to supervise patrol functions with a police district.
- T. **SUPERVISING CAPTAIN**
The Captain of Police commanding the district to which a Patrol Special is primarily designated for the administrative purposes described in these rules (e.g. disciplinary actions, reporting on and off duty, and beat sales).

Section 3 ORGANIZATION AND ADMINISTRATION

3.01 AUTHORITY TO APPOINT

- A. The Police Commission shall appoint Patrol Special Officers.
- B. The Chief of Police may appoint as Assistant Patrol Special Officers those qualified persons who have been nominated by a Patrol Special.

3.02 STATUS

Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco.

3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS

Patrol Specials at the time of appointment shall:

- A. Be at least twenty-one (21) years of age.
- B. Be of good moral character.
- C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
- D. Be a high school graduate or pass the General Education Development (G.E.D.) Test indicating high school graduation level.
- E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.

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- F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical, emotional or mental condition which adversely affects the ability to safely exercise their duties.
- G. Have successfully completed training as prescribed by the Chief of Police. Minimum training requirements will be established by the Commanding Officer of the San Francisco Police Academy upon approval of the Chief of Police.
- H. Have prepared and submitted the prescribed application to and received a written approval from the Deputy Chief of the Field Operations Bureau and the commanding officer(s) of the district(s) involved.
- I. Present evidence of insurance in the following amount:
 - 1. Worker's Compensation and Employer's Liability to cover themselves and their employees.
 - 2. Comprehensive bodily injury and property damage liability insurance, including automobile liability and including liability for assault and battery, false arrest, false imprisonment, malicious prosecution, libel and slander, and invasion of privacy. This insurance shall provide limits of liability of not less than \$200,000 for property to each person and \$300,000 for each occurrence and \$50,000 for property damage. Any comprehensive bodily injury and property damage liability policy or policies shall include the City and County of San Francisco, its officers or employees as an additional named insured, in the event any person shall charge or allege that the City and County of San Francisco, its officers or employees are liable or responsible for any act or conduct of the Patrol Special's business whether by respondent superior or any other legal theory, and shall contain the following endorsement:

"Notwithstanding any other provision in the policy, the insurance afforded hereunder to the City of San

Francisco shall be primary as to any other insurance or reinsurance covering or available to the City of San Francisco, and such other insurance or reinsurance shall not be required to contribute to any liability or loss until and unless the appropriate limit of liability afforded hereunder is exhausted."

Each of said policies of insurance shall contain a clause substantially in the following words:

"It is hereby understood and agreed that this policy may not be canceled, nor the amount of the coverage reduced, until ten days after receipt by the City Attorney of the City and County of San Francisco a written notice of such cancellation or reduction of coverage, as evidenced by receipt of a registered letter."

All certificates of insurance must be approved as to form by the City Attorney of the City of San Francisco.

- J. Be approved and recommended by the Chief of Police after the completion of a favorable background investigation.
- K. Have completed the handgun qualification course with their on duty firearm at the San Francisco Police Range.

3.04 QUALIFICATIONS/REQUIREMENTS FOR ASSISTANT PATROL SPECIAL OFFICERS

Assistant Patrol Specials at the time of appointment shall:

- A. Be twenty-one (21) years of age.
- B. Be of good moral character.

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- C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
- D. Be a high school graduate or pass the General Education Development (G.E.D.) Test indicating high school graduation level.
- E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.
- F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical, emotional or mental condition which adversely affects the ability to safely exercise their duties.
- G. Be approved and appointed by the Chief of Police after the completion of a favorable background investigation.
- H. Have successfully completed the training prescribed by the Chief of Police and secured the licensing prescribed by sections 12031(d) and 12033 of the Penal Code, and sections 7580 *et seq.* of the Business and Professions Code, and the Bureau of Consumer Affairs.
- I. Have completed the handgun qualification course with their on duty firearm at the San Francisco Police Range.

3.05 TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Costs for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with the rates charged to other private persons. Minimum annual training shall include:

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- A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.
- B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy.

3.06 EVALUATIONS

When directed by the Police Commission, the Chief of Police will provide to the Commission a written evaluation of Patrol Specials and Assistant Patrol Specials. The evaluations will be based on criteria set forth by the Commission which may include, but is not limited to, attendance records, field observations, and training.

3.07 BEAT SALES

- A. Patrol Specials desiring to sell their beat(s) shall submit in triplicate (an original and two (2) copies) a written request for approval of sale to the Commanding Officer(s) of the district(s) involved, and shall submit one (1) copy to the Secretary of the Police Commission. The request shall include:
 - 1. A written description of the boundaries of the beat for sale;
 - 2. Identification of the requesting purchaser; and
 - 3. The beat number and the district(s) where it is located.
- B. Purchaser shall meet all qualifications for appointment to Patrol Special as defined in Rule 3.03 prior to requesting the purchase of beat. A Patrol Special may not own more than three (3) beats at one time (except those who own more than three (3) at the time of the amendment of this rule will not be required to sell any beat to bring them into compliance with this section, but they will be prohibited from making a future purchase). The requesting purchaser shall submit in triplicate (an original and two (2) copies) a written request to purchase said beat, to the Commanding

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Officer(s) of the district(s) involved, and shall submit one (1) copy to the Secretary of the Police Commission. The request to purchase shall include:

1. A statement that the purchaser is twenty-one (21) years of age.
 2. A statement that the purchaser is a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
 3. A statement that the purchaser is a high school graduate or has passed the General Education Development (G.E.D.) Test indicating high school graduation level.
 - ✓ 4. A letter, signed by a private physician, certifying that the private physician has examined the purchaser and found the purchaser to be free from any physical, emotional or mental condition which prevents the safe exercise of the Patrol Special Officers duties.
 5. A certificate of completion or notarized statement that the purchaser has successfully completed training as prescribed by the Chief of Police.
 6. The number of beats already owned.
- C. Upon notification of approval by the Secretary of the Police Commission to sell such beat, the seller shall submit to the Commission:
1. A notarized bill of sale (an original and three (3) copies) signed by both the seller and the approved purchaser; the bill of sale shall contain the total selling price, the terms of the agreement and shall not become final until the Commission has approved the sale.
 2. A map outlining the beat boundaries.
 3. A written legal description of the beat boundaries.

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4. A list of clients, their addresses and phone numbers.
5. A cashier's check, in the sum of \$500.00 payable to the San Francisco Police Department for the administrative processing and transfer fee.

3.08 SUBSCRIBERS

- A. Patrol Specials shall neither solicit nor accept new subscribers in areas outside the confines of their beat.
- B. Patrol Specials shall not accept new subscribers in unclaimed areas adjoining their beat without first applying to and receiving from the Police Commission, permission to annex the unclaimed area.
 1. The Patrol Special requesting annexation shall submit an annexation application with a fee of \$500.00 in the form of a cashier's check, payable to the San Francisco Police Department.
 2. Upon approval by the Police Commission, the annexation of the unclaimed area shall be added to the applying Patrol Special's beat.

3.09 EMPLOYING ASSISTANT PATROL SPECIAL OFFICERS

Patrol Special Officers wishing to employ Assistant Patrol Specials shall submit to the Supervising Captain and the Chief of Police a written request (an original and three (3) copies) for such, identifying the applicant fully, verifying completion of required training, stating whether the applicant possesses a current certification of appointment as an Assistant pursuant to Rule 3.04, and certifying that the Assistant Patrol Special will be employed a minimum of eight (8) hours per week.

3.10 DEPARTMENT PROPERTY

- A. Patrol Specials shall be responsible for all Department property, including stars, identification cards, copies of these Rules and Procedures, and any other Department property held by them and their Assistants.
- B. Upon the termination of the services or termination of the appointment of an Assistant, the employing Patrol Special Officer shall immediately obtain and return to the Department, all Department property held by the Assistant. Such property shall be brought to the Supervising Captain within five (5) days after the effective date of the termination.

3.11 TERMINATION OF ASSISTANT PATROL SPECIAL OFFICER EMPLOYMENT

If a Patrol Special terminates the employment of an Assistant Patrol Special, the employing Patrol Special shall immediately submit a written report (an original and three (3) copies) of the termination of an Assistant Patrol Special to the Supervising Captain of the district(s) involved, identifying the Assistant so terminated, the reason for the termination and the effective date of the termination. The report shall then be forwarded through the Supervising Captain of the district station to the Deputy Chief of the Field Operations Bureau. Termination by an employing Patrol Special shall result in immediate cancellation of the terminated Assistant's appointment as an assistant for all purposes unless the Assistant is concurrently employed by one or more other Patrol Specials.

3.12 DISCIPLINE PROCESS

A. BASIS FOR DISCIPLINARY ACTION

- 1. Orders, Directives and Procedures:
 - (a) Patrol Specials or their Assistants who violate any rule or procedure contained within these Rules and Procedures may be subject to disciplinary action.

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- (b) Pursuant to these Rules and Procedures, Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments.
- (c) Patrol Specials may be held responsible and be subject to disciplinary action for violations by Assistant Patrol Specials in their employment in cases where the Patrol Special has failed to adequately supervise the Assistant.
- (d) Any person subject to these rules who fails to maintain any required license may be subject to disciplinary action.

B. DEFINITIONS

1. **Admonishment:** An admonishment is an advisory, corrective, or instructional action by a superior which does not constitute formal discipline. It is a warning only and not a punitive action.
2. **Reprimand:** A reprimand is a formal written punitive action which shall be noted or included in an individual's administrative file. A subsequent violation of a similar nature invites more serious punitive action.
3. **Suspension:** A Patrol Special's or an Assistant Patrol Special's appointment may be suspended.
4. **Fine:** A Patrol Special or an Assistant Patrol Special may be fined, after a hearing for a sum not exceeding one thousand dollars (\$1,000.00) for each offense, payable to the San Francisco Police Department.
5. **Termination:** Revocation of appointment.

C. CHIEF'S ADMINISTRATION OF CORRECTIVE ACTION FOR PATROL SPECIALS AND ASSISTANT PATROL SPECIALS.

1. **Supervising Captain:** Subject to the prior approval of the Chief, the Supervising Captain of the Patrol Special or Assistant Patrol Special may dispose of minor violations of orders, policy and procedures committed by a Patrol Special or an Assistant Patrol Special working in the district by re-instruction or admonishment.
2. **Chief's Hearing:** After investigation, when allegations of misconduct are sustained, the Chief or the Chief's designee may order a hearing at his or her discretion. The Chief or the Chief's designee may, in the alternative, give a Patrol Special or an Assistant Patrol Special notice of intended action.
 - (a) The notice shall be personally served on the Patrol Special or Assistant Patrol special by the Supervising Captain or his/her designee. The notice shall inform the Patrol Special or Assistant Patrol Special of the proposed disciplinary penalty, the nature of the charge or allegation of misconduct, the basis for the charge or allegation and shall state that the material on which the charges shall be based is available for inspection. The notice shall inform the Patrol Special or Assistant Patrol Special that he/she has fifteen (15) calendar days from the date of the notice to request a hearing. If the Chief or the Chief's designee does not receive a request for a hearing within the prescribed time, the proposed penalty will be imposed.
 - (b) If a Patrol Special or Assistant Patrol Special is found to have violated any order, policy, or procedure of the Department or any order or instruction issued by competent authority, the Chief or his/her representative may impose any of the following:
 - (i) For a Patrol Special: counseling, retraining, admonishment, reprimand, fine, or referral by charges

to the Commission for possible suspension or revocation of appointment.

- (ii) For an Assistant Patrol Special: counseling, retraining, admonishment, reprimand, fine, suspension or revocation of appointment.
- (c) When an Assistant Patrol Special is charged with a violation, a copy of the notice of intended disciplinary action and other notices shall be mailed to the Patrol Special who employs the Assistant.

D. PATROL SPECIAL OFFICER'S HEARING BEFORE THE POLICE COMMISSION

If the Chief believes that sustained allegations of misconduct should result in suspension or termination of a Patrol Special Officer, the matter shall be referred to the Police Commission. The Commission shall then conduct a hearing pursuant to the Commission's rule governing trials of disciplinary cases.

E. SUSPENSION PENDING HEARING

1. The Chief is authorized to suspend temporarily any Patrol Special Officer or Assistant Patrol Special Officer pending a hearing on allegations of serious misconduct or where public safety requires such action. The Chief shall immediately notify the Police Commission of such action in writing.
2. A Patrol Special or an Assistant Patrol Special placed on interim suspension is entitled to an administrative hearing. The Chief shall hold such hearing within five (5) working days of such suspension. The purpose of this hearing is to determine whether the Patrol Special or Assistant Patrol Special should remain suspended pending the disciplinary hearing.

3. A Patrol Special suspended pending the hearing of charges is entitled to a hearing before the Commission within thirty (30) calendar days of the interim suspension. The Police Commission may in its discretion, grant a continuance for a period of time that exceeds the thirty (30) calendar day period, if requested by the accused.

F. FORMAL CHARGES

1. A charge is formal written accusation, filed with the Commission, alleging misconduct on the part of a Patrol Special. Charges must be definite, clear, and specific.
2. Charges shall state the first name, middle initial and surname of the accused. Charges must contain a statement of facts constituting the grounds of the complaint in ordinary, concise language, subscribed by the Chief of Police

G. SERVICE OF CHARGES SHALL BE ACCOMPLISHED AS FOLLOWS:

1. By serving a copy of the charges on the accused personally and filing the original copy of the charges and the proof of service showing date, time and place of service with the Commission as soon as practicable after service is accomplished.
2. If personal service is not made after reasonable diligence, a copy of the charges shall be left at the Patrol Special's last known residence in the presence of a competent member of the household at least 18 years of age who shall be informed of the contents thereof.
3. If personal service cannot be made or if a copy cannot be left with some, competent person over the age of 18 years at the last known residence of the accused, before the date set for trial, then a copy will be mailed by certified mail to the Patrol Special's last known address.

4. Charges shall be served at least seven (7) calendar days before the setting date for hearing. In computing said period of seven (7) calendar days, the date of service shall be excluded and the date of setting included.
5. When charges are served under the provisions of either sections 2 or 3, above, the officer serving same shall submit a report stating how service was made, the time of service, and file same with the original set of charges.
6. The original proof of service shall be filed with the Police Commission as soon as practicable after service is accomplished.
7. The subject Patrol Special or his/her designated representative shall attend each session of the Police Commission at which the pending charges appear on the agenda.

H. DISCIPLINARY LIMITATIONS

Once a Patrol Special or an Assistant Patrol Special has been formally punished for a violation(s), such individual shall not receive any other punishment for the same incident. However, prior sustained allegations of misconduct or imposition of disciplinary action may be considered in a subsequent disciplinary proceeding(s) for purposes of fixing penalties.

3.13 CITIZEN COMPLAINTS

The intent of this rule is to set forth procedures for the receipt, investigation and disposition of allegations of misconduct made against Patrol Specials or Assistants by private citizens.

A. RECEIPT OF COMPLAINTS

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1. Citizen complaints of misconduct against Patrol Specials or Assistants, whether received by letter, telephone or in person, shall be accepted by any member of the Department. The member accepting the complaint shall immediately refer the matter to the senior-ranking officer on-duty in the station, division or section where the complaint is being made, who shall be responsible for the immediate preparation of the SFPD 83, Management Control Division Case form.
2. The senior-ranking on-duty officer in a district, division or section (other than the Management Control Division) to whom a citizen's complaint against a Patrol Special or Assistant is given or referred shall:
 - (a) In all cases prepare and send a completed copy of SFPD 83 in a sealed envelope to the Management Control Division in the next transfer of orders.
 - (b) Remain personally responsible for the conduct of matters until relieved of responsibility by proper authority.
 - (c) Evaluate the seriousness of the allegation to ascertain whether an immediate initial administrative investigation should proceed. The criterion requiring an immediate investigation at a district, division or section level in addition to any investigation, which may be conducted by the Management Control Division, is that the investigation will be jeopardized by a delay.

Examples:

- (i) The conduct which is the subject of the complaint, purportedly had been committed by personnel who are still working at the time the complaint is being made.
- (ii) The complaint alleges unfitness of a Patrol Special or Assistant to perform his/her service.

- (iii) The allegation, if proved, constitutes criminal conduct on the part of a Patrol Special or Assistant.
- (d) The senior-ranking on-duty officer in cases requiring an immediate initial investigation shall prepare an initial investigatory report in addition to the SFPD 83 addressed to his/her Commanding Officer before reporting off-duty.
- (e) The initial investigatory report shall contain such information as can reasonably be obtained before the senior-ranking officer reports off-duty.

Examples:

- (i) Full identification of all witnesses.
 - (ii) Summary statements from all witnesses.
 - (iii) Preliminary findings and recommendations, where appropriate.
3. In instances where it is necessary to relieve a Patrol Special or Assistant as unfit for duty; in which the allegation of misconduct constitutes criminal activity; in which the individual has been arrested; or in which the individual is accused of other extremely serious misconduct, the senior-ranking on-duty officer shall contact the appropriate Supervising Captain at any time of the day or night.
- (a) The Supervising Captain shall assure that the proper investigative steps are being taken, and if required by the circumstances, shall respond to the unit and take personal charge of the investigation. Once notified, whether responding or not, the Supervising Captain shall be personally responsible for the conduct of the investigation.

B. RECEIPT OF COMPLAINTS AT MANAGEMENT CONTROL

Complaints received directly at Management Control Division and complaints received in the form of SFPD 83 prepared by other divisions, districts or sections shall be assigned a Management Control Division file number by the Management Control Division Commanding Officer.

1. The Commanding Officer of Management Control Division shall assign the investigation of the complaint to either Management Control Division personnel or the Supervising Captain of the accused.
2. The Supervising Captain of the accused shall have forty-five (45) calendar days from assignment of the investigation to return it to Management Control Division.

C. INVESTIGATION REPORT

The results of the investigation shall be prepared on an SFPD 68 (Memorandum Form), addressed to the Chief of Police according to the below format:

1. **Page 1:** Shall include individual's name, type of complaint, (Unnecessary force, Unwarranted Action, Neglect of Duty or Misconduct) case number, date, time and place of occurrence, complaint (briefly, what the Patrol Special or Assistant Patrol Special is accused of) and focus of investigation.
2. **Page 2:** Involved parties/witnesses.
3. **Page 3:** Shall include a description of the investigation, which should consist of a **brief chronology** that includes who was interviewed and any other evidence developed which aided the investigation.
4. **Page 4:** Summary Statements of those interviewed.

5. **Page 5:** Shall include the **Conclusion** (a narrative as to what and how you reached your conclusion).
6. **Page 6:** Shall include the **Recommendation**, i.e., "I recommend that the allegations made againstNAME..... of.....NEGLECT OF DUTY..... (or other appropriate category), be classified asINSUFFICIENT....(or other appropriate finding)."
7. **Page 7:** Attachments.

D. CATEGORIES OF FINDINGS

1. **Improper Conduct:** The investigation disclosed enough evidence to clearly prove the allegation of misconduct.
2. **Insufficient Evidence:** The investigation failed to reveal and document enough evidence to clearly prove or disprove the allegation.
3. **Proper Conduct:** The act or event for which the allegation of misconduct was made did not occur; or investigation reveals that the action was justified, lawful, and proper.
4. **Policy Failure:** The act which provided the basis for the complaint did occur; however, while the investigation revealed that at the time of occurrence, the policy of the department under which the act was performed was unconstitutional, illegal or otherwise deficient.
5. **Unfounded:** The investigation conclusively proved the incident complained of did not occur, or that the individual named in the complaint was not involved.

E. CATEGORIES OF RECOMMENDATIONS

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Based on the above Conclusions, one of the below recommendations shall be made (Items 1 through 5, are not deemed to be disciplinary action):

1. That the matter be closed and filed.
2. That the individual be counseled.
3. That the individual be retrained.
4. That policy or procedure be changed.
5. That an individual be orally admonished.
6. That an individual be given a written reprimand.
7. That the matter be referred to the Chief for further action.
8. That criminal charges be filed.

F. CITIZEN NOTIFICATION

Upon the completion of each formal investigation, the Commanding Officer of the Management Control Division shall assure that the complainant and the accused receive a letter containing the final disposition of the case.

G. REPORTS OF MISCONDUCT BY PATROL SPECIALS OR ASSISTANTS

When a Patrol Special or Assistant Patrol Special makes a complaint against another Patrol Special or Assistant, arising from the duties described in these Rules, or a member of the Department, the accusing individual shall prepare a Memorandum, not a Form SFPD 83, addressed to his/her Supervising Captain.

3.14 SUSPENSION

Patrol Specials and Assistant Patrol Specials under suspension shall remain subject to applicable orders of the Chief and these Rules and Procedures.

3.15 ADVERTISING

A. APPROVAL OF ADVERTISING MATERIALS

All written advertising by Patrol Specials shall be submitted to the Chief of Police or the Chief's designee through channels for approval before distribution to the public.

B. REQUIRED DISCLOSURE STATEMENT

In any written advertising or solicitation of accounts, Patrol Specials shall include the following statement using a font no smaller than 12 point Courier at the conclusion of their advertising or solicitation document:

"Patrol Special Officers and their Assistants are not members or employees of the San Francisco Police Department and are not required to perform general law enforcement duties. Contracts for street patrol or fixed patrol services offered by Patrol Special Officers are strictly voluntary. Such Services are in addition to and different from patrol services provided by the San Francisco Police Department. The City and County of San Francisco will not provide a defense nor pay damages from conduct of Patrol Specials or their employees undertaken on behalf of subscribers."

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3.16 OTHER EMPLOYMENT

Patrol Specials and Assistants shall neither operate nor be employed by any private patrol or an investigative business in conjunction with Patrol Special services.

3.17 LIABILITY

Patrol Specials shall not represent to their subscribers or potential subscribers that the City and County of San Francisco will provide a defense nor pay damages resulting from conduct of Patrol Specials or their employees undertaken on behalf of subscribers.

3.18 PEACE OFFICER STATUS

Patrol Specials and Assistant Patrol Specials shall not represent that they exercise peace officer powers.

3.19 SOLICITATION BY DEPARTMENT MEMBERS

No Patrol Special or Assistant Patrol Special shall employ or encourage any member of the Department to solicit clients on behalf of any Beat Owner.

Section 4 DUTIES AND RESPONSIBILITIES

4.01 TERMS OF CONTRACTS

Patrol Specials and Assistant Patrol Specials shall observe the terms of their contractual relationships with the person(s) that subscribe to their services.

4.02 PERFORMANCE OF DUTIES

Patrol Specials and Assistant Patrol Specials shall perform all their duties in the manner prescribed by law and by these Rules.

4.03 ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

4.04 INVESTIGATIONS

Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion.

4.05 INCIDENT REPORTS

Patrol Specials and Assistant Patrol Specials shall summon a police officer, or make courteous and proper referral, whenever a person asks them to accept a

report of a police incident. Patrol Special Officers or their Assistants may prepare a SECURITY REPORT that will immediately be submitted to a police officer for initial review, action and signature.

4.06 INCIDENTS REQUIRING POLICE ATTENTION

Patrol Specials and Assistant Patrol Specials shall, as soon as is reasonably possible, call to the attention of a police officer all incidents requiring police attention.

4.07 COOPERATION AT THE SCENE OF AN INCIDENT

Like any other private patrol person, Patrol Specials and Assistant Patrol Specials shall cooperate fully with the direction of the highest-ranking police officer present at the scene of an incident pursuant to the Penal Code of the State of California.

4.08 UNIFORM AND EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.

4.09 CONDUCT TOWARD THE PUBLIC

Patrol Specials and Assistant Patrol Specials shall, in the performance of their services, be polite, civil and orderly in conduct and deportment, maintain patient decorum and command of temper and refrain from the use of harsh, violent, coarse, profane or uncivil language; and, shall, when requested, state their name, star number, and area of responsibility in a courteous manner.

4.10 RECORDS- MONTHLY SERVICE LOG

Patrol Specials and Assistant Patrol Specials shall maintain a Monthly Service Log that includes the beat(s), dates, and hours worked. This record shall be retained for a period of two (2) years and shall be subject to inspection by the Chief or his or her designated representative, or the Commission.

4.11 ATTENTION TO DUTY

Patrol Specials and Assistant Patrol Specials shall patrol their subscribers' locations within their beat constantly and diligently within the limits of their contractual obligations. Patrol Specials must personally participate in the patrol of their beats. They cannot rely solely on Assistants to conduct patrol services.

4.12 ASSISTANTS

Patrol Special Officers may employ as assistants one or more persons qualified under these rules and authorized to perform the services of the owner when the latter is off or on some type of leave for more than four days. The Patrol Special shall inform the Supervising Captain of the substitution, in writing, at least twenty-four hours prior to the assistant performing such service, or in emergency situations, as soon as practicable.

4.13 MINIMUM HOURS OF WORK

Patrol Specials shall inform the Supervising Captain and the Program Administrator if an Assistant Patrol Special employed by them is no longer working the minimum number of hours specified in Rule 3.09.

4.14 RECORDS OF ASSISTANTS

Patrol Specials shall provide the Supervising Captain and the Program Administrator with the current names, addresses and telephone numbers of all

Assistant Patrol Specials they employ, as well as any Patrol Special Officers who act as their assistant. This information is confidential and will be used for official use only.

4.15 RECORDS OF CLIENTS

Patrol Specials shall submit annually, and no later than January 31st of each year, a complete list of the clients on their beat to the Police Commission. Notification in writing shall be made to the Police Commission of any additions or deletions of subscribers within their beats. Notification shall include the subscriber's name, address and telephone number. This information is confidential and will be used for official purposes only.

4.16 CHANGE OF ADDRESS/TELEPHONE NUMBER

Shall report in writing to the Secretary of the Police Commission and to the Supervising Captain any change of residence, new address and/or telephone numbers, to include business and pager numbers of the Patrol Special Officer and all Assistants, within twenty-four (24) hours after the change has been made. This information is confidential and will be used for official purposes only.

4.17 COOPERATION WITH CRIMINAL INVESTIGATION

Patrol Specials and Assistant Patrol Specials shall provide all pertinent facts to and cooperate with those persons in the criminal justice system having responsibility for presentation of cases for court.

4.18 DISCHARGE OF FIREARM

Patrol Specials and Assistant Patrol Specials shall, as soon as practical after the discharge of their firearm, notify the Communications Unit (911) and the station keeper of the district in which the discharge occurred, and submit a written statement of such fact to the Supervising Captain. This written statement shall

be in addition to any other report(s) made, and a copy shall be forwarded to the Legal Division.

4.19 COMPLAINTS, SUMMONS, SUBPOENAS

Patrol Specials and Assistant Patrol Specials shall, when served with a claim for damages, complaint, summons, or subpoena, involving possible liability on the part of the City and County, immediately notify the Legal Division in writing, indicating the date and time of service. When served with a summons and complaint, copies of these documents shall be forwarded immediately with the report.

4.20 CONDUCT

Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a breach of the peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (though such offenses are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth.

4.21 RADIO PROCEDURES

When using the police radio frequencies, transmissions shall be brief and shall use proper radio procedures and codes.

4.22 USE OF DEPARTMENT FACILITIES

Use of Police facilities is limited to official telephone calls, writing memos, use of inter-departmental mail and restrooms. Official use of the copiers and fax must

be with the approval of the platoon commander. Personal telephone calls, messages or mail shall not be directed to any police facility.

4.23 ACCESS TO INFORMATION

The use of facilities does not include the use or direct access to CLETS, CABLE or Department computer terminals or any criminal files.

4.24 DISTRICT STATION LIAISON OFFICER

The Field Operations Bureau shall establish a "Patrol Special Liaison" at each district station, appointed from the rank of lieutenant by the district captain. All Beat Owners shall contact the liaison of the district(s) in which their beat(s) exist(s) at least once a week to discuss any issues related to beat operation.

4.25 PROCEDURE FOR REPORTING ON AND OFF DUTY

Each day they work their beat(s), all Patrol Specials and Assistants shall report on and off duty in person to the Platoon Commander of the district to which they are primarily designated to allow a CAD entry to be made documenting their status. If they are scheduled to work multiple beats in multiple districts during the same shifts, they shall minimally notify the station keeper(s) of the other affected district(s) that they are on duty after making the initial notification in their primary district. This procedure will begin immediately following the Commission's adoption of these revised Rules (7/98).

4.26 ON DUTY VEHICLE ACCIDENTS INVOLVING PATROL SPECIALS OR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers shall notify Communications if they are involved in a motor vehicle accident while on duty. They shall also notify the on-duty Platoon Commander of the district police station they are assigned to. A Patrol Special Officer or Assistant Patrol Special

Officer involved in an on-duty vehicle accident shall remain at the scene until a supervisory officer has responded and conducted his or her investigation.

Section 5 PROHIBITED ACTIVITIES

5.01 ENGAGING IN OTHER DUTIES

Patrol Specials and Assistant Patrol Specials shall not, while on duty, engage in any duties except as required by contractual obligations, or in accordance with Penal Code section 723.

5.02 TRAFFIC STOPS

Patrol Specials and Assistant Patrol Specials shall not make traffic stops.

5.03 CITATIONS

Patrol Specials and Assistant Patrol Specials shall not issue citations.

5.04 VEHICLE PURSUITS

Patrol Specials and Assistant Patrol Specials shall not operate their vehicle in other than a safe and defensive manner, complying fully with the California Vehicle Code. Patrol Specials and Assistant Patrol Specials shall not engage in vehicular pursuits.

5.05 TRANSPORTING PRISONERS

Patrol Specials and Assistant Patrol Specials shall not transport prisoners.

5.06 UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY

Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco.

5.07 VEHICLE MODIFICATION

Patrol Specials and Assistant Patrol Specials shall not alter any duty vehicle in any way to allow it to be mistaken for an official law enforcement vehicle, and:

- A. Shall obtain the approval of the Chief of Police before modifying the color scheme of any duty vehicle or placing any lettering, emblems, or decals thereon.
- B. Shall not equip any duty vehicle with any additional emergency lighting equipment or any siren.

5.08 PROHIBITED FIREARMS

Patrol Specials and Assistant Patrol Specials shall not carry or have in their vehicle any type of shoulder firearm.

5.09 SLEEPING ON DUTY

Patrol Specials and Assistant Patrol Specials shall not sleep while on duty.

5.10 ALCOHOL AND DRUGS

Patrol Specials and Assistant Patrol Specials shall not, while on duty or in uniform, drink or consume any kind of intoxicating liquor. Shall not, while on duty or off duty consume, possess or use any controlled substance without a valid prescription. Shall not, while on duty be under the influence of any prescription or non-prescription drug that impairs the person's ability to carry out their duties.

5.11 FILING SUIT

Patrol Specials and Assistant Patrol Specials shall immediately notify the Commission if they bring suit against the City and County.

5.12 SUBPOENA SERVICE/CIVIL ACTIONS

Patrol Specials and Assistant Patrol Specials shall not serve a subpoena, summons or other paper in a civil action or render any assistance in such case.

5.13 BAIL BOND AGENTS

Patrol Specials and Assistant Patrol Specials shall not furnish information to bail bond agents or to their employees regarding persons arrested, or any investigations made or to be made, or any activity carried on or about to be carried on by the Department, except such as may be required by law. When information is furnished to a bail bond agent or to his employee in accordance with the law, that fact shall be made known immediately to the commanding officer of the district to which they are assigned.

5.14 RECOMMENDING ATTORNEYS

Patrol Specials and Assistant Patrol Specials shall not recommend to any persons the names or employment of any person as an attorney or bail bond agent.

**Section 6
UNIFORM AND EQUIPMENT**

6.01 UNIFORM AND EQUIPMENT EXPENSE

Patrol Specials and Assistant Patrol Specials shall, at their own expense, provide themselves with all required uniform and equipment items as specified by the Commission.

6.02 UNIFORM AND EQUIPMENT SPECIFICATIONS

A list and description of each article of uniform and equipment prescribed by these Rules and Procedures shall be kept in the office of the Police Commission and all uniform equipment items shall conform to said description. Any uniform changes from the previous Rules and Procedures will take effect within six (6) months from the date of adoption of these amended Rules and Procedures.

- A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:
1. **BUTTONS:** To be 24-line regulation San Francisco Patrol Special NICKEL BUTTONS on pocket flaps, shoulder straps, sleeves and caps.
 2. **TROUSER STRIPES:** BLUE SOUTACHE, one-half inch wide on outside seams.
 3. **SHIRTS:** Light Blue.
 4. **CAP EMBLEM:** Nickel plated.
 5. **PATCHES:** Silver with light blue background. San Francisco Police patch design.
 6. **ROCKER:** "PATROL SPECIAL" Silver lettering sewn over uniform patch.

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Amended November 10, 1999

7. **NAME PLATE:** Blue lettering on silver nameplate. First name, initial and full last name.
- B. Patrol Specials and Assistant Patrol Specials may, while on duty, be equipped with the following personal property:
1. Revolver (minimum 4-inch barrel) 38 Cal or .357 Magnum caliber loaded with six factory load cartridges, or semi automatic pistol, if qualified pursuant to current Department certification, loaded with factory cartridges.
 2. Cartridge container with extra cartridges.
 3. 26" wooden baton.
 4. Handcuffs and key.
 5. Whistle.
 6. Three cell flashlight (or equivalent) in good working order.
 7. Memorandum book.
 8. Street guide.
 9. Call box key.
 10. Chemical agent canister (aerosol), if certified by state law.

6.03 DEPARTMENT ISSUED PROPERTY

Patrol Specials and Assistant Patrol Specials shall, while on duty, be equipped with the following Department-issued property:

1. Six-point star.

2. Department identification card.

6.04 DISPLAY OF STAR

Patrol Specials and Assistant Patrol Specials shall, while in uniform, display the six-point star on the outermost garment over the left breast.

6.05 APPEARANCE

Patrol Specials and Assistant Patrol Specials shall be neat and clean in appearance and maintain uniform and equipment in good order and ready for immediate use.

6.06 LOSS OF UNIFORM OR EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall be responsible for the safekeeping and authorized use of their uniform and equipment, and shall promptly make a written report of the loss of any firearm or Department-issued property to Supervising Captain and the Program Administrator.

6.07 JEWELRY AND ORNAMENTS

Shall not wear jewelry or personal ornaments affixed to any part of their uniform or equipment.

6.08 RADIO EQUIPMENT

A Patrol Special may enter into an agreement with the Chief of Police permitting the Patrol Special to purchase and install radio equipment for the transmission and receiving of police radio calls on Police Department frequencies. Patrol Specials and Assistant Patrol Specials shall operate or permit to be operated

radio equipment installed pursuant to Rule 6.8 only in accordance with Department rules and subject to the control of the Communications Unit.

6.09 VEHICLE INSPECTION

Shall present their duty vehicles for periodic inspection when directed by the Police Commission or the Chief of Police.

Attachment G: Interim Rules

SAN FRANCISCO POLICE
COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

INTERIM RULES AND PROCEDURES
FOR
PATROL SPECIAL OFFICERS
AND THEIR ASSISTANTS

ADOPTED DECEMBER 10, 2008

Section 1.
GENERAL PRINCIPLES

1.01 AUTHORITY FOR RULES

The following Interim Rules and Procedures are adopted pursuant to the authority vested in the Police Commission by the Charter of the City and County of San Francisco Section 4.127. The Police Commission delegates to the Chief of Police and the Police Department the authority to implement and administer these Rules and Procedures within their capabilities and resources.

These Interim Rules shall be operative beginning January 30, 2009. The prior Rules (adopted in 1994 and amended in 1999) shall remain in place until the Interim Rules are operative on January 30, 2009. These Interim Rules shall remain in place until amended or repealed by the Police Commission.

It is the intention of the Police Commission to revisit the Interim Rules and adopt appropriate amendments after full consideration of a best practices study currently underway and scheduled for completion in 2009.

1.02 STATEMENT OF INTENT

These Rules and Procedures are intended to provide for the safe and efficient management and supervision of Patrol Special Police Officers (hereinafter referred to as "Patrol Specials") and Assistant Patrol Special Police Officers (hereinafter referred to as "Assistant Patrol Specials") by the Police Commission and the Chief of Police.

1.03 PATROL SPECIAL OFFICERS DUTIES

- A. The Police Commission defines a Patrol Special Officer (approved by the Commission pursuant to San Francisco Charter Section 4.127) as a private patrol person, who contracts to perform security duties of a private nature for private persons and businesses within the geographical boundaries set forth by the Police Commission.
- B. While a Patrol Special is performing duties as a private patrol person, he or she is an independent operator and not a member of the San Francisco Police Department nor an employee of the City and County of San Francisco.

1.04 HIRING OF ASSISTANT PATROL SPECIAL OFFICERS

Patrol Specials may hire as assistants only those persons who are duly licensed under section 7580 *et seq.* of the Business & Professions Code and approved by the Police Commission. Assistant Patrol Special Officers are employees of Patrol Special Officers.

1.05 AUTHORITY OF PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers are not expected to, nor shall they engage in general law enforcement duties; therefore, no need for peace officer status exists or is required. The Police Commission has not conferred such status on Patrol Special Officers or their Assistants. The arrest powers of Patrol Special Officers and their Assistants shall be the same as any other private citizen as enumerated in Penal Code Section 837.

1.06 FIREARMS

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- A. Patrol Specials are authorized to carry a loaded firearm only while on duty in uniform, or en route to or from being on duty, if they comply with all training and other provisions within Penal Code Section 12031(c) (1).
- B. Assistant Patrol Specials are authorized to carry firearms only while on duty in uniform, or en route to or from being on duty as authorized by Penal Code Section 12031(d) (5) and if they comply with all training and other provisions pursuant to Penal Code Section 12033.

1.07 PROGRAM ADMINISTRATION

- A. The Deputy Chief of Field Operations Bureau is responsible for the administration of the Patrol Special Program. To discharge this responsibility, the Deputy Chief is authorized to and shall appoint a Program Administrator to run the day to day operation of the program.
- B. For reporting purposes, Patrol Specials and Assistant Patrol Specials shall be under the supervision of the captains of the districts in which their beats are located. In case of multiple beats in multiple districts, the Program Administrator shall determine which district captain has authority over the Patrol Specials and Assistant Patrol Specials.
- C. The Management Control Division shall investigate all allegations of misconduct or violations or rules governing the conduct of Patrol Special Officers and Assistant Patrol Special Officers.

Section 2
DEFINITION OF TERMS

Words used in these Rules and Procedures in the present tense include the future as well as the present; the masculine includes the feminine; the singular includes the plural and the plural the singular.

2.01 DEFINITIONS OF WORDS

The following words have, in these Rules and Procedures, the signification attached to them in this section unless otherwise apparent from the context.

- A. CITY AND COUNTY
City and County of San Francisco.
- B. CHARTER
Charter of the City and County of San Francisco.
- C. COMMISSION
The Police Commission of the City and County of San Francisco.
- D. DEPARTMENT
San Francisco Police Department.
- E. P.O.S.T.
California Commission on Peace Officers Standards and Training.
- F. CHIEF

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- The Chief of Police for the City and County of San Francisco.
- G. POLICE OFFICER
Person appointed to the Department as a full-time, regularly salaried police officer as defined in California Penal Code section 830.1.
- H. POLICE EMPLOYEES
All persons other than police officers appointed to the Department in any permanent or temporary Civil Service classification.
- I. PATROL SPECIAL OFFICER
A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special Officer is the owner of a beat.
- J. ASSISTANT PATROL SPECIAL
A private patrol person approved and appointed by the Police Commission and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employers beat. An Assistant Patrol Special is not the owner of a beat.
- K. DISTRICT
An administrative area commanded by a Captain of Police.
- L. BEAT
That area of patrol within which a Patrol Special Officer has contracted with private persons or businesses to perform security duties with permission granted from the Police Commission, per Charter section 4.127.
- M. WATCH
An eight (8) hour tour of duty.
- N. DAY
Twenty-four (24) hours commencing at 0001 hours, and ending 2400 hours the same day.
- O. WEEK
Seven (7) successive twenty-four (24) hour periods commencing at 0001 hours Sunday.
- P. SHALL
Mandatory.
- Q. MAY
Permissive.
- R. B & P Code
California Business and Professions Code.
- S. SUPERVISORY OFFICER

A Q50 Police Sergeant assigned to supervise patrol functions with a police district.

T. SUPERVISING CAPTAIN

The Captain of Police commanding the district to which a Patrol Special is primarily designated for the administrative purposes described in these rules (e.g. reporting on and off duty).

Section 3

ORGANIZATION AND ADMINISTRATION

3.01 AUTHORITY TO APPOINT

- A. The Police Commission has the authority to appoint Patrol Special Officers.
- B. The Police Commission may appoint as Assistant Patrol Special Officers those qualified persons who have been nominated by a Patrol Special.
- C. The Chief of Police shall forward to the Commission the complete application packet, including a full background investigation, and shall make a recommendation to the Police Commission regarding the applicant's qualification for appointment. The Chief shall endeavor to process applications in a reasonable period of time. The Chief shall report to the Commission quarterly regarding the number and status of all pending applications. The application process shall be confidential to the maximum extent allowed by law.

3.02 STATUS

Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco.

3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS

Patrol Specials at the time of appointment shall:

- A. Be at least twenty-one (21) years of age.
- B. Be of good moral character, as defined by the California Commission on Peace Officer Standards and Training.
- C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
- D. Be a high school graduate or pass the General Education Development (G.E.D.) Test indicating high school graduation level.
- E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.
- F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical, emotional or mental condition which adversely affects the ability to safely exercise their duties.

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- G. Have successfully completed training as prescribed by the Chief of Police. Minimum training requirements will be established by the Commanding Officer of the San Francisco Police Academy upon approval of the Chief of Police.
- H. Have prepared and submitted the prescribed application to and received a written approval from the Deputy Chief of the Field Operations Bureau.
- I. Present evidence of insurance in the following amount:
 - 1. For Patrol Special Police Officers who employ any person or persons, Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than \$1,000,000 each accident, injury, or illness;
 - 2. Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations; and
 - 3. Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.

Commercial General Liability and Commercial Automobile Liability Insurance policies must provide the following:

(a) Name as Additional Insured the City and County of San Francisco, its Officers, Agents, and Employees.

(b) That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.

All policies shall provide thirty (30) days' advance written notice to City of reduction or nonrenewal of coverages or cancellation of coverages for any reason. Notices shall be sent to the following address: Office of the Police Commission, 850 Bryant Street, 5th Floor, San Francisco, CA 94103.

- J. Be recommended by the Chief of Police and approved by the Police Commission after successful completion of a background investigation.
- K. Have completed the handgun qualification course with their on duty firearm at the San Francisco Police Range.

3.04 QUALIFICATIONS/REQUIREMENTS FOR ASSISTANT PATROL SPECIAL OFFICERS

Assistant Patrol Specials at the time of appointment shall:

- A. Be twenty-one (21) years of age.
- B. Be of good moral character, as defined by the California Commission on Peace Officer Standards and Training.
- C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
- D. Be a high school graduate or pass the General Education Development (G.E.D.) Test indicating high school graduation level.

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- E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.
- F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical, emotional or mental condition which adversely affects the ability to safely exercise their duties.
- G. Be recommended by the Chief of Police and appointed by the Police Commission after successful completion of a background investigation.
- H. Have successfully completed the training prescribed by the Chief of Police and secured the licensing prescribed by sections 12031(d) and 12033 of the Penal Code, and sections 7580 *et seq.* of the Business and Professions Code, and the Bureau of Consumer Affairs.
- I. Have completed the handgun qualification course with their on duty firearm at the San Francisco Police Range.

3.05 TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Costs for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with the rates charged to other private persons. Minimum annual training shall include:

- A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.
- B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins and procedures that apply to Patrol Special Officers and their Assistants and could affect the performance of their duties.

3.06 EVALUATIONS

When directed by the Police Commission, the Chief of Police will provide to the Commission a written evaluation of Patrol Specials and Assistant Patrol Specials. The evaluations will be based on criteria set forth by the Commission which may include, but is not limited to, attendance records, field observations, and training.

3.07 BEAT SALES

- A. Patrol Specials desiring to sell their beat(s) shall submit in triplicate (an original and two (2) copies) a written request for approval of sale to the Program Administrator, and shall submit one (1) copy to the Secretary of the Police Commission. The request shall include:
 - 1. A written description of the boundaries of the beat for sale;
 - 2. Identification of the requesting purchaser; and
 - 3. The beat number and the district(s) where it is located.
- B. Purchaser shall meet all qualifications for appointment to Patrol Special as defined in Rule 3.03 prior to requesting the purchase of beat. A Patrol Special may not own more than three (3) beats at one time (except those who own more than three (3) at the time of the amendment of this rule will not be required to sell

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any beat to bring them into compliance with this section, but they will be prohibited from making a future purchase). The requesting purchaser shall submit in triplicate (an original and two (2) copies) a written request to purchase said beat, to the Program Administrator, and shall submit one (1) copy to the Secretary of the Police Commission the request to purchase shall include:

1. A statement that the purchaser is twenty-one (21) years of age.
 2. A statement that the purchaser is a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
 3. A statement that the purchaser is a high school graduate or has passed the General Education Development (G.E.D.) Test indicating high school graduation level.
 4. A letter, signed by a private physician, certifying that the private physician has examined the purchaser and found the purchaser to be free from any physical, emotional or mental condition which prevents the safe exercise of the Patrol Special Officers duties.
 5. A certificate of completion or notarized statement that the purchaser has successfully completed training as prescribed by the Chief of Police.
 6. The number of beats already owned.
- C. Upon notification of approval by the Secretary of the Police Commission to sell such beat, the seller shall submit to the Commission:
1. A notarized bill of sale (an original and three (3) copies) signed by both the seller and the approved purchaser; the bill of sale shall contain the total selling price, the terms of the agreement and shall not become final until the Commission has approved the sale.
 2. A map outlining the beat boundaries.
 3. A written legal description of the beat boundaries.
 4. A list of clients, their addresses and phone numbers.
 5. A cashier's check, in the sum of \$500.00 payable to the San Francisco Police Department for the administrative processing and transfer fee.

3.08 SUBSCRIBERS

- A. Patrol Specials shall neither solicit nor accept new subscribers in areas outside the confines of their beat.
- B. Patrol Specials shall not accept new subscribers in unclaimed areas adjoining their beat without first applying to and receiving from the Police Commission, permission to annex the unclaimed area.
 1. The Patrol Special requesting annexation shall submit an annexation application with a fee of \$500.00 in the form of a cashier's check, payable to the San Francisco Police Department.
 2. Upon approval by the Police Commission, the annexation of the unclaimed area shall be added to the applying Patrol Special's beat.

3.09 EMPLOYING ASSISTANT PATROL SPECIAL OFFICERS

Patrol Special Officers wishing to employ Assistant Patrol Specials shall submit to the Program Administrator and the Chief of Police a written request (an original and three (3) copies) for such, identifying the applicant fully, verifying completion of required training, stating whether the applicant possesses a current certification of appointment as an Assistant pursuant to Rule 3.04, and certifying that the Assistant Patrol Special will be employed a minimum of eight (8) hours per week.

3.10 DEPARTMENT PROPERTY

- A. Patrol Specials shall be responsible for all Department property, including stars, identification cards, copies of these Rules and Procedures, and any other Department property held by them and their Assistants.
- B. Upon the termination of the services or termination of the appointment of an Assistant, the employing Patrol Special Officer shall immediately obtain and return to the Department, all Department property held by the Assistant. Such property shall be brought to the Program Administrator within five (5) days after the effective date of the termination.

3.11 TERMINATION OF ASSISTANT PATROL SPECIAL OFFICER EMPLOYMENT

If a Patrol Special terminates the employment of an Assistant Patrol Special, the employing Patrol Special shall immediately submit a written report (an original and three (3) copies) of the termination of an Assistant Patrol Special to the Program Administrator, identifying the Assistant so terminated, the reason for the termination and the effective date of the termination. The report shall then be forwarded through the Program Administrator to the Deputy Chief of the Field Operations Bureau. Termination by an employing Patrol Special shall result in immediate cancellation of the terminated Assistant's appointment as an assistant for all purposes unless the Assistant is concurrently employed by one or more other Patrol Specials.

3.12 DISCIPLINE PROCESS

A. BASIS FOR DISCIPLINARY ACTION

- 1. Orders, Directives and Procedures:
 - (a) Patrol Specials or their Assistants who violate any rule or procedure contained within these Rules and Procedures may be subject to disciplinary action.
 - (b) Pursuant to these Rules and Procedures, Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments.
 - (c) Patrol Specials may be held responsible and be subject to disciplinary action violations by Assistant Patrol Specials in their employment in cases where the Patrol Special has failed to adequately supervise the Assistant.
 - (d) Any person subject to these rules who fails to maintain any required license may be subject to disciplinary action.

B. DEFINITIONS

- 1. Admonishment: An admonishment is an advisory, corrective, or instructional action by a superior which does not constitute formal discipline. It is a warning only and not a punitive action.

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2. Reprimand: A reprimand is a formal written punitive action which shall be noted or included in an individual's administrative file. A subsequent violation of a similar nature invites more serious punitive action.
3. Suspension: A Patrol Special's or an Assistant Patrol Special's appointment may be suspended.
4. Fine: A Patrol Special or an Assistant Patrol Special may be fined, after a hearing for a sum not exceeding one thousand dollars (\$1,000.00) for each offense, payable to the San Francisco Police Department.
5. Termination: Revocation of appointment.

C. CHIEF'S ADMINISTRATION OF CORRECTIVE ACTION FOR PATROL SPECIALS AND ASSISTANT PATROL SPECIALS

1. Chief's Hearing: After investigation, when allegations of misconduct are sustained, the Chief or the Chief's designee may order a hearing at his or her discretion. The Chief or the Chief's designee may, in the alternative, give a Patrol Special or an Assistant Patrol Special notice of intended action.
 - (a) The notice shall be personally served on the Patrol Special or Assistant Patrol special by the Program Administrator or his/her designee. The notice shall inform the Patrol Special or Assistant Patrol Special of the proposed disciplinary penalty, the nature of the charge or allegation of misconduct, the basis for the charge or allegation and shall state that the material on which the charges shall be based is available for inspection. The notice shall inform the Patrol Special or Assistant Patrol Special that he/she has fifteen (15) calendar days from the date of the notice to request a hearing. If the Chief or the Chief's designee does not receive a request for a hearing within the prescribed time, the proposed penalty will be imposed.
 - (b) If a Patrol Special or Assistant Patrol Special is found to have violated any order, policy, or procedure of the Department or any order or instruction issued by competent authority, the Chief or his/her representative may impose any of the following:
 - (i) For a Patrol Special: counseling, retraining, admonishment, reprimand, fine, or referral by charges to the Commission for possible suspension or revocation of appointment.
 - (ii) For an Assistant Patrol Special: counseling, retraining, admonishment, reprimand, fine or referral by charges to the Commission for possible suspension or revocation of appointment.
 - (c) When an Assistant Patrol Special is charged with a violation, a copy of the notice of intended disciplinary action and other notices shall be mailed to the Patrol Special who employs the Assistant.

D. PATROL SPECIAL OFFICER'S HEARING BEFORE THE POLICE COMMISSION

If the Chief believes that sustained allegations of misconduct should result in suspension or termination of a Patrol Special Officer or Assistant Patrol Special, the matter shall be referred to the Police Commission. The Commission shall then conduct a hearing pursuant to the Commission's rule governing trials of disciplinary cases.

E. SUSPENSION PENDING HEARING

1. The Chief is authorized to suspend temporarily any Patrol Special Officer or Assistant Patrol Special Officer pending a hearing on allegations of serious misconduct or where public safety requires such action. The Chief shall immediately notify the Police Commission of such action in writing.
2. A Patrol Special or an Assistant Patrol Special placed on interim suspension is entitled to an administrative hearing. The Chief shall hold such hearing within five (5) working days of such suspension. The purpose of this hearing is to determine whether the Patrol Special or Assistant Patrol Special should remain suspended pending the disciplinary hearing.
3. A Patrol Special suspended pending the hearing of charges is entitled to a hearing before the Commission within thirty (30) calendar days of the interim suspension. The Police Commission may in its discretion, grant a continuance for a period of time that exceeds the thirty (30) calendar day period, if requested by the accused.

F. FORMAL CHARGES

1. Formal charges, filed with the Commission, alleging misconduct on the part of a Patrol Special. Charges must be definite, clear, and specific.
2. Charges shall state the first name, middle initial and surname of the accused. Charges must contain a statement of facts constituting the grounds of the complaint in ordinary, concise language, subscribed by the Chief of Police.

G. SERVICE OF CHARGES SHALL BE ACCOMPLISHED AS FOLLOWS:

1. By serving a copy of the charges on the accused personally and filing the original copy of the charges and the proof of service showing date, time and place of service with the Commission as soon as practicable after service is accomplished.
2. If personal service is not made after reasonable diligence, a copy of the charges shall be left at the Patrol Special's or Assistant Patrol Special's last known residence in the presence of a competent member of the household at least 18 years of age who shall be informed of the contents thereof.
3. If personal service cannot be made or if a copy cannot be left with some, competent person over the age of 18 years at the last known residence of the accused, before the date set for trial, then a copy will be mailed by certified mail to the Patrol Special's or Assistant Patrol Special's last known address.
4. Charges shall be served at least seven (7) calendar days before the setting date for hearing. In computing said period of seven (7) calendar days, the date of service shall be excluded and the date of setting included.

5. When charges are served under the provisions of either sections 2 or 3 above, the officer serving same shall submit a report stating how service was made, the time of service, and file same with the original set of charges.
6. The original proof of service shall be filed with the Police Commission as soon as practicable after service is accomplished.
7. The subject Patrol Special or Assistant Patrol Special or his/her designated representative shall attend each session of the Police Commission at which the pending charges appear on the agenda.

H. DISCIPLINARY LIMITATIONS

Once a Patrol Special or an Assistant Patrol Special has been formally punished for a violation(s), such individual shall not receive any other punishment for the same incident. However, prior sustained allegations of misconduct or imposition of disciplinary action may be considered in a subsequent disciplinary proceeding(s) for purposes of fixing penalties.

3.13 CITIZEN COMPLAINTS

The intent of this rule is to set forth procedures for the receipt, investigation and disposition of allegations of misconduct made against Patrol Specials or Assistants by private citizens.

A. RECEIPT OF COMPLAINTS

1. Citizen complaints of misconduct against Patrol Specials or Assistants, whether received by letter, telephone or in person, shall be accepted by any member of the Department. The member accepting the complaint shall immediately refer the matter to the senior-ranking officer on-duty in the station, division or section where the complaint is being made, who shall be responsible for the immediate preparation of a memorandum and forwarding through the chain of command to the Management Control Division.
2. The senior-ranking on-duty officer in a district, division or section (other than the Management Control Division) to whom a citizen's complaint against a Patrol Special or Assistant is given or referred shall:
 - (a) In all cases prepare and send a completed memorandum, SFPD 68, in a sealed envelope to the Management Control Division in the next transfer of orders.
 - (b) Remain personally responsible for the conduct of matters until relieved of responsibility by proper authority.
 - (c) Evaluate the seriousness of the allegation to ascertain whether an immediate initial administrative investigation should proceed. The criterion requiring an immediate investigation at a district, division or section level in addition to any investigation, which may be conducted by the Management Control Division, is that the investigation will be jeopardized by a delay.

Examples:

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- (i) The conduct which is the subject of the complaint, purportedly had been committed by personnel who are still working at the time the complaint is being made.
- (ii) The complaint alleges unfitness of a Patrol Special or Assistant to perform his/her service.
- (iii) The allegation, if proved, constitutes criminal conduct on the part of a Patrol Special or Assistant.
- (d) The senior-ranking on-duty officer in cases requiring an immediate initial investigation shall prepare an initial investigatory report in a memorandum, SFPD 68, addressed to his/her Commanding Officer before reporting off-duty.
- (e) The initial investigatory report shall contain such information as can reasonably be obtained before the senior-ranking officer reports off-duty.

Examples:

- (i) Full identification of all witnesses.
 - (ii) Summary statements from all witnesses.
 - (iii) Preliminary findings and recommendations, where appropriate.
3. In instances where it is necessary to relieve a Patrol Special or Assistant as unfit for duty; in which the allegation of misconduct constitutes criminal activity; in which the individual has been - arrested; or in which the individual is accused of other extremely serious misconduct, the senior-ranking on-duty officer shall contact the Program Administrator at any time of the day or night.
- (a) The Program Administrator shall assure that the proper investigative steps are being taken, and if required by the circumstances, shall respond to the unit and take personal charge of the investigation. Once notified, whether responding or not, the Program Administrator shall be personally responsible for the conduct of the investigation.

B. RECEIPT OF COMPLAINTS AT MANAGEMENT CONTROL

Complaints received directly at Management Control Division and complaints received by memorandum prepared by other divisions, districts or sections shall be assigned a Management Control Division file number by the Management Control Division Commanding Officer.

- 1. The Commanding Officer of Management Control Division shall assign the investigation of the complaint to either Management Control Division personnel or the Program Administrator of the accused.
- 2. The Program Administrator of the accused shall have forty-five (45) calendar days from assignment of the investigation to return it to Management Control Division.

C. INVESTIGATION REPORT

The results of the investigation shall be prepared on an SFPD 68 (Memorandum Form), addressed to the Chief of Police according to the below format:

1. Page 1: Shall include individual's name, type of complaint, (Unnecessary force, Unwarranted Action, Neglect of Duty or Misconduct) case number, date, time and place of occurrence, complaint (briefly, what the Patrol Special or Assistant Patrol Special is accused of) and focus of investigation.
2. Page 2: Involved parties/witnesses.
3. Page 3: Shall include a description of the investigation, which should consist of a brief chronology that includes who was interviewed and any other evidence developed which aided the investigation.
4. Page 4: Summary Statements of those interviewed.
5. Page 5: Shall include the Conclusion (a narrative as to what and how you reached your conclusion).
6. Page 6: Shall include the Recommendation, i.e., "I recommend that the allegations made against ... NAME ... of ... NEGLIGENCE OF DUTY... (or other appropriate category), be classified as INSUFFICIENT ... (or other appropriate finding)."
7. Page 7: Attachments.

D. CATEGORIES OF FINDINGS

1. **Improper Conduct:** The investigation disclosed enough evidence to clearly prove the allegation of misconduct.
2. **Insufficient Evidence:** The investigation failed to reveal and document enough evidence to clearly prove or disprove the allegation.
3. **Proper Conduct:** The act or event for which the allegation of misconduct was made did not occur; or investigation reveals that the action was justified, lawful, and proper.
4. **Policy Failure:** The act which provided the basis for the complaint did occur; however, while the investigation revealed that at the time of occurrence, the policy of the department under which the act was performed was unconstitutional, illegal or otherwise deficient.
5. **Unfounded:** The investigation conclusively proved the incident complained of did not occur, or that the individual named in the complaint was not involved.

E. CATEGORIES OF RECOMMENDATIONS

Based on the above Conclusions, one of the below recommendations shall be made (Items 1 through 5, are not deemed to be disciplinary action):

1. That the matter be closed and filed.
2. That the individual be counseled.
3. That the individual be retrained.

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4. That policy or procedure be changed.
5. That an individual be orally admonished.
6. That an individual be given a written reprimand.
7. That the matter be referred to the Chief for further action.

F. CITIZEN NOTIFICATION

Upon the completion of each formal investigation, the Commanding Officer of the Management Control Division shall assure that the complainant and the accused receive a letter containing the final disposition of the case.

G. REPORTS OF MISCONDUCT BY PATROL SPECIALS OR ASSISTANTS

When a Patrol Special or Assistant Patrol Special makes a complaint against another Patrol Special or Assistant, arising from the duties described in these Rules, or a member of the Department, the accusing individual shall prepare a written letter addressed to his/her Program Administrator.

3.14 SUSPENSION

Patrol Specials and Assistant Patrol Specials under suspension shall remain subject to applicable orders of the Chief and these Rules and Procedures.

3.15 ADVERTISING

A. APPROVAL OF ADVERTISING MATERIALS

All written advertising by Patrol Specials shall be submitted to the Chief of Police or the Chief's designee through channels for approval before distribution to the public.

B. REQUIRED DISCLOSURE STATEMENT

In any written advertising or solicitation of accounts, Patrol Specials shall include the following statement using a font no smaller than 12 point Courier at the conclusion of their advertising or solicitation document:

"Patrol Special Officers and their Assistants are not members or employees of the San Francisco Police Department and are not peace officers as defined by the California Penal Code and as such are not authorized to perform general law enforcement duties. Contracts for street patrol or fixed patrol services offered by Patrol Special Officers are strictly voluntary. Such Services are in addition to and different from patrol services provided by the San Francisco Police Department. The City and County of San Francisco will not provide a defense nor pay damages from conduct of Patrol Specials or their employees undertaken on behalf of subscribers."

C. BUSINESS CARDS AND OTHER IDENTIFICATION

Patrol Special Officers and their Assistants shall not list any police or public facility, including but not limited to a Police District Station, as their place of business or as a location where they may be contacted.

3.16 OTHER EMPLOYMENT

Patrol Specials and Assistants shall neither operate nor be employed by any private patrol or an investigative business in conjunction with Patrol Special services.

3.17 LIABILITY

Patrol Specials shall not represent to their subscribers or potential subscribers that the City and County of San Francisco will provide a defense nor pay damages resulting from conduct of Patrol Specials or their employees undertaken on behalf of subscribers.

3.18 PEACE OFFICER STATUS

Patrol Specials and Assistant Patrol Specials shall not represent that they are peace officers under state law or that they are authorized to exercise peace officer powers.

3.19 SOLICITATION BY DEPARTMENT MEMBERS

No Patrol Special or Assistant Patrol Special shall employ or encourage any member of the Department to solicit clients on behalf of any Beat Owner.

Section 4

DUTIES AND RESPONSIBILITIES

4.01 TERMS OF CONTRACTS

Patrol Specials and Assistant Patrol Specials shall observe the terms of their contractual relationships with the person(s) that subscribe to their services.

4.02 PERFORMANCE OF DUTIES

Patrol Specials and Assistant Patrol Specials shall perform all their duties in the manner prescribed by law and by these Rules.

4.03 ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

4.04 INVESTIGATIONS

Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion.

4.05 INCIDENT REPORTS

Patrol Specials and Assistant Patrol Specials shall summon a police officer, or make courteous and proper referral, whenever a person asks them to accept a report of a police incident. Patrol Special Officers or their Assistants may prepare a statement form, SFPD 377G, that will immediately be submitted to a police officer for initial review, action and signature.

4.06 INCIDENTS REQUIRING POLICE ATTENTION

Patrol Specials and Assistant Patrol Specials shall, as soon as is reasonably possible, call to the attention of a police officer all incidents requiring police attention.

4.07 COOPERATION AT THE SCENE OF AN INCIDENT

Like any other private patrol person, Patrol Specials and Assistant Patrol Specials shall cooperate fully with the direction of the highest-ranking police officer present at the scene of an incident pursuant to the Penal Code of the State of California.

4.08 UNIFORM AND EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.

No person other than an approved Patrol Special or Assistant Patrol Special may wear the prescribed uniform. Patrol Specials and Assistants shall not facilitate or allow any employee, volunteer or other person to wear the prescribed uniform who has not been approved by the Police Commission as a Patrol Special or Assistant Patrol Special.

4.09 CONDUCT TOWARD THE PUBLIC

Patrol Specials and Assistant Patrol Specials shall, in the performance of their services, be polite, civil and orderly in conduct and deportment, maintain patient decorum and command of temper and refrain from the use of harsh, violent, coarse, profane or uncivil language; and, shall, when requested, state their name, star number, and area of responsibility in a courteous manner.

4.10 RECORDS- MONTHLY SERVICE LOG

Patrol Specials and Assistant Patrol Specials shall maintain and submit quarterly to the Police Commission a Monthly Service Log that includes the beat(s), dates, and hours worked. This record shall be retained for a period of two (2) years and shall be subject to inspection by the Chief or his or her designated representative, or the Commission.

4.11 ATTENTION TO DUTY

Patrol Specials and Assistant Patrol Specials shall patrol their subscribers' locations within their beat constantly and diligently within the limits of their contractual obligations. Patrol Specials must personally participate in the patrol of their beats. They cannot rely solely on Assistants to conduct patrol services.

4.12 ASSISTANTS

Patrol Special Officers may employ as assistants one or more persons qualified under these rules and authorized to perform the services of the owner when the latter is off or on some type of leave for more than four days. The Patrol Special shall inform the Program Administrator of the substitution, in writing, at least twenty-four hours prior to the assistant performing such service, or in emergency situations, as soon as practicable.

4.13 MINIMUM HOURS OF WORK

Patrol Specials shall inform the Program Administrator if an Assistant Patrol Special employed by them is no longer working the minimum number of hours specified in Rule 3.09.

4.14 RECORDS OF ASSISTANTS

Patrol Specials shall provide the Program Administrator with the current names, addresses and telephone numbers of all Assistant Patrol Specials they employ, as well as any Patrol Special Officers who act as their assistant. This information is confidential and will be used for official use only.

4.15 RECORDS OF CLIENTS

Within 30 days after adoption of these Interim Rules and annually thereafter no later than January 31st of each year, Patrol Specials shall submit to the Police Commission: (1) a complete list of the clients on their beat, and (2) a complete list of fees charged to each client in the prior quarter. Notification in writing shall be made to the Police Commission of any additions or deletions of subscribers within their beats. Notification shall include

the subscriber's name, address and telephone number. This information is confidential and will be used for official purposes only.

4.16 CHANGE OF ADDRESS/TELEPHONE NUMBER

Shall report in writing to the Secretary of the Police Commission and to the Program Administrator any change of residence, new address and/or telephone numbers, to include business and pager numbers of the Patrol Special Officer and all Assistants, within twenty-four (24) hours after the change has been made. This information is confidential and will be used for official purposes only.

4.17 COOPERATION WITH CRIMINAL INVESTIGATION

Patrol Specials and Assistant Patrol Specials shall provide all pertinent facts to and cooperate with those persons in the criminal justice system having responsibility for presentation of cases for court.

4.18 DISCHARGE OF FIREARM

Patrol Specials and Assistant Patrol Specials shall as soon as practical after the discharge of their firearm, notify the Department of Emergency Management dispatcher and the station keeper of the district in which the discharge occurred, and submit a written statement of such fact to the Program Administrator. This written statement shall be in addition to any other report(s) made, and a copy shall be forwarded to the Management Control Division.

4.19 COMPLAINTS, SUMMONS, SUBPOENAS

Patrol Specials and Assistant Patrol Specials shall, when served with a claim for damages, complaint, summons, or subpoena, involving possible liability on the part of the City and County immediately notify the Legal Division in writing, indicating the date and time of service. When served with a summons and complaint, copies of these documents shall be forwarded immediately with the report.

4.20 CONDUCT

Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a breach of the peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (though such offenses are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth.

4.21 RADIO PROCEDURES

When using the police radio frequencies, transmissions shall be brief and shall use proper radio procedures and codes. Patrol Specials and their Assistants shall not use their radio or any other means of communication to access or attempt to access information contained in CLETS, CABLE or any other local, state or federal summary criminal history database.

4.22 USE OF DEPARTMENT FACILITIES

Use of Police facilities is limited to official telephone calls, writing memos, use of inter-departmental mail and restrooms. Official use of the copiers and fax must be with the approval of the platoon commander. Personal telephone calls, messages or mail shall not be directed to any police facility.

4.23 ACCESS TO INFORMATION

The use of facilities does not include the use or direct access to CLETS, CABLE or Department computer terminals or any criminal files.

4.24 DISTRICT STATION LIAISON OFFICER

The Field Operations Bureau shall establish a "Patrol Special Liaison" at each district station, appointed from the rank of lieutenant by the district captain. All Beat Owners shall contact the liaison of the district(s) in which their beat(s) exist(s) at least once a week to discuss any issues related to beat operation.

4.25 PROCEDURE FOR REPORTING ON AND OFF DUTY

Each day they work their beat(s), all Patrol Specials and Assistants shall report on and off duty in person to the Platoon Commander of the district to which they are primarily designated and sign in and out in the log book. If they are scheduled to work multiple beats in multiple districts during the same shifts, they shall minimally notify the station keeper(s) of the other affected district(s) that they are on duty after making the initial notification in their primary district.

4.26 ON DUTY VEHICLE ACCIDENTS INVOLVING PATROL SPECIALS OR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers shall notify Communications if they are involved in a motor vehicle accident while on duty. They shall also notify the on-duty Platoon Commander of the district police station they are assigned to. A Patrol Special Officer or Assistant Patrol Special Officer involved in an on-duty vehicle accident shall remain at the scene until a supervisory officer has responded and conducted his or her investigation.

Section 5

PROHIBITED ACTIVITIES

5.01 ENGAGING IN OTHER DUTIES

Patrol Specials and Assistant Patrol Specials shall not, while on duty, engage in any duties except as required by contractual obligations, or in accordance with Penal Code section 723.

5.02 TRAFFIC STOPS

Patrol Specials and Assistant Patrol Specials shall not make traffic stops.

5.03 CITATIONS

Patrol Specials and Assistant Patrol Specials shall not issue citations.

5.04 VEHICLE PURSUITS

Patrol Specials and Assistant Patrol Specials shall not operate their vehicle in other than a safe and defensive manner, complying fully with the California Vehicle Code. Patrol Specials and Assistant Patrol Specials shall not engage in vehicular pursuits.

5.05 TRANSPORTING PRISONERS

Patrol Specials and Assistant Patrol Specials shall not transport prisoners.

5.06 UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY

Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco.

5.07 VEHICLE MODIFICATION

Patrol Specials and Assistant Patrol Specials shall not alter any duty vehicle in any way to allow it to be mistaken for an official law enforcement vehicle, and:

- A. Shall obtain the approval of the Chief of Police before modifying the color scheme of any duty vehicle or placing any lettering, emblems, or decals thereon.
- B. Shall not equip any duty vehicle with any additional emergency lighting equipment or any siren.

5.08 PROHIBITED FIREARMS

Patrol Specials and Assistant Patrol Specials shall not carry or have in their vehicle any type of shoulder firearm.

5.09 SLEEPING ON DUTY

Patrol Specials and Assistant Patrol Specials shall not sleep while on duty.

5.10 ALCOHOL AND DRUGS

Patrol Specials and Assistant Patrol Specials shall not, while on duty or in uniform, drink or consume any kind of intoxicating liquor. Shall not, while on duty or off duty consume possess or use any controlled substance without a valid prescription. Shall not, while on duty be under the Influence of any prescription or non-prescription drug that impairs the person's ability to carry out their duties.

5.11 FILING SUIT

Patrol Specials and Assistant Patrol Specials shall immediately notify the Commission if they bring suit against the City and County.

5.12 SUBPOENA SERVICE/CIVIL ACTIONS

Patrol Specials and Assistant Patrol Specials shall not serve a subpoena, summons or other paper in a civil action or render any assistance in such case.

5.13 BAIL BOND AGENTS

Patrol Specials and Assistant Patrol Specials shall not furnish information to bail bond agents or to their employees regarding persons arrested, or any investigations made or to be made, or any activity carried on or about to be carried on by the Department, except such as may be required by law. When information is furnished to a bail bond agent or to his employee in accordance with the law, that fact shall be made known immediately to the commanding officer of the district to which they are assigned.

5.14 RECOMMENDING ATTORNEYS

Patrol Specials and Assistant Patrol Specials shall not recommend to any persons the names or employment of any person as an attorney or bail bond agent.

Section 6

UNIFORM AND EQUIPMENT

6.01 UNIFORM AND EQUIPMENT EXPENSE

Patrol Specials and Assistant Patrol Specials shall, at their own expense, provide themselves with all required uniform and equipment items as specified by the Commission.

6.02 UNIFORM AND EQUIPMENT SPECIFICATIONS

A list and description of each article of uniform and equipment prescribed by these Rules and Procedures shall be kept in the office of the Police Commission and all uniform equipment items shall conform to said description. Uniform changes from the previous Rules and Procedures will take effect on January 30, 2009, the operative date of these amended Interim Rules and Procedures.

A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:

1. **BUTTONS:** To be 24-ligne regulation San Francisco Patrol Special NICKEL BUTTONS on pocket flaps, shoulder straps, sleeves and caps.
2. **TROUSER STRIPES:** BLUE SOUTACHE, one-half inch wide on outside seams.
3. **SHIRTS AND JACKETS:** BLUE SOUTACHE epaulettes on both shoulders.
4. **CAP EMBLEM:** Nickel plated.
5. **PATCHES.** Silver with light blue background. San Francisco Police patch design.
6. **ROCKER:** "PATROL SPECIAL" Silver lettering sewn over uniform patch.
7. **NAME PLATE:** Blue lettering on silver nameplate. First name, initial and full last name.

B. Patrol Specials and Assistant Patrol Specials may, while on duty, be equipped with the following personal property:

1. Revolver (minimum 4-inch barrel) 38 Cal or .357 Magnum caliber loaded with six factory load cartridges, or semi automatic pistol, if qualified pursuant to current Department Certification, loaded with factory cartridges.
2. Cartridge container with extra cartridges.
3. 26" wooden baton.
4. Handcuffs and key.
5. Whistle.
6. Three cell flashlight (or equivalent) in good working order.
7. Memorandum book.
8. Street guide.

9. Call box key.
10. Chemical agent canister (aerosol), if certified by state law.

6.03 DEPARTMENT ISSUED PROPERTY

Patrol Specials and Assistant Patrol Specials shall, while on duty, be equipped with the following Department-issued property:

1. Six-point star.
2. Department identification card.

6.04 DISPLAY OF STAR

Patrol Specials and Assistant Patrol Specials shall, while in uniform, display the six-point star or the outermost garment over the left breast.

6.05 APPEARANCE

Patrol Specials and Assistant Patrol Specials shall be neat and clean in appearance and maintain uniform and equipment in good order and ready for immediate use.

6.06 LOSS OF UNIFORM OR EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall be responsible for the safekeeping and authorized use of their uniform and equipment, and shall promptly make a written report of the loss of any firearm or Department-issued property to Supervising Captain and the Program Administrator.

6.07 JEWELRY AND ORNAMENTS

Shall not wear jewelry or personal ornaments affixed to any part of their uniform or equipment

6.08 RADIO EQUIPMENT

A Patrol Special may enter into an agreement with the Chief of Police permitting the Patrol Special to purchase and install radio equipment for the transmission and receiving of police radio calls on Police Department frequencies. Patrol Specials and Assistant Patrol Specials shall operate or permit to be operated radio equipment installed in accordance with Department rules.

6.09 VEHICLE INSPECTION

Shall present their duty vehicles for periodic inspection when directed by the Police Commission or the Chief of Police.



