

RESPONSE TO THE STUDY ON THE SAN FRANCISCO PATROL SPECIAL POLICE
PRESENTED TO THE POLICE COMMISSION ON SEPTEMBER 1, 2010

By March Berry, September 26, 2010

Dear Supervisors and Police Commissioners,

Kindly allow me as a citizen of this wonderful City and as a current leader of a political party to contribute my opinion on the matter of the San Francisco Patrol Special Police. I attended the Police Commission meeting of September 1, 2010, and heard the presentation by Ms. Kym Craven of her group's study of the Patrol Specials. I do not have a stake on the Patrol Specials, but speak only as someone who heard Ms. Craven's report and found it wanting.

From the perspective of a taxpayer, any serious consideration by the Board of Supervisors or the Police Commission of recommendations posed by the out of state Public Safety Strategies Group LLC (PSSG), to eliminate services of the Patrol Special Police, is misguided at best and irresponsible at worst. From the perspective of a Libertarian, that result would constitute a blatant assault on the free market.

The study reiterates a clear lack of understanding of the economic challenges facing San Francisco, the true costs of government-provided safety services, and the solutions that private safety personnel can provide. It also mischaracterizes the Patrol Special Police as mere security guards existing at the sufferance of the SFPD.

The Patrol Special Police have existed since before Gold Rush Days. They have been part of the City's Charter since 1857, regulated by the San Francisco Police Commission and Police Chief, and privately paid. As such they are unique in our Nation's safety alternatives. Unlike security guards, they are not stationary, but by City Code, patrol the neighborhoods of the clients that hire them, providing safety to everyone in the area. Unlike security guards, Patrol Special Police pass a background check conducted by the local SFPD and receive annual training equivalent to that of City police, assuring clients of standards of service akin to that of City police. They are uniformed according to Commission standards, carry weapons by State law, and are on police radio bandwidth. Most importantly and unlike security guards, they will remain a safety policing alternative unless and until the citizens of San Francisco vote in a local election to remove them from the City Charter.

Taxpayers need to be wary about attempts to remove the Patrol Special Police from service to The City. The fact that Patrol Specials are not paid out of City funds (excepting minor funding for administration as noted below) is crucial in today's economically challenging times. However, an even more dire reason taxpayers need to support Patrol Specials is the fact that during more affluent times, San Franciscans voted for very generous pay and pension packages for The City's Police and Firefighters. The City Civil Grand Jury in their report of June 25, 2010, warned San Franciscans that "Pension and health benefits enjoyed by San Francisco retirees are unsustainable." As the Grand Jury noted, a good chunk of this unsustainable liability stems from Police and Firefighter pensions.

Interestingly, the study by PSSG failed to mention the above, but chose instead to focus on alleged yearly costs to taxpayers of \$303,838 for general oversight of the Patrols, including a full time

command-level SFPD liaison officer -- “Liaison annual salary (Sergeant) full time, \$126,282”, including a secretary and office. (Actually the public records show that the current Liaison Officer in 2007 prior to his appointment, earned \$205,605 including \$78,069 in overtime and \$19,310 in “other.” There is no evidence to suggest that this officer was demoted or now earns less today as a Liaison Officer. See casio salary calculator, <http://www.sfgate.com/webdb/sfpay/index>).

Libertarians are particularly sensitive to government encroachment in the free market and to restrictions on fair competition. The SFPD’s valuable and appreciated service to the public as responders to violent crimes against person and property, is not in competition with services provided by the Patrol Specials. However, the off-duty private policing program of the SFPD known as the 10(b) program is. This is an “overtime program, which allows the use of uniformed police officers as security personnel at special events, sports matches, construction sites, filming sites, dance clubs, department stores.” (Retrieved September 1, 2009 from the San Francisco Government website by the Independent Institute for their report on the Patrol Specials dated December 21, 2009.) This subsidized overtime (pay at time and a half) program, coupled with efforts to dismantle the Patrol Specials by what appears to be any means necessary, might be construed as unfair competition. The California Unfair Competition Law (Business and Professional Code Section 17200) addresses not only private firms, but “other organizations and persons”.

It is true that entities that hire police officers under the 10(b) program pay a fee, which goes into the City’s coffers. However, the Budget Office confirmed in 1996 that this income did not cover SFPD administrative costs to operate the program. An up-to-date audit is certainly needed to verify this shortfall. Given the generous pay and benefits of City police officers, and given the fact officers are paid extra for overtime 10(b) program work with the likelihood that the administrative costs are not even covered, it is doubtful that taxpayers are benefited economically by this program.

Additionally, taxpayers may be viewed as further injured by the monopolistic nature of the 10(b) program.

The Patrol Specials’ uniqueness and long history constitute treasures San Franciscans need to support. The City’s misguided efforts at improving safety by eliminating cost-effective safety services need to be discouraged. We grass-root Libertarians are working to spread this point of view.



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