

SAN FRANCISCO MUNICIPAL POLICE CODE
ARTICLE 25
SEC. 1750. REGISTRATION OF FIXED PATROLS, STREET PATROLS AND
PRIVATE WATCHMAN.

Unless registered as hereinafter provided, it shall be unlawful for any person, either for himself or for any other person, firm or corporation, to manage, conduct or carry on the business of a fixed patrol, street patrol, or serve as a private watchman service in the City and County of San Francisco, or willfully to hire the services of a private watchman, fixed patrol, or street patrol, unless said private watchman, fixed patrol, or street patrol is registered as hereinafter defined.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.1. FIXED PATROL DEFINED.

For the purpose of this Article, the term "Fixed Patrol" shall mean a person, firm or corporation licensed by the State of California, who or which agrees to furnish, or furnishes, a watchman, guard, patrolman or other person to protect persons or property or to prevent theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind, remains at a fixed location and does not utilize the public streets during the course and scope of such employment, except for incidental use of the streets by a fixed patrol operator, or his employee, solely for the purpose of traveling from one location owned or operated by a client to another location owned or operated by the same client, or for the purpose of supervising employees of a fixed patrol operator, or for incidental use of the streets reasonably necessary to accomplish the purpose of the fixed patrol service.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.2. STREET PATROL DEFINED.

For the purpose of this Article the term "Street Patrol" shall mean any person, firm or corporation who furnishes or agrees to furnish, for any consideration whatsoever, any of the services enumerated in Section 1750.1 of this Article and utilizes the public streets to perform such services and is licensed by the State of California to perform such services or is employed by a person so licensed.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.3. PRIVATE WATCHMAN DEFINED.

For the purpose of this Article the term "Private Watchman" shall mean a person who is appointed a Special Police Officer pursuant to the provisions of Section 3.535 of the Chapter, and is directly employed by one person, firm or corporation to perform any of the services enumerated in Section 1750.1 of this Article, and who shall, in the performance of his duties, remain on or immediately adjacent to the property of his employer.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.3.1. PERSON.

For the purpose of this Article the term "Person" shall mean any individual, corporation, copartnership, firm, association, joint stock company or combination of individuals of whatever form or character acting as a unit.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.4. METHOD OF REGISTRATION OF STREET PATROL AND FIXED PATROL SERVICES.

Persons required to register by Sections 1750.6 and 1750.7 of this Article for Street Patrol or Fixed Patrol Services shall do so with the Chief of Police on application forms provided therefor. The application shall be verified and shall contain the following information:

- (a) The true name and address of the applicant and of all persons financially interested in the operation of the fixed patrol or street patrol business.
- (b) The date, place of birth and citizenship of all such persons.
- (c) The past criminal record, if any, of all such persons.
- (d) The fingerprints of all such persons.
- (e) The area of the City and County of San Francisco, or the portion thereof, in which the applicant proposes to provide street patrol service.
- (f) The number and description of motor vehicles proposed to be used by applicant.
- (g) The description and serial number of the firearms to be used by applicant and his employees.
- (h) Proof of insurance coverage as provided in Section 1750.14 of this Article.
- (i) Whether the applicant requests a street patrol registration, a fixed patrol, or private watchman registration.
- (j) If the applicant is a corporation, the application shall set forth the name of the corporation exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers, directors, and each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply.
- (k) Subsection (d) of this Section shall not apply to any of the following:
 - (1) A corporation, the stock of which is listed on a stock exchange in the State of California or in the City of New York, State of New York.
 - (2) A bank, trust company, financial institution, or title company to which application is made or to whom a license is issued in a fiduciary capacity.
 - (3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

Upon receipt of an application, the Chief of Police shall conduct such investigation as he may deem necessary and proper as to the character and morals of the applicant and persons financially interested in the fixed patrol service or street patrol service for which registration is sought and as to the proposed territory of the City and County of San Francisco, or portions thereof, within which the street patrol service is to be conducted.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.5. REVIEW OF REGISTRATION APPLICATION.

The Chief of Police may refuse registration if it is found that the applicant or any person financially interested in the operation of the fixed patrol business or street patrol business is a person of bad moral character. For this purpose the Chief of Police may, in his discretion, consider any facts or evidence which he believes is relevant and will reflect on the moral fitness and reputation of those who will be in charge of such fixed patrol or street patrol business.

Should the Chief of Police refuse registration, the applicant for a street patrol business or private patrol business may appeal in the same manner as provided for revocation in Section 1750.12 of this Article.

Upon granting the registration application, the Chief of Police, or the Police Commission on appeal, shall designate the portion or portions of the City and County of San Francisco within which such street patrol business may be carried on, and shall specify therein such other reasonable additional requirements imposed upon applicant as are necessary to meet local needs and are not inconsistent with the provisions of the California Business and Professions Code; provided, however, that no person shall be allowed to register as a fixed patrol business or a street patrol business who is not licensed under the provisions of said Code. Such registration shall be disapproved where the territory sought has been allocated to a patrol special officer appointed pursuant to Section 3.536 of the Charter of the City and County of San Francisco; provided, however, such patrol special officer shall not be licensed as a fixed patrol operator.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.6. REGISTRATION OF EMPLOYEES OF STREET PATROL BUSINESS.

Upon granting the registration application, the registrant shall furnish the Chief of Police with the names of those who are or will be engaged in street patrol, on a form provided therefor. The form shall contain the following information:

- (a) The true name and address of the employee.
- (b) The date of birth and citizenship of such person.
- (c) The past criminal record, if any, of such person as stated by the employee, including a signed statement of the employee that the information in (a), (b) and (c) is true and correct.
- (d) The fingerprints of such person.
- (e) The serial number and description of each firearm owned by such employee and carried in the course and scope of his duties.
- (f) Such other information as may be deemed relevant by the Chief of Police or Police Commission.
- (g) Recent photograph of such employee.

Upon receipt of the names of the employees who will be engaged in street patrol service, the Chief of Police shall conduct such investigation as he may deem necessary and proper as to the character and morals of the employee. Should the Chief of Police, after a noticed hearing, find that the character and morals of such employee are such as to constitute a danger to the public if said employee were to be utilized in street patrol services, the registrant shall not thereafter utilize such employee for street patrol service.

Any applicant for registration under this Section who is dissatisfied with the decision of the Chief of Police may file an appeal with the Secretary of the Police Commission within five days. The Police Commission shall thereupon fix a date for hearing the appeal which date shall not be more than 10 days from the date of filing said appeal. The Police Commission may affirm, modify or reverse the decision of the Chief of Police.
(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.7. REGISTRATION OF EMPLOYEES OF FIXED PATROL BUSINESS.

Upon granting the registration application, the Chief of Police shall require the registrant to furnish the names of employees of the registrant who are or will be engaged in fixed patrol on a form provided therefor and shall contain the same information as required in Section 1750.6 of this Article.

Upon receipt of the names of the employees who will engage in fixed patrol services, the Chief of Police shall conduct such investigation as he may deem necessary and proper as to the character and morals of the employee. Should the Chief of Police, after a duly noticed hearing, find that the character and morals of such employee would constitute a danger to the public if said employee were to be utilized in fixed patrol services, the registrant shall not thereafter utilize such employee for fixed patrol service.

Any applicant for registration as a fixed patrol employee who is dissatisfied with the decision of the Chief of Police may appeal as provided in Section 1750.6 of this Article. A fixed patrol business registered under this Article may utilize an employee without complying with Section 1750.7 of this Article for a period not exceeding two weeks where, because of any event described in Section 409.5 of the Penal Code of the State of California or because of an extensive public gathering, the services required of the fixed patrol business cannot be performed without an immediate increase of personnel. Such fixed patrol business shall, not later than completion of the employee's first tour of duty, notify the Chief of Police in writing of the names of the employees so utilized and justification of their use without complying with Section 1750.7 of this Article.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.8. REGISTRATION OF PRIVATE WATCHMAN.

Private Watchman as defined in Section 1750.3 of this Article shall register with the Chief of Police and shall furnish the Chief of Police, in writing, the name, address and telephone number of his employer and his hours of duty. Each private watchman shall immediately notify the Chief of Police, in writing, of the termination of his employment. No person, firm, corporation or partnership shall hire a private watchman unless such watchman is appointed by the Chief of Police under authority of Section 3.535 of the Charter.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.9. ISSUANCE OF IDENTIFICATION CARD.

Should the Chief of Police or Police Commission have no objection to the employment of an employee of a street patrol business, a fixed patrol business, or as a private watchman, the Chief of Police shall furnish the employer within 15 calendar days of approval of the application, Sundays and holidays excluded, an employee's identification card, which shall contain a photograph of the employee, with the registration number in figures

plainly discernible. The Chief of Police shall determine the manner and form of any other information that may be placed upon such identification card, which must be in the possession of the employee at all times during his hours of employment, and shall be produced for inspection upon request of the Chief of Police or his duly authorized representative.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.10. NOTICE OF TERMINATION OF EMPLOYEE.

The registrant, within 10 days after the termination of any employee engaged in street patrol services or fixed patrol services, shall notify the Chief of Police in writing of such termination and the employee shall immediately deliver his identification card to the Chief of Police.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.11. USE OF OFFICIAL POLICE OR SHERIFF TITLES AND SIMILAR SUBTERFUGES.

No person shall, in connection with the operation of a fixed patrol business, street patrol business, or any private watchman, either as a registrant or employee:

(a) **Titles.** Knowingly use the title, "S.F. Police Officer," "Police Officer," "Special Police or Special Officer," "Sheriff," "Deputy Sheriff," or any other title or designation whatever, which is calculated to indicate an official connection with the Police Department or Sheriff's Office of the City and County of San Francisco, or with the police force of any other government or governmental agency.

(b) **Operation.** Knowingly represent himself, or falsely represent another, to be a member of the Police Department or the Sheriff's Office of the City and County of San Francisco or use any sign, word, language or device, which is calculated to induce a false or mistaken belief that he is acting or purporting to act on behalf of said department or office of the City and County within the scope or any real or purported duty thereof.

(c) **Collections.** Knowingly use any sign, badge, title or designation, or make any express or implied representation, which is calculated to induce the belief that he is a member of the Police Department or the Sheriff's Office of the City and County, or connected therewith in any way, in connection with any activity directed toward the collection of any money or debt, or the repossession, recovery or taking of anything of value, or for any purpose of private gain whatsoever.

(d) **Uniforms.** Knowingly wear any uniform designed to resemble so closely the uniform worn by the Police Department, Sheriff's Office or the California Highway Patrol as reasonably to induce the belief that he represents or is employed by the Police Department, the Sheriff's Office or the California Highway Patrol.

(e) **Vehicles.** Knowingly use any vehicle which is colored or has affixed thereon any sign, badge, title or device that would reasonably induce the belief said vehicle was being operated by the Police Department, Sheriff's Office, California Highway Patrol, or any agency or local, State or Federal government.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.12. REVOCATION OR REFUSAL OF REGISTRATION.

The Chief of Police may revoke any registration issued hereunder after a notice of hearing when the applicant or registrant is in violation of any of the provisions of this Article, or of the Business and Professions Code of the State of California, or any rules promulgated by the Chief of Police regulating fixed patrol business, street patrol business or private watchmen.

In the event that any registration is revoked, or is refused by the Chief of Police, an appeal may be filed with the Police Commission within 30 days after date of said decision. Notice of said revocation or refusal shall be served upon the registrant or applicant by depositing a true copy thereof, with postage fully paid, in the United States mail addressed to the registrant at his last known address, within three days from the date of action of the Chief of Police. Any appeal must be in writing filed with the Secretary of the Police Commission and served personally or by mail upon the Chief of Police, or his duly authorized representative appointed for said purpose, by the registrant or applicant. The Police Commission shall by resolution fix a date for hearing said appeal and designate the time and place where such hearing is to be held, which date shall be not more than 14 days from the date of the filing of the appeal. The Secretary of the Police Commission shall give notice of said hearing to the registrant or applicant in the same manner as required for notice of revocation or refusal of registration, but not less than 10 days prior to the date of said hearing.

The registrant so notified of the revocation hearing may continue to operate the fixed patrol or street patrol business pending the revocation hearing before the Police Commission, unless in the judgment of the Chief of Police such operation would adversely affect the public interest, in which event the order of the Chief of Police will be effective five days from the date of service of such order.

At any such hearing, the registrant or applicant shall be given the opportunity to defend himself, and may call witnesses, be represented by counsel and present evidence in his behalf. The Chief of Police or his representative shall attend the hearing.

It shall require a majority vote of the membership of the Police Commission to overrule the decision of the Chief of Police.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.13. MATTERS TO BE CONSIDERED BY CHIEF OF POLICE.

The Chief of Police may disregard any conviction for which the applicant was required to register pursuant to Section 290 of the Penal Code of the State of California if he finds that the applicant has fully completed any sentence imposed because of such conviction and complied with any conditions imposed because of such conviction, that the completion of said sentence, probation, parole, or any conditions whatsoever as a result of such conviction, has occurred at least three years prior to the date of application and that the applicant has not subsequently been convicted of any of the crimes herein mentioned or suffered any subsequent felony convictions of any nature whatsoever.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.14. INSURANCE COVERAGE.

The applicant, prior to registering as a fixed patrol business, or a street patrol business, or any firm, person, partnership or corporation hiring more than two private watchmen as

defined in Section 1750.3 of this Article, must present evidence of insurance in the following amounts:

(1) Workmen's Compensation and Employers' Liability Insurance to cover the applicant's employees, as required by the Labor Code of the State of California.

(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 injury to each person and \$300,000 for each occurrence and \$50,000 for property damage. Any comprehensive bodily injury and property damage liability insurance policy or policies shall include the City and County of San Francisco, its officers and 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 fixed or street patrol business whether by respondent superior or any other legal theory, and shall contain the following endorsement:

"Notwithstanding any other provision in this 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 of 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.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.15. REGISTRATION FEE.

Every person, firm, or corporation registering as a fixed patrol business or as a street patrol business shall pay to the Tax Collector a registration fee of \$100 annually, payable in advance.

The registration fee prescribed in this Article is due and payable on a yearly basis, starting January 1, 1973. Fees for new registrations issued after the first day of January, 1973, or in any subsequent calendar year, shall be prorated with regard to the calendar year on a monthly basis.

For each employee registered, a fee of \$6 shall be paid to the San Francisco Police Department to cover costs of investigation; provided, however, that the Chief of Police may waive the provisions of Sections 1750.6 and 1750.7, of this Article for employees previously registered.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.16. EXEMPTIONS.

This Article does not apply to private investigators as defined in Section 7521(a) of the Business and Professions Code of the State of California, to insurance adjusters as defined in Section 7521(d) of the Business and Professions Code of the State of California, or to repossessioners as defined in Section 7521(e) of the Business and Professions Code of the State of California.

(Added by Ord. 31-272, App. 11/2/72)

SEC. 1750.17. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.18. EFFECTIVE DATES.

The provisions of Section 1750 of this Article shall not be effective for 60 days from the effective date of this Article as it relates to registration of a fixed patrol business or street patrol business.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.19. DRAWING OF HANDGUNS.

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

(Added by Ord. 582-81, App. 12/10/81)

SEC. 1750.20. PERMITTING DRAWING OF HANDGUNS.

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

(Added by Ord. 582-81, App. 12/10/81)