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A Report on the Patrol Special Police and Community Safety in San Francisco

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Abstract:

This paper provides an analysis of one of the longest established private police groups in America, the San Francisco Patrol Special Police. Dating back to the days of the Gold Rush the Patrol Special Police are a collection of independent companies that are authorized in the City Charter to patrol different neighborhoods at the request of private clients. A survey is conducted to investigate why private parties pay the Patrol Special Police rather than simply relying on government police. The results indicate that the Patrol Special Police play an important role providing safety that citizens cannot obtain if they had to rely on the safety services of the San Francisco Police Department. Yet despite these evident benefits, the Patrol Special Police face some challenging political and regulatory obstacles. This article finds evidence that members of the S.F.P.D. have been using regulations to restrict competition and effectively take over business using the force of law. It documents some of the expenses to taxpayers of these practices and offers some suggestions for regulatory reform.

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“If it’s not a core function, perhaps we should no longer do it.”

--- Ken Bukowski, Chief Financial Officer - San Francisco Police Department¹

“My personal opinion is there is a place for them, [The Patrol Special Police], in San Francisco policing...They’re an asset that’s essentially cost-free for The City.”

-- Theresa Sparks, Former President - San Francisco Police Commission²

“Let us bring back a very effective tool, [The Patrol Special Police], to make the streets of San Francisco safer.”

-- Earl Sanders, Former Police Chief - San Francisco Police Department³

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¹ Retrieved September 1, 2009 from <http://www.sfexaminer.com/local/S.F.P.D.-struggling-to-make-budget-cuts38585652.html>

² Retrieved September 1, 2009 from http://www.sfexaminer.com/local/Extra_force_may_be_on_its_way_out.html

³ Retrieved September 1, 2009 from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/1997/05/15/MN73142.DTL#ixzz0POif0y9S>

1. Introduction

San Francisco, like most other California cities, is facing large budget deficits and questions exist whether continuing (and increasing) police department budget levels compared to previous years is actually sustainable in the long run.⁴ Budget cuts have yet to be made, but some worry that possible future layoffs or attrition may include up to 325 officers in the San Francisco Police Department, leading many to ask who will keep San Francisco safe?⁵ Although many people believe that safety is solely the domain of a government funded police force, the famous urban theorist Jane Jacobs and many others pointed out that community safety is provided by numerous factors. Jacobs highlighted that having many “eyes on the street” (multiple people observing in a community) can have a more important impact on safety than attempting to just rely on one government funded agency. As a factual matter, policing comes from many sources, not just from government funded police. From the widespread private foot patrol “watches” in early modern England to the increasingly common self-help neighborhood groups in many communities today, various non-governmental organizations and private police groups have played and are playing an increasingly important role in providing safety.⁶

This paper provides an analysis of one of the longest established private police groups in America, the San Francisco Patrol Special Police. The Patrol Special Police are a collection of independent companies that are authorized in the City Charter to patrol different neighborhoods or “beats” in San Francisco at the request of private clients. The San Francisco Patrol Special Police date

⁴ A January 2009 KCBS headline reported, “S.F.P.D. [San Francisco Police Department] Forced to Take a Hacksaw to its Budget,” Retrieved September 1, 2009 from <http://www.kcbs.com/pages/3751731.php>? A June 2009 San Francisco Examiner headline reported, “City budget cuts pose risk to public safety.” Retrieved September 1, 2009 from <http://www.sfexaminer.com/local/City-budget-cuts-pose-risk-to-public-safety--47888112.html>

⁵ Retrieved September 1, 2009 from <http://www.sfexaminer.com/local/City-budget-cuts-pose-risk-to-public-safety--47888112.html> and http://blogs.sfweekly.com/thesnitch/2009/06/heads_of_fire_police_department.php

⁶ Jenkins, Morris (2006) “Gullah Island Dispute Resolution: An Example of Afrocentric Restorative Justice” *Journal of Black Studies*, Vol. 37, No. 2, 299-319. For a literature review of these trends see Benson, Bruce (1998) *To Serve and Protect: Privatization and Community in Criminal Justice*. New York: New York University Press.

back to the days of the Gold Rush and were incorporated in the San Francisco City Charter in 1856.⁷ Today the San Francisco Patrol Special Police have hundreds of accounts including small to large businesses, merchant and residential associations, churches, street fair or special event organizers, residential communities, and individual homeowners. The Patrol Special Police provide a wide variety of security services and activities include patrolling streets, standing guard at or patrolling on streets near private property such as businesses and homes, providing security checks inside and outside shops and offices, speaking with residents, business owners and their employees and patrons, and passersby on the streets and advising about safety, discouraging loitering and vagrancy, intervening into potentially disruptive situations, responding to complaints of shoplifting and noise, and generally maintaining order and peace on the streets. It is to be noted that the Patrol Special Police are not just stationery property guards at one location; by Municipal Police Code they are the only private patrol permitted to patrol the streets as they walk from account to account as well as respond to safety emergencies in their neighborhood. In addition it is to be noted that whether or not a private client is involved, sometimes Patrol Special Police affirmatively assist anyone in need, and can be called upon to back up the public police and assist with crime scene control. Thus they provide a police presence to many more individuals than just their clients. Many of the Patrol Special Police Officers have worked continuously serving a specific client or serving in their neighborhood for years, thus making them a known commodity in the community.

The San Francisco Patrol Special Police present an interesting case to study because of elements of their structure and nature of service that render them unique in the United States, including particular effectiveness of their model of delivering policing services. Prof. James Pastor writes that the

⁷ The precise date of their formation is uncertain but "Special Police" are mentioned in The Daily Alta California on April 1, 1851. I owe this point to Officer Jane Warner and Heather Cassell who is assisting Warner with writing a history of the Patrol Special Police.

Patrol Special Police have "what may be the most unique private policing arrangement in America."⁸ However, many people are unaware of how the Patrol Special Police are funded and how many and whom they serve. In economic terms, the service that Patrol Special Police provide would be classified as a public good. Their services which are paid for by private clients provide what can be considered spillover benefits to anyone who desires to keep San Francisco safe. In this way, private clients whose main interest may be improving their personal or business safety, are intentionally or inadvertently providing benefits to their entire block or neighborhood. Another important and interesting feature of the Patrol Special Police is that they do not drain Municipal budgets but are funded by private clients who want to keep their neighborhoods, places of business, and properties safe. Services of the Patrol Special Police are consumer defined and consumer driven, and officers provide services to those whom the San Francisco Police Department does not always have the time or resources to serve. The Patrol Special Police become profitable and remain in business solely by virtue of their success in serving and satisfying their clients in making the community more safe.

Yet despite these evident benefits, the Patrol Special Police face some challenging political and regulatory obstacles. In the early 1990s certain members of the San Francisco Police Union started noticing that the Patrol Special Police had productive and hence profitable contracts with many businesses such as major shopping centers, or not-for-profit groups such as large housing project management organizations. The Union conceived of a new marketing frontier that might benefit membership and provide a new source of income. Although the law prevents members of the S.F.P.D. from working more than 20 hours of voluntary overtime per week, officers found or invented a "workaround" in what is known as the 10(b) program.⁹ Officers of the S.F.P.D. may exceed overtime

⁸ James Pastor (2009) *Terrorism and Public Safety Policing: Implications for the Obama Presidency* (CRC Press) at page 251.

⁹ *San Francisco Weekly* reports, "Unlike overtime incurred during the course of ordinary duty, which is paid by taxpayers as part of the Police Department's \$406 million budget, the 10(b) program — by tapping businesses and

limits by accepting and working assignments from the 10(b) “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.”¹⁰ If the administering S.F.P.D. could convince existing clients of the Patrol Special Police to hire S.F.P.D. officers instead through their 10(b) overtime program then these S.F.P.D. officers could boost their salaries and also the base rate upon which their pensions would be calculated.

Hourly rates billed by the S.F.P.D. under the 10(b) program are nearly double the rates of the Patrol Special Police. Today an off-duty S.F.P.D. officer bills roughly \$87 per hour with an up charge if a motorcycle or patrol car is requested, and on top of that a 22 percent administrative fee is invoiced. The base rate therefore approaches \$106 per hour, while a Patrol Special Police officer, including his or her patrol car, can be hired for roughly \$48 per hour. Although hiring an S.F.P.D. officer through 10(b) is typically uneconomical for those paying the bills when compared to the Patrol Special Police rate, it provides tremendous benefits to the officers being hired, so members of the S.F.P.D. have used various means to make sure that they get hired. These tactics have led to various lawsuits alleging that the S.F.P.D. is violating antitrust laws for acting monopolistically. For example, the S.F.P.D. has broad and virtually uncircumscribed authority delegated by the police commission to administer the Patrol Special

institutions willing to pay for the extra services — hits the Patrol Special Police where it hurts. The S.F.P.D. doesn't advertise how much the program rakes in. But documents the department provided to *SF Weekly* in response to a public records request show that 10(b) garnered \$9.5 million during the 2006-2007 fiscal year alone, up from \$6.6 million five years ago.

“For rank-and-file cops, who earn time and a half for such work, the program can be lucrative. Up to half of the 2,300-member police force participates in the 10(b) program in a given year, records show. Rules restrict officers from working more than 20 hours of voluntary overtime within seven days, but some cops still manage to rack up huge sums. For example, in a sex discrimination lawsuit against the S.F.P.D., one officer, Susan Rolovich, who claims the department unfairly punished her in part by taking away her 10(b) work, earned more than \$185,000 — \$100,000 of it overtime — in a single year, records show. ‘The 10(b) program has killed us,’ says Sam Reyes, who has been a patrol special beat owner since the 1960s. He insists that the S.F.P.D.'s antipathy toward the specials is owing to ‘the 10(b) pie.’” Retrieved September 1, 2009 from <http://www.sfweekly.com/2008-06-04/news/to-serve-collect/2>.

See also <http://www.sfweekly.com/1995-04-19/news/cops-vs-cops/3>.

¹⁰ Retrieved September 1, 2009 from http://www.sfgov.org/site/courts_page.asp?id=3731

Police program, including screening of applicants. Without any time limits set by rule or regulation, the S.F.P.D. has exercised this authority to delay for months or years on end, or in some cases even lose, applications. The S.F.P.D. has also been cross subsidizing the 10(b) program with general funds so that S.F.P.D. officers can offer what appear to be rates competitive with those charged by the Patrol Special Police. Not only the hourly rate must be compared to determine cost, but also the effectiveness of the 10(b) officer working after already putting in a nine-to-five regular policing assignment, versus a Patrol Special officer who never works overtime, but always serves fresh on regular assignment. These and other allegations will be discussed in more detail below, but one fact that remains indisputable is that since the number and extent of regulations governing the Patrol Special Police started increasing in the 1990s, the number of Patrol Special Police have decreased from more than 200 to about 40 or so officers today.¹¹

There exist several potential hypotheses about why increased numbers of regulations are being promulgated concerning an increased range of behaviors or topics. One hypothesis is that members of the S.F.P.D. are acting in its capacity to maximize the public good. A second hypothesis is that members of the S.F.P.D. have been using regulations to restrict competition and effectively take over business using the force of law. If this second hypothesis is true, then regulations are actually harming residents and making San Francisco less safe.

To evaluate these two hypotheses, an in-depth investigation was conducted examining evidence from various sources. Evidence was gathered from government documents, law journals, news media, and police commission meetings. To learn more about the San Francisco Patrol Special Police I conducted a survey of their clients to gather data about how they are perceived. The results are quite informative.

¹¹ Retrieved September 1, 2009 from <http://www.sfweekly.com/2008-03-05/news/san-francisco-patrol-special-police-rent-a-cops-with-guns/>

Evidence indicates that the Patrol Special Police play an important role providing safety that citizens cannot obtain if they had to rely on the safety services of the San Francisco Police Department. This research report provides an analysis of the role of the Patrol Special Police in providing community safety in San Francisco. It then provides an analysis of some of the regulatory obstacles that they face and concludes by offering specific policy recommendations.

2. Surveying the Role of the San Francisco Patrol Special Police

The average person may not have much specific knowledge about the San Francisco Patrol Special Police if they even know about the existence of this police force at all, but anyone who has gone to or near the place of business of the hundreds of individual businesses and merchant associations, not-for-profit and homeowners' organizations or individual residents who hire the San Francisco Patrol Special Police, has had an indirect relationship with these officers. To help collect baseline opinions of their clients about the Patrol Special Police, a printed survey was delivered primarily by hand to a total 146 clients.¹² Clients were asked to complete the anonymous two-page survey and mail it back in the included stamped addressed envelope. The response rate was very good with 63 surveys (43 percent) completed giving a large enough sample size to analyze and from which to draw reasonable conclusions. The survey included some questions that asked respondents to check boxes (such as with 'yes' or 'no' questions) and other questions where respondents were asked to write responses. The questions were designed to be non-leading and enable comparison of the performance of the Patrol Special Police with that of the public police. The complete survey is included in Appendix A and a summary of the results are provided in Appendix B.

Answers to questions about why clients pay to hire the Patrol Special Police rather than simply rely on taxpayer-financed "free" public police were particularly informative, thus all responses are included below. Many academics theorize that public police provide all necessary services and law enforcement that are needed to address problems of crime and disorder. However, answers to the survey clearly revealed that the Patrol Special Police fill needs that are not met by the S.F.P.D. The Patrol

¹² The survey was given in printed form and handed out in person (or in some cases dropped in mail) along with a \$2 bill, which is a common way of inducing a higher response rate. See Rizzo, Louis., Park, Inho., Hesse, Bradford. and Willis, Gordon. "Effect of Incentives on Survey Response and Survey Quality: A Designed Experiment Within the HINTS I RDD Sample" Retrieved September 1, 2009 from http://www.allacademic.com/meta/p116055_index.html

Special Police offer services and protection that clients state they could not obtain otherwise. Complete responses to some of the open ended survey questions are included in the Appendix.

The results can be summarized as:

1. The Patrol Special Police provide services that members of the S.F.P.D. do not provide.
2. The S.F.P.D. does not respond to quickly to many types of calls whereas the Patrol Special Police does.
3. Crime is viewed as a problem, and the Patrol Special Police are seen as a proactive rather than a reactive solution to that problem.
4. Most responses indicate that the S.F.P.D. is not responsive to their needs.

In addition to open ended questions, many were “Yes” or “No” questions and the answers were also quite telling. Ninety-seven percent of respondents answered “Yes” when asked, “Does your PSP [Patrol Special Police] Officer make your neighborhood a more friendly and safe place?” (Figure 1). Eighty-nine percent of respondents answered “Yes” when asked, “Do you feel your opinion makes a difference in what your PSP [Patrol Special Police] Officer does?” (Figure 3). This contrasts starkly with the perception of the S.F.P.D. where only forty-seven percent of respondents answered yes when asked, “Do you feel your opinion makes a difference in what the S.F.P.D. does?” (Figure 2). These responses indicate that people feel that the Patrol Special Police are more responsive to their needs than are the S.F.P.D.

Figure 1

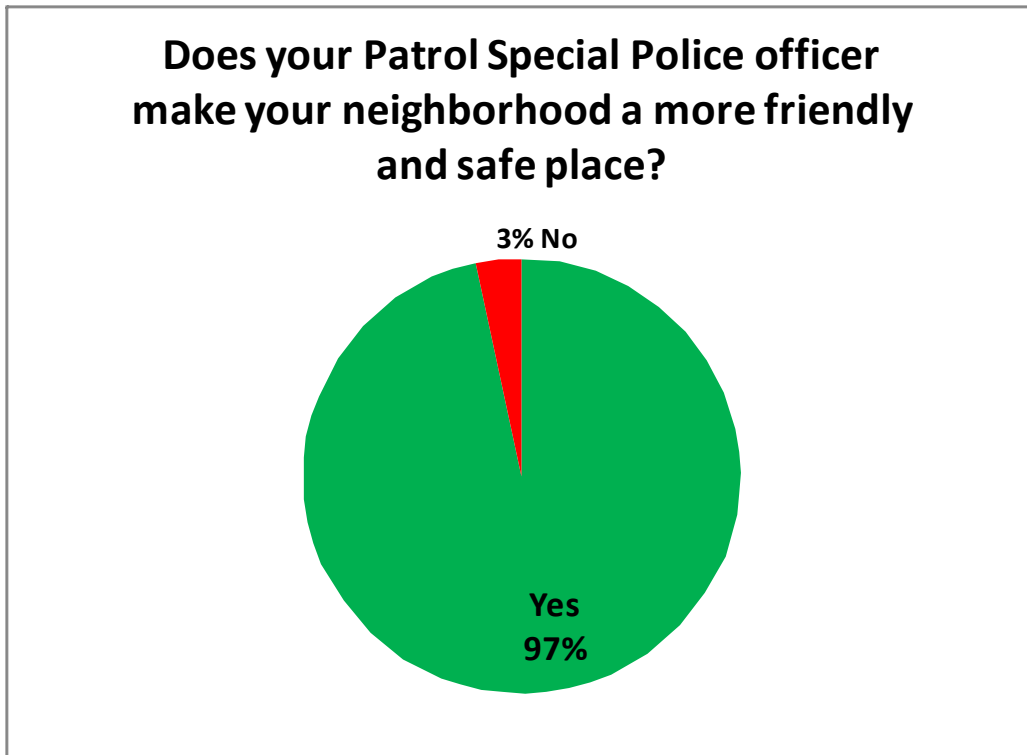


Figure 2

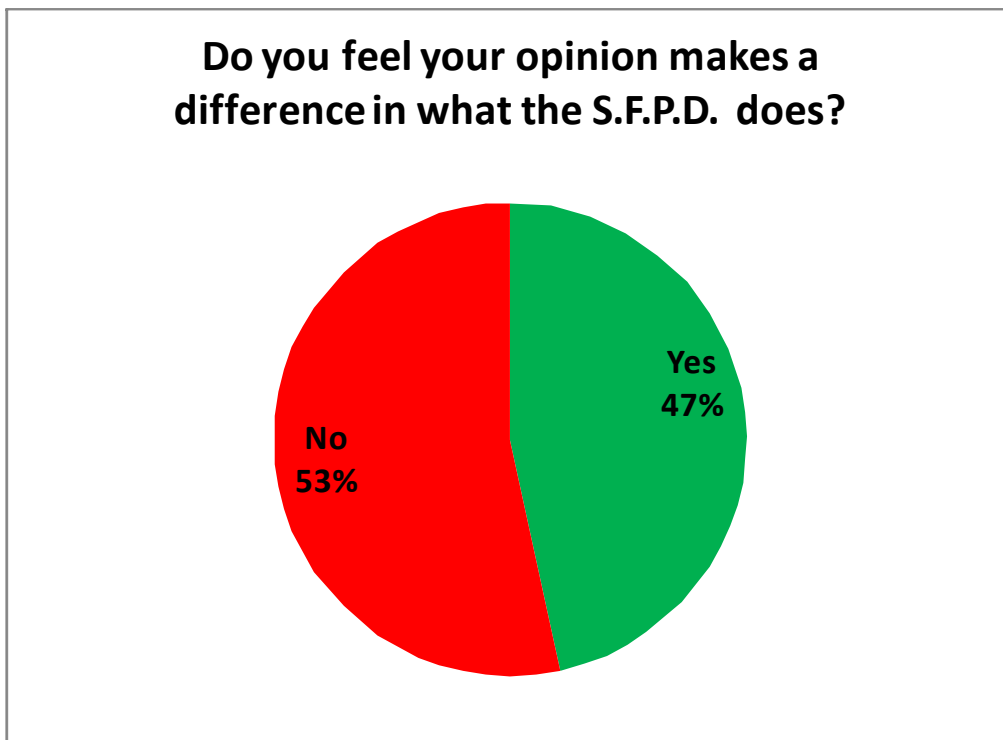


Figure 3

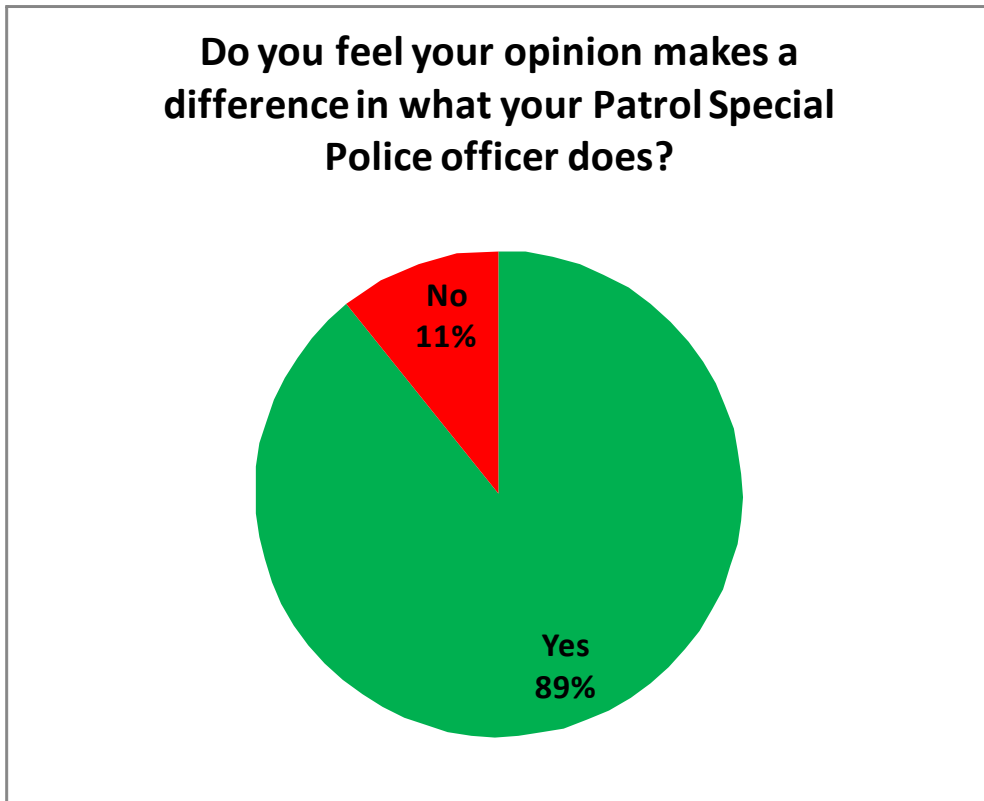
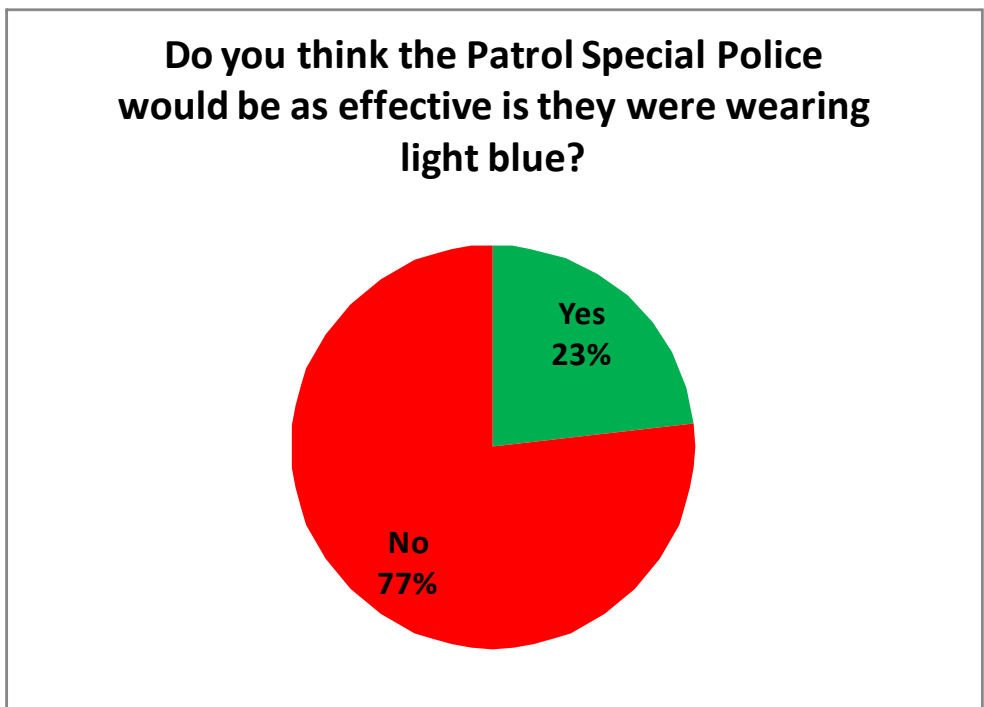


Figure 4



Other questions asked about various regulations such as “Do you think they would be as effective if they were wearing light blue?” and 77 percent of respondents answered “No” (Figure 4). This regulation is perceived of by clients as less concerned with safety and more concerned with handicapping the Patrol Special Police. In answering this question, many clients expressed or indicated that forcing them to wear light blue would make them look less serious and hence less effective.

Another question asked, “One of the requirements for your PSP Officer is that he/she turn over all specific details of your contract, name, and fees for services to the Police Commission. Does that matter to you?” A number of people expressed concern while only two saw it as a good thing. For example, clients replied: “Seems an invasion of privacy that isn’t necessary for my security or the police commission’s ability to do their job” (no. 26), “I would like anonymity” (no. 34), “Personal information I choose to release” (no. 40), “My contract is with the PSP. The commission has never approached me for opinion or help—I doubt it even knows our problems” (no. 6), “I do not understand the reason or purpose for it” (no. 23), “Because my financial records are no one’s business! I know of no reason they need this info since officer’s illegal behavior if any can be prosecuted under exiting criminal laws” (no. 19).

In addition, the question was asked, “Some people believe that the PSP Officers operate if they are above the law. Do you have any evidence of that?” For this question the near universal answer was “No.”¹³ To that question one respondent (#41) wrote, “You are kidding, right!” There is no evidence for the claim reported in the media that the Patrol Special Police behave unlawfully or are “freewheeling.”¹⁴ In addition, in all my reading of news articles, I found no factual evidence by any reporter or any citation

¹³ Every single respondent answered “No” to that question with the one exception of Respondent #31 who happened to answer “Yes” on every single question on the survey regardless of what the question asked, indicating the respondent was not reading the questions.

¹⁴ Retrieved September 1, 2009 from <http://www.time.com/time/magazine/article/0,9171,945720,00.html>

of client complaints regarding unlawful behavior by the Patrol Special Police. In fact, all evidence indicates that the Patrol Special Police are providing services to make the community more safe.

3. Regulations to Promote Safety or Restrict Competition

Many academic writers believe that regulations are only implemented to protect the public. The Nobel prize winning economist George Stigler, however, pointed out that many regulations are actually implemented to advance special interests at the expense of the public. Many of these regulations are promoted in the name of the public good, but in reality regulations often are used to restrict competition. Famous examples include the monopoly privileges given to the former AT&T (the Bell System) or cable companies in the 1980s (and in many places today) where regulations effectively prevented would-be competitors from entering the market. AT&T had a clear vested interest in influencing regulators to prevent would-be competitors such as MCI and Sprint from entering the marketplace since AT&T knew competition would lead to lower prices for the public and lower profits for the monopolist.

In San Francisco, the Patrol Special Police and the San Francisco Police Department have coexisted for the past one hundred and sixty years. Over time, however, the San Francisco Police Department has gradually expanded its publicized or intended role into areas historically provided by the Patrol Special Police. The San Francisco Police Department's role originally focused on law enforcement regarding serious crimes against property or person including violence and predation by gangs or resulting from gang warfare, undercover investigations, criminal arrest, subsequent investigation, and prosecution assistance. Today they have moved into what is known as 'community policing,' a model of policing developed in the early 1970s and one whose goal is to adopt a service orientation provided originally as an integral part of the very nature of Patrol Special Police service. Accompanying this expansion of the San Francisco Police Department's role and reach has been an

increasing number of regulations passed covering new areas of behavior and requirements regarding the Patrol Special Police. One must investigate whether these regulations are consistent with the hypothesis that “regulations are always benevolent,” or whether they are consistent the hypothesis that regulations can be used to restrict competition.

Close inspection of the current set of Interim Regulations of the Patrol Special Police, adopted in December 2008, indicates that several are being interpreted and administratively applied by the S.F.P.D. to restrict competition. Laws such as the Sherman Antitrust Act of 1890 (15 U.S.C. §§ 1-7) and the Clayton Act (15 U.S.C. §§ 12-27) prevent private businesses from using unfair business practices to monopolize a market.¹⁵ Although the Local Government Antitrust Act (15 U.S.C. §§ 34-36) provides that “local governments and their officials and employees acting in official capacities have antitrust immunity with respect to actions brought under 15 U.S.C. § 15 for damages, fees, or costs,” not all activities are permitted.¹⁶ Kinsella and Rubins explain:

"As States became increasingly involved in commercial activities during the late nineteenth century, they began to question the expediency of such an unbending doctrine of absolute immunity. ... This gave rise to the "commercial activity" exception. -- so if and to the extent a state engages in "commercial activity," it will not be entitled to sovereign immunity. The FSIA defines "commercial activity" as "either a regular course of commercial conduct or a particular commercial transaction or act." U.S. courts have interpreted commercial activity to be any activity in which a private person could engage. The U.S. Supreme Court has held, more specifically, that commercial activity is "the type of actions by which a private party engages in 'trade and traffic or commerce.'" [See on this Republic of Argentina v. Weltover, Inc (US S. Ct. 1992); SEDCO, Inc. v. Petroleos Mexicanos Mexican National Oil Company, 767 F.2d 1140 (5th Cir. 1985)]"¹⁷

The California Unfair Competition Law (Business & Professions Code Section 17200 et.seq.) prohibits unfair competition not only by corporations and firms but also “by other organizations of persons” (which would include the S.F.P.D. if they are classified as an organization or persons).¹⁸ In the case, Russo & Reyes v. Willis Casey et. al. 15 F.3d 1089 (9th Cir. 1993) two Patrol Special Police Officers (Russo and

¹⁵ Retrieved September 1, 2009 from <http://www.usdoj.gov/atr/public/divisionmanual/chapter2.pdf>

¹⁶ Retrieved September 1, 2009 from <http://www.usdoj.gov/atr/public/divisionmanual/chapter2.pdf>

¹⁷ Noah Rubins, and N. Stephan Kinsella. (2005). *International Investment, Political Risk and Dispute Resolution: A Practitioner’s Guide* (Dobbs Ferry, New York: Oceana Publications) at 141, 145.

¹⁸ Retrieved September 1, 2009 from <http://codes.lp.findlaw.com/cacode/BPC/1/d7/2/5/s17200> and <http://codes.lp.findlaw.com/cacode/BPC/1/d7/2/5/s17201>

Reyes) alleged that the S.F.P.D. police chief (Casey) had conspired to restrict competition. The case went all the way to the U.S. Supreme Court but only on a pretrial Motion to Dismiss; the merits of the case were never reached. ,¹⁹ The “U.S. Supreme Court...declined to hear it: The suit was ‘time-barred,’ meaning that the relevant events in the suit took place too long ago to merit judicial attention.”²⁰

During or about the time this case was wending its way through the Federal Court system, a sweeping set of regulations was introduced and eventually passed in 1994. In significant part, these regulations removed many of the long-held powers of the Patrol Special Police, specifically taking away their peace officer powers of arrest and reducing that power to a citizen’s power to arrest only, and in addition, removing Patrol Special Police from civil service employment status. At the same time, members of the S.F.P.D. began encouraging businesses to hire off-duty police officers (and also private patrol operator companies allegedly owned by some S.F.P.D. family members).²¹ It has been reported that members of the Police Department have threatened businesses saying their business will receive no protection if they hire Patrol Special Police rather than off duty members of the S.F.P.D. ²² As recently as September, 2009, similar information came to light when certain owners of entertainment businesses located in the Castro district were reported to be fearful of retaliation by the City licensing agencies if they failed to follow the lead of the Community Business District whose executive leadership had been pressing for additional security to be provided solely by the 10(b) program.

¹⁹ Retrieved September 1, 2009 from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/1998/06/25/MN76911.DTL>

²⁰ Retrieved September 1, 2009 from <http://www.sfweekly.com/1995-04-19/news/cops-vs-cops/4>

²¹ According to Steve Russo, “The issues here are [that] many of these officers who work in the S.F.P.D. or are affiliated with the S.F.P.D. own security companies, and they in fact have assisted in campaigning with officers of the Field Operations bureau to solicit this particular Police Commission to, once and for all, remove the [specials] peace-officer status, therefore rendering our services worthless to the citizens of the City and County of San Francisco.” Retrieved September 1, 2009 from <http://www.sfweekly.com/1995-04-19/news/cops-vs-cops/5>

²² Retrieved September 1, 2009 from <http://www.sfweekly.com/1995-04-19/news/cops-vs-cops/5>

Yet many of these same problems still persist. The law currently prohibits members of the S.F.P.D. from accruing more than 20 hours of overtime per week,²³ but officers can subvert this prohibition by participating in the 10(b) program. This makes the 10(b) assignments much sought after since the more regular S.F.P.D. officers can work after hours and off duty in the 10(b) program, the higher their take home pay. Furthermore, pensions of S.F.P.D. officers are calculated based on the salary of their highest year of salary adding on 10(b) spikes to the base from which lifelong pensions are calculated. For these reasons any area in the marketplace where S.F.P.D. officers can solicit private clients and “compete” with the Patrol Special Police provides an area ripe for great contention. If S.F.P.D. officers cannot compete with the Patrol Special Police on a level playing field, then it becomes advantageous for them to handicap competitors via regulations and ad hoc administrative rules and practices by Patrol Special Police Program Administrators. Regulations and tactics that appear to be restricting competition include:

- a. The S.F.P.D. has authority to delay and prevent the Patrol Special Police from hiring personnel. Although the Patrol Special Police are private businesses hired according to consumer demand, current regulations enable the S.F.P.D. to restrict the supply. The Patrol Special Police and the media continually bring this problem to the attention of the police commission and the public, however no relief has been forthcoming. Just to become a Patrol Special Assistant one needs to complete numerous forms, and applications are routinely delayed for more than a year.²⁴ In

²³ Retrieved September 1, 2009 from <http://www.sfweekly.com/2008-06-04/news/to-serve-collect/2>

²⁴ According to the San Francisco Weekly, “[Patrol Special Police Officer] White says he could put five more to work immediately if he had them, which is to say if S.F.P.D. didn't throw up barriers. “You can't get them approved,” grumbles the 65-year-old White, ticking off the names of “quality” people he has sponsored and whose applications were either rejected or — more often — allowed to languish until the person finally gave up. ‘They [S.F.P.D.] find some little problem [in the application]. They delay. And then they find some other problem and delay some more. It's a predictable cycle.’

“None of the applicants, including some whose résumés had been in the hopper for more than a year, had been approved. In nearly every instance, the “problems” Shinn identified were paperwork deficiencies such as incomplete background information or a missing personal history statement, the kinds of things critics say could be resolved in days rather than weeks or months. Only one applicant's “problem hold” related to inadequate training, something that didn't escape Warner's notice. ‘It's a paper chase,’ she says. ‘It's an institutional game that they play to choke us off.’

“The S.F.P.D. concedes that Chief Fong has approved only five of 27 patrol special assistant candidates in the three years since Tom took over day-to-day administration of the program.” Retrieved September 1, 2009 from <http://www.policeone.com/patrol-issues/articles/1701993-Controversial-SF-Patrol-Special-Police-poised-for-comeback/>

2008 the S.F.P.D. admitted that the Police Chief Heather Fong had only approved five of the 27 applicants in the past three years. Effective restriction of competition also arises from the S.F.P.D. Program Administrator failing to stay on top of how many applications are in process. In one telling exchange between the police commission president and the Patrol Special Police Program Administrator at the S.F.P.D. at a fall, 2008 police commission meeting, the Program Administrator could only estimate that six or seven pending applications were on his desk. After several more questions from the president remained unanswered, the president then stated that she knew that 17 such applications were pending. Such tactics and lack of followup amelioration from the police commission or police chief, obviously discourage potential applicants and prevent the Patrol Special Police from staffing their operations. In addition, when supply of officers in the marketplace is restricted, there is little hope that client demand can be met or that marketing efforts will be rewarded because the Patrol Special Police simply can't provide the number of officers to service demands. This has been the case every year at the fall Castro Street Festival as well as the Castro Street Halloween Festival. This practice of placing hiring approval in the hands of the S.F.P.D. without any apparent limits is the equivalent of giving General Motors the authority to decide who Toyota gets to hire.

- b. There are allegations that the S.F.P.D. creates a hostile environment for many members of the Patrol Special Police.²⁵ For example, certain district captains call Patrol Special Police off their beat while they are on duty to go to district stations for various inspections. Starting after the present set of Interim Regulations was adopted in December, 2008, various district captains would call officers out of the field so the captain could conduct a 'uniform check' to ensure that the newly required blue stripe was in place down the side of the pants and as an epaulette across the jacket shoulder. From allegedly being called "fake cop"²⁶ on a regular basis to having to face formal disciplinary charges issued against them for apparently minor infractions only tangentially related or even unrelated to public safety, the atmosphere seems hostile. Evidence of this comes from various sources including former S.F.P.D. Police Commission President Theresa Sparks who stated, "For the most part, the San Francisco Police Department would just as soon the Patrol Special Police go away."²⁷
- c. The S.F.P.D. has taken to regulating everything including the color of the uniforms and specific use of striping on it for the Patrol Special Police. One reporter calls the color, "decidedly uncoppish light-blue outfits."²⁸ One former Patrol Special Police Officer stated, "'You're making us better targets.'" Seventy-seven percent of Patrol Special Clients who were surveyed believed that the Patrol Special Police would be less effective if they were forced to wear light blue.
- d. The regulatory environment under which the Patrol Special Police are operating is constantly changing yet the Patrol Special Police are often not fully advised about the existence or meaning of vague or ambiguous and ad hoc non-consistent interpretations

²⁵ Retrieved September 1, 2009 from <http://www.sfgate.com/cgi-bin/article.cgi?f=/e/a/1997/05/20/NEWS7595.dtl>

²⁶ For more on this see, "To Serve and Collect." Retrieved September 1, 2009 from <http://www.sfweekly.com/2008-06-04/news/to-serve-collect/>

²⁷ Retrieved September 1, 2009 from http://www.sfexaminer.com/local/San_Francisco_Patrol_Specials_on_the_firing_line.html

²⁸ Retrieved September 1, 2009 from <http://www.sfweekly.com/1995-04-19/news/cops-vs-cops/> and <http://www.sfexaminer.com/local/Police-lay-down-the-law-for-private-patrols-47271962.html>

of regulations. This leads to confusion, unnecessary questions from the S.F.P.D. liaison staff, waste of foot-patrol time in Patrol Special Police Officers. There are allegations that ad hoc or questionably based disciplinary actions are often pursued against one officer at a time in an apparently selective enforcement, when others operate in exactly the same fashion.

- e. According to a new regulation passed in December 2008, the S.F.P.D. is demanding that the Patrol Special Police beat owners turn over not only the names of clients but also the financial details of contracts with all clients indicating the value of each contract. Former San Francisco Police Commission President Theresa Sparks stated, “we intend to force them to comply, and if they don’t we will use any reprimand necessary, including revoking their operating licenses.”²⁹ One could interpret this regulation as being implemented in the name of safety. Conversely one could view this as an attempt by the S.F.P.D. to see what clients are most lucrative so they can easily single them out as potential clients to be solicited by off duty officers in the 10(b) program. Some clients who were surveyed expressed serious concerns if this new regulation is enforced. Some specifically voiced certainly real and obvious privacy concerns given that all information turned over to government is accessible to the public under local provisions such as San Francisco’s Sunshine Ordinance and other state laws such as the Brown Act.³⁰
- f. Using money from the general fund and other tax resources, the S.F.P.D. subsidizes officers working in the 10(b) program, so they can offer rates that are competitive with the Patrol Special Police. James R. Williamson writes, “Cross subsidization is the use of profits obtained in one product, industry, or geographic location to offset losses incurred in another, and is but one type of price discrimination or predatory pricing.”³¹ Officers working in the 10(b) overtime program currently and typically charge \$87 per hour (or \$93 per hour if a motorcycle is involved and \$100 per hour if a patrol car is involved) and in addition, a 22% administrative upcharge on the base hourly rate. This rate is well above the all-inclusive rate including administrative costs, liability coverage, tactical equipment and patrol cars, of \$48 per hour as typically charged by the Patrol Special Police Officers. In addition, the indirect cost of the 10(b) program to the client goes up, if one considers that the City refuses to reimburse any damage caused by negligent actions by the 10(b) officer working on an off-duty assignment. That means the customer (not the officer or the S.F.P.D.) is liable for any wrongdoing on the part of the S.F.P.D. 10(b) officer.³² Yet when S.F.P.D. officers

²⁹ Retrieved September 1, 2009 from <http://www.sfoxaminer.com/local/Police-lay-down-the-law-for-private-patrols-47271962.html>

³⁰ See, California Government Code Sections 54950-63 and http://www.sfgov.org/site/sunshine_page.asp?id=34495&mode=text Retrieved September 1, 2009.

³¹ Retrieved September 1, 2009 from http://books.google.com/books?id=eTmjUS7o9y4C&pg=PA38&lpg=PA38&dq=cross+subsidization+antitrust+clayton&source=bl&ots=hpxou5h3NN&sig=qkHyH3XZZJNzQNkzZPqz-k2eJgY&hl=en&ei=AjGYSrFD5J_xBuvshMYB&sa=X&oi=book_result&ct=result&resnum=4#v=onepage&q=cross%20ubsidization%20antitrust%20clayton&f=false

³² In a recent case where a 10(b) officer’s horse killed a San Francisco 49ers fan the lawsuit will be against the 49ers rather than the 10(b) officer or the S.F.P.D. The San Francisco Examiner Reports, “The equestrian officer — a 28-

market their 10(b) services compared to those of the Patrol Special Police, the S.F.P.D. officers have claimed (wrongly so) that liability insurance is provided when indeed it is not.³³ On notable occasion, the S.F.P.D. makes their rates appear competitive to prospective customers by charging businesses less than \$87, yet paying the officer \$87 per hour with the difference coming from the General Fund (i.e., money from taxpayers). For example, instead of charging the San Francisco 49ers football team for five hours of security services (\$87x5=\$435) they will “donate” two hours to the customers and only bill for three hours of service (\$87x3=\$261). They will charge the remaining two hours (\$87x2=184) to the General Fund (i.e., taxpayers).

The \$261 subsidized price for a 10(b) officer now appears competitive with the \$240 full price (\$48x5=\$240) of a Patrol Special Police Officer, but the 10(b) officer is basically receiving a taxpayer-financed subsidy of \$38 per hour so 10(b) officer’s side and after hours business can be “competitive.”

It appears that such sweetheart deals are common today, even though they were first uncovered and well documented in a report from the City and County of San Francisco Budget Analyst. For example, during their period of study in 1995-1996 the San Francisco Police Department provided 8,598 hours for football games and collected \$174,385 even though it costs \$315,350.³⁴ City and County of San Francisco Budget Analyst states, “The Police

year Police Department veteran who had 10 years experience with the mounted unit — was contracted out by the 49ers under The City’s 10B administrative code. That essentially means he was working security for the team. The football franchise will face the lawsuit on its own, clearing The City from any potentially large payouts, according to Matt Dorsey, spokesman for the City Attorney’s Office.” Retrieved October 28, 2009 from <http://www.sfexaminer.com/local/Family-of-trampled-49ers-fan-seeking-millions-63508722.html>

³³ One Patrol Special Police Officer states, “During the last CAD [Castro After Dark coalition] meeting that I attended, I specifically asked Sgt. Chuck Limbert from the S.F.P.D. in front of other members present if the City indemnified the 10B officer if he/she kills someone and is subsequently sued. He said yes!” Personal correspondence with Officer Jane Warner (October 10, 2009).

³⁴ The San Francisco Office of the Budget Analyst pointed this out when they wrote, “In FY 1995-96, the Department collected \$3,112,906 in SLES [Specialized Law Enforcement Services Program] payments (including the 22.6 percent for administrative overhead). However, the Police Department has waived the payment of SLES administrative overhead for several organizations, such as movie production companies, without proper authority. Additionally, none of the SLES administrative overhead payments received by the Police Department have been deposited into the General Fund, as is required under the Administrative Code. These funds have instead been retained by the Police Department in the SLES fund. The Police Department argues that by retaining the overhead payments in the SLES fund, cash flow problems are averted. Based on the total amount of SLES payments received by the S.F.P.D. in FY 1995-96, the amount of overhead retained in the SLES fund could be as much as \$703,517, but is probably less because the Police Department inappropriately waived the overhead charges to some organizations. As described below, the Controller should conduct an audit of the SLES fund to determine the total amount due to the general fund for overhead payments which have been retained by the Police Department.

“Furthermore, even though SLES funds are intended to recover the entire cost of providing police coverage for a particular event, the actual cost of providing police coverage is in many cases higher than the amount collected. For example, each year the Police Department reaches separate agreements with the San Francisco Giants and the San Francisco 49ers regarding the level of police coverage to be provided at each baseball and football game, respectively.

“Under these Memorandums of Understanding (MOU), these two teams are also not required to pay administrative overhead, as is required of other private or non-profit organizations which utilize SLES services. Moreover, each team is only required to pay for police coverage that is provided inside the stadium. Thus, the cost

Department has waived the payment of Special Law Enforcement Services (SLES) administrative overhead for certain organizations without proper authority. Additionally, payments received for SLES administrative overhead do not accrue to the General Fund, as is required under the Administrative Code.”³⁵

Examples such as these are likely just the tip of the iceberg. There is evidence indicating that some officers are able to spend all of their working at time and half pay under 10(b) instead of attending to their regular jobs, and at the same time the S.F.P.D. has to hire officers at overtime to fill the original officers’ hours and duties.

This is not to mention the fact that members of the S.F.P.D. who work in 10(b) assignments do not compensate the taxpayers for use of equipment while working these side jobs. For example, if 33 percent of the total usage of a patrol car is used during 10(b) assignments, proper accounting would mean that 33 percent of the costs associated with that patrol car would be charged to the 10(b) (side work) program. Currently the S.F.P.D. completely ignores these costs it is imposing on the city and taxpayers, often not charging any of the administrative overhead fees at all. The San Francisco Budget Analyst admonished the S.F.P.D. because it “inappropriately waived the overhead charges to some organizations. As described below, the Controller should conduct an audit of the SLES [Special Law Enforcement Services] fund to determine the total amount due to the general fund for overhead payments.”

Since Russo & Reyes v. Willis Casey et al. 15 F.3d 1089 (9th Cir. 1993) it appears that the monopolistic practices of the S.F.P.D. have increased. Any one of the above monopolistic practices would subject a typical enterprise to risk of litigation and certainly regulatory attention if not punishment. But because the S.F.P.D. *is* the law (and they decide how to enforce it with respect to their closest competitor), to date current practices have not been legally challenged, but this oversight can and should change.

4. Estimating Some of the Costs of Regulation and Monopolization

Increased monopolization by the government of policing costs citizens of San Francisco in at least two ways. First, as options to hire private police are reduced, citizens have less protection, and less

of providing police coverage on game days outside the stadium (in parking lots and on nearby streets) is absorbed by the General Fund. In FY 1995-96, the Police Department provided 29,788 hours of police coverage for 97 sporting events at 3 Com Park, including 86 baseball games and 11 football games. The total cost of providing police coverage for these 97 games both inside and outside the stadium was \$1,105,361. Of this amount, only \$340,069 or 31 percent was paid for with SLES funds received from the Giants and the 49ers. This amount represented the cost of SLES services inside the stadium during athletic events. The remaining \$765,292 in expenditures were paid by the General Fund.”

Retrieved September 1, 2009 from http://www.sfgov.org/site/budanalyst_page.asp?id=5192

³⁵ Retrieved September 1, 2009 from http://www.sfgov.org/site/budanalyst_page.asp?id=5192

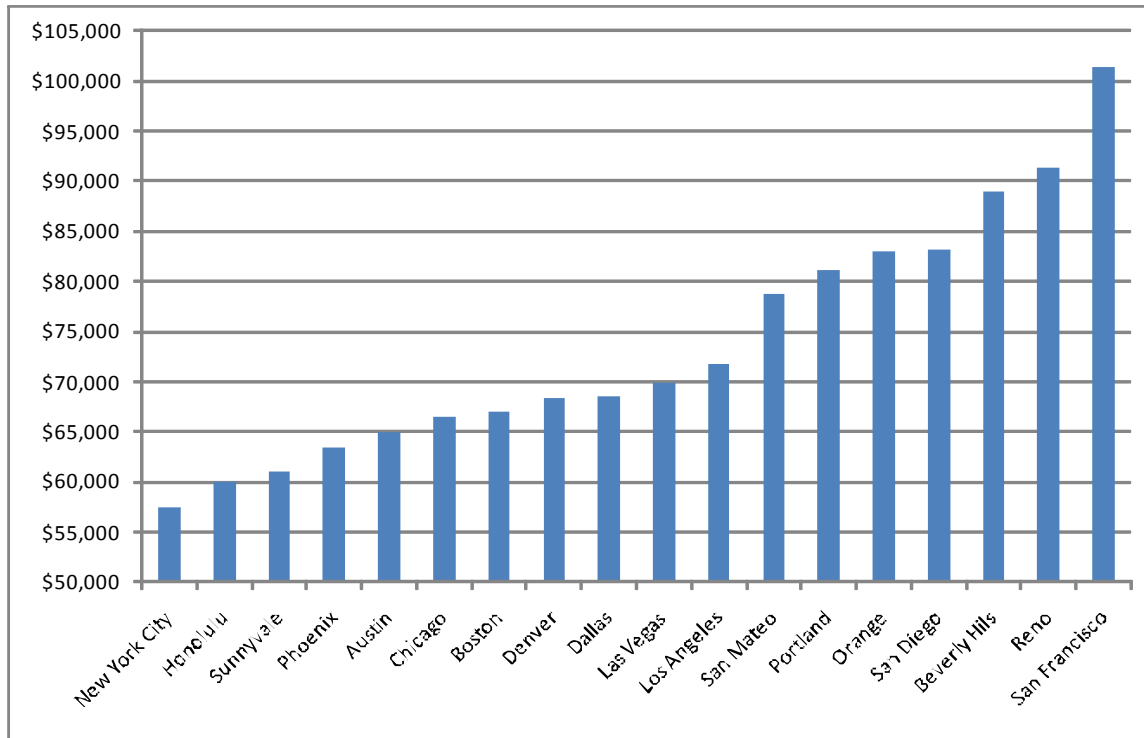
protection can only lead matters in the direction of more crime.³⁶ Second, as people have to rely more on higher cost alternatives for policing, people have to pay for those higher cost services now and in the future. Restricting competition from the Patrol Special Police means San Franciscans will have to spend more on the S.F.P.D., which means they will be able to spend less on other important areas such as housing, food, education, and charitable donations.

Many policing needs and safety circumstances do not require a police officer armed to the hilt, they simply require the presence of someone to check that things are under control and if needed, intervene early and effectively to diffuse a potential larger issue. For example, it does not make sense to use chemotherapy to deal with someone with the common cold, and in the area of policing it does not make sense to have a one size-fits-all solution when different levels of policing services (with different levels of prices) are appropriate for different situations. If the only option for policing services is to pay for the most expensive public police officer, then costs go up and San Franciscans will have less available to spend on everything else.

Police bills already cost San Franciscans more per officer than many other comparison cities and further moves toward monopolization will further exacerbate these costs. Figure 5 shows the 2000 average expenditure per police department employee in San Francisco and other cities.

³⁶ The New York Times reports of the reduction in crime that was caused in an area after the Patrol Special Police were brought in, "There were local muggings, very aggressive panhandling and a problem with the homeless. The presence of a patrol special cleaned up the location." Retrieved September 1, 2009 from <http://www.nytimes.com/1994/10/23/us/dispute-in-san-francisco-over-use-of-special-security-patrols.html> Once that option for protection is eliminated crime can only increase.

Figure 5 Annual Operating Expenditure Per Police Department Employee (2000)

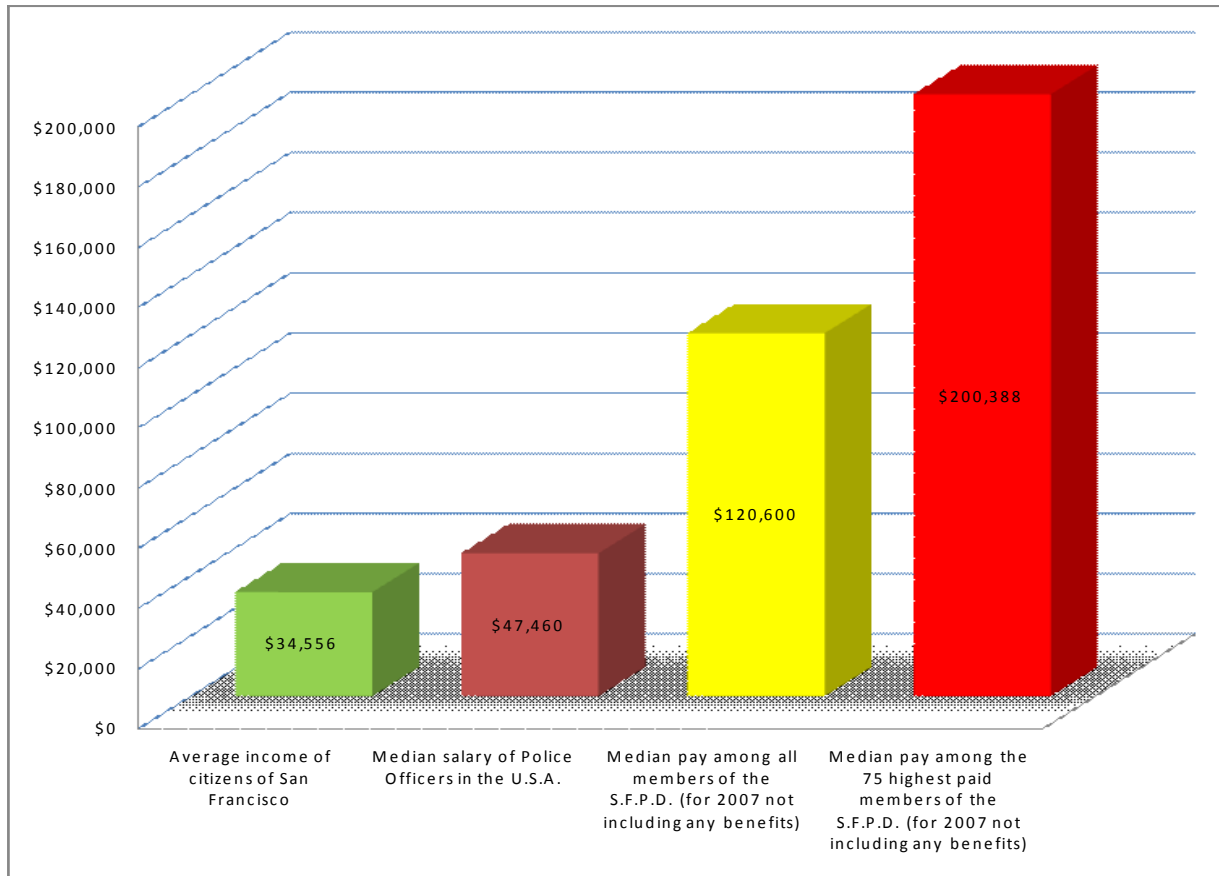


Data are from: <http://www.ojp.usdoj.gov/bjs/pub/pdf/lemas00.pdf>

Although the 2000 salary for an entry level S.F.P.D. officer was \$47,710, which is just over the median salary of police officers in the United States, one has to do some digging to find out what they are actually getting paid since the S.F.P.D. is the only organization known by this author that is allowed to issue their “Annual report” without one single mention of costs.³⁷ By various programs administered by the S.F.P.D., regular officers are augmenting their base civil service salary by a substantial amount, and that amount is far more than the average person might suspect. As of 2007 the S.F.P.D. had 1,784 employees making more than \$100,000 per year and of them 396 were making more than \$150,000 per year. These figures are well above the \$47,460 median salary of police officers in the United States, not to mention the income of the average person in San Francisco. See Figure 6.

³⁷ See their annual report retrieved September 1, 2009 from http://www.sfgov.org/site/uploadedfiles/police/information/annual_report_2007.pdf

Figure 6: How much do S.F.P.D. members make?



Data are from: <http://www.sfgate.com/webdb/sfpay/>, <http://swz.salary.com/salarywizard/>,

Not only do taxpayers pay for the higher cost of monopolized policing today, they are also taking on obligations to pay lifetime pensions for public police after retirement, and to their survivors for the indefinite future. Lifetime pensions are financed from current contributions (i.e. current tax dollars) to the San Francisco Employees' Retirement System (SFERS) and constitute obligations that will be paid by taxpayers for years to come. For example, when former Police Chief Heather Fong retired from the S.F.P.D. in 2009, the 53-year old will now “be pulling down about \$229,500 a year for life”³⁸ (Asian American females live on average about 90 years thus Fong will be likely be receiving well over \$8 million from government coffers *after* she retired.). As of June 2009, 146 retired S.F.P.D. officers are

³⁸Retrieved September 1, 2009 from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/01/BAN017TOP0.DTL#ixzz0Plqt2TF1>

receiving more than \$100,000 per year from San Francisco taxpayers for the rest of their or their survivors' lives³⁹ and the number of expected retirees from the S.F.P.D. in coming years is burgeoning.

Some people claim that S.F.P.D. is permitting its officers to augment their salaries unjustly through programs such as 10(b) and thus their concern with the cost advantages offered by the Patrol Special Police and disadvantages offered by 10(b). *San Francisco Weekly* reports that:

Gary Delagnes, the police union head, vehemently disagrees. 'That's bullshit,' he says. '10(b) is a \$10 million industry in this town. So they've got, what, 30 people vying for 10(b) work? How much can [the Patrol Special Police do]? It's not even an issue.'⁴⁰

But an accurate assessment of the true cost to the taxpayer of permitting S.F.P.D. officers to work off duty on the 10(b) program would include not just current salary earned but also several factors such as higher risk to their clients from failure to provide liability insurance, upcharges for patrol cars and motorcycles, the possibility or probability of overly-tired police officers serving after a normal policing day, and added-on administrative charges, not to mention costs in the future. Since pensions are calculated by taking an officer's highest salary and then multiplying that by 90 percent⁴¹ when officers can boost their highest income base through working in 10(b) assignments they will be paid a higher pension for that for the rest of their lives. For example, *if an officer earning at his regular maximum can work just two extra hours of work per week for one year on 10(b) assignments, he not only will earn an extra \$9,048 for the two hours of work per week for that year, his pension will be increased by \$8,143 per year for the rest of his or his survivors' lives.* With the average S.F.P.D. officer retiring at age 55 (with at least 25 more expected years of pension payouts)⁴² those two hours of extra 10(b) work per week

³⁹Retrieved September 1, 2009 from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/01/BAN017TOP0.DTL#ixzz0Plqt2TF1>

⁴⁰ Retrieved September 1, 2009 from <http://www.sfweekly.com/2008-06-04/news/to-serve-collect/2>

⁴¹ Officers are able to "retire after 30 years on the job and receive retirement money equal to 90 percent of their highest paycheck" Retrieved September 1, 2009 from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/01/BAN017TOP0.DTL>

⁴² Retrieved September 1, 2009 from <http://www.sfgov.org/site/uploadedfiles/sfers/SFERS%20AR%202008.pdf>

translate into well over an additional \$200,000 in lifetime income. Thus, the appropriate calculation for figuring out the true cost of that officer working those hours is not the \$9,048 for 104 hours of work at cost of \$87 per hour, but instead, \$9,048 for 104 hours of work + (0.90 pension rate)x(9,048 the additional salary boost)x(25 number of expected years in retirement)= \$212,628. The true cost for those hours is actually \$2,044.50 per hour (only \$87 of which gets paid now and the remaining bill is paid by future taxpayers).

In 2009, the San Francisco Civil Grand Jury found widespread evidence of what is called pension spiking, the act of earning more in one year as a means of retiring with a pension based on the salary from that year.⁴³ Currently the San Francisco Employees' Retirement System is paying Police Retired Members and Survivor Continuation Benefits more than \$125 million per year, a figure that is not counted in the \$400+ million annual 2009-2010 budget of the S.F.P.D.⁴⁴ This number is likely to grow significantly in coming years given that among all San Francisco public employees "40% of the active employees are currently eligible for retirement and another 15% will be eligible in the next 5 years." The San Francisco Civil Grand Jury states, "This willingness to accept indebtedness into the future is problematic." Their report concludes "The time to payback the pension commitments made over the past 20 years is today, and the City of San Francisco may be unprepared to meet its obligations, without severe cuts in essential services to the residents of the City and the business interests who employ thousands of San Franciscans."⁴⁵ These costs are real and should not be ignored any longer.

5. Conclusion and Recommendations

⁴³ For the complete report on the problems of pension spiking see http://www.sfgov.org/site/uploadedfiles/courts/divisions/Civil_Grand_Jury/Pension_Beyond_Our_Ability_To_Pay_Final.pdf and http://www.sfgov.org/site/courts_page.asp?id=3680 Retrieved September 1, 2009.

⁴⁴ Retrieved September 1, 2009 from <http://www.sfgov.org/site/uploadedfiles/sfers/SFERS%20AR%202008.pdf>, p.39

⁴⁵ Retrieved September 1, 2009 from http://www.sfgov.org/site/courts_page.asp?id=3680

The Patrol Special Police provide services and protection that the San Francisco Police Department does not offer. The Patrol Special Police provide services and protection focused and delivered in an entirely different way than the San Francisco Police Department. Services are proactive rather than reactive. Patrol Special Police Officers also focus on narrow and thus, easily serviced geographic neighborhoods where they build long-term relationships and become trusted members of the community. Patrol Special Police Officers are responsive to their clients and to other neighborhood needs from initiation of the service contract. They have an incentive to listen carefully to client opinions and priorities, and flexibly change service components as desired and advisable. They can only stay in business if their clients are satisfied.

They also have an incentive to respond quickly, usually before an S.F.P.D. officer can respond, and they are known for handling service calls for both quality of life as well as for serious safety matters when the S.F.P.D. chooses not to respond at all. People surveyed about the Patrol Special Police indicated an overwhelming support for their contribution to San Francisco. People surveyed have less faith in relying on the S.F.P.D. to meet all of their security needs. Nevertheless, certain members of the S.F.P.D. have viewed the Patrol Special Police as competition and have enacted numerous barriers attempting to restrict their business. There is almost definitely a conflict of interest here.

Immediate reforms should include the following:

- (1) An audit should be conducted of the 10(b) program, including surveying the precise effect on pension spiking, and how to eliminate cross subsidization of 10(b) work with taxpayer funds. Taxpayers should not have to pay to subsidize work for police who want to have side jobs.
- (2) Regulations that obviously are used to restrict competition and regulations with dubious public safety rationale (such as regulation of uniform color and making

Patrol Special Police turn over information about private contracts) should be eliminated.

- (3) Certain program administration changes are needed, including setting time limits for processing Patrol Special Police applications. The S.F.P.D. should not have the authority to inexplicably delay applications for months or years on end, or even lose them, and thus effectively prevent the Patrol Special Police from hiring additional employees. All evidence suggests that the S.F.P.D. has been acting monopolistically at the expense of the general public to make it more difficult to get willing and able Patrol Special Police officers on the streets to serve the needs of their clients, and affirmatively market their services to potential clients who could benefit.

Yet there are some positive signs. A 2008 news article reports, “After months of quiet deliberation, a more patrol-special-friendly Police Commission, which has shown flashes of impatience with the S.F.P.D.’s handling of the patrol program, has announced plans to revamp the rules, perhaps even yanking the S.F.P.D.’s gatekeeper role entirely.”⁴⁶ Shifting back to the policy regime that San Francisco had for its first century and a half would be a move in the right direction.

The city has the opportunity to rely more on a neighborhood police resource that is desired and appreciated by their clients, a resource that comes at no real cost to taxpayers and the city. In the client survey question that asked on a scale of 1 to 10, “How satisfied are you with your Patrol Special Police Officer today?” the median response was 9 out of 10 with the most popular response being 10 out of 10. In addition, people want more safety, but right now regulations, rules, and administrative practices make it excessively difficult for the Patrol Special Police to be able to hire additional people and answer the need. The Patrol Special Police provide an opportunity that is available now, that is desirable,

⁴⁶ Retrieved September 1, 2009 from <http://www.sfweekly.com/2008-06-04/news/to-serve-collect/>

accountable to the citizens, customer-service oriented, and community oriented. San Francisco has the opportunity of “putting extra cops on the street and costing the city treasury next to nothing.”⁴⁷ The Patrol Special Police should be supported, encouraged, and assisted to publicize their policing force as a viable safety option that can be relied on now and in the future to make San Francisco a safer and more desirable place to live and work.

⁴⁷Retrieved September 1, 2009 from <http://www.sfwkly.com/1995-04-19/news/cops-vs-cops/5>

Appendix: Survey Responses⁴⁸

Respondent	What does your Patrol Special Police Officer do for you?
1	Comes in and asks if all is well and to check for any incidents
2	Responds to front desk for help with inebriated, raucous, trouble guests. Ejections; Undesirable persons not guests of property
3	Rounds, exterior and interior nights and weekends
4	Increases neighborhood security in general
5	Enhanced security. First responder to any alarm calls, quickest response when needing help.
6	Patrols the shopping district
7	He patrols our neighborhood
8	Answers my calls and shows up to check on us
9	[Officer] patrols [our] neighborhood
10	Communicates, patrols, diffuses problems, is a neighborhood asset
11	Officers assistant in potential disastrous situations
12	Checks in during evening hours, on call for rowdy customers
13	Checks doors and locks, evicts transients on street
14	Patrol my streets. Helps prevent petty crime
15	(1) Street patrols five days/week in neighborhood (2) Safety advise to all.
16	I have no idea
17	<i>Visita la zona a pie, nos pregunta si todo va bien, se comunica con nuestros empleados de cualquier event que suceda in el vecindano</i>
18	
19	Helps to represent our neighborhood by maintaining a congenial presence and hopefully show that we value the safety and friendliness of our neighborhood.
20	Provides safety
21	Patrols
22	Patrols the business area of our neighborhood
23	Respond to all emergency calls and non-emergency calls. Offer information on the neighborhood and provide safety
24	Drive by, stops in
25	
26	Patrol neighborhood, get to know who belongs and who doesn't, keep an eye on trouble-makers, prevent loitering
27	The officer primarily works in the business district, so residents feel safer while shopping, banking, waiting for public transportation.
28	Comes in to check that there is no disorderly conduct
29	

⁴⁸ Answers are reprinted in full except when individual persons or locations were mentioned in which case brackets such as “[Officer]” are included to preserve anonymity.

- 30 Checks buildings between 10p-5a to make sure doors are locked an no vagrants
- 31 Protection
- 32 Patrols [neighborhood]
- 33 Insures safety of staff
- 34 Provide a police presence in the community
- 35 Patrol [neighborhood]
- 36 Checks property for homeless squatters
- 37 Patrols 5pm to 9pm most day of the week on foot
- 38 Much more available when incidents happen
- 39 Additional safety and quicker response
- 40 After hour protection
- 41 Walks area during high crime occurrence
- 42
- 43 Patrol area
- 44 (1) Routine security patrols, 7 nights a week; 9pm-5am (2) Responds to calls of disturbances
- 45 Support for nightshift 9pm-5am. Deals with noise complaints, trespassers, inebriates, etc.
- 46 Daily check in
- 47
- 48 Apparently does some community watching/patrolling
- 49 Ensure entry is locked at close, verify no one is inside, help with homeless or other business nuisances. A watchful eye since we are a self service facility.
- 50 Daily patrol and check in
- 51 Walks neighborhood
- 52 Foot patrol of streets
- 53 They come to check everything is okay. They are right there when required to answer question or solve a problem.
- 54
- 55 More frequent drive-bys in neighborhood
- 56 Provide neighborhood police presence
- 57 Drive by seven days per week dusk to dawn
- 58 He is present in [neighborhood]
- 59 Patrol my area and when I have called them they came within minutes
- 60 Walk area. Provide presence
- 61 Gives me an extra sense of safety and peace of mind
- 62 For the Community Benefit District Thanksgiving through New Year's Day
- 63 Sense of security; official presence in town

- Respondent **Why did you hire a Patrol Special Police officer?**
- 1
 - 2 Supplemental security
 - 3 Reputation
 - 4 Increases neighborhood security in general. No specific or direct benefits to me as a homeowner
 - 5 Slow response time by SFPD
 - 6 Safety
 - 7 Increased crime in neighborhood
 - 8 Community and support of our needs
 - 9 Recent violent crime activity in [neighborhood]. Neighborhood patrol service.
 - 10 Good business sense - Protect my customers and neighborhood
 - 11 " "
 - 12
 - 13 " "
 - 14 Surge of crime in neighborhood
 - 15 August 08 we had a horrific attack just 6 doors down on local market owner, followed by increase in attacks and property crimes. The SFPD disappeared after flooding the neighborhood and I did not feel safe with the increase in crime. I remembered the Patrol Specials! I refuse to let my neighborhood go in the direction of same in San Francisco which have outright gang warfare. We needed to stop the increase in crime early and concentrate on prevention.
 - 16 To support the [neighborhood]
 - 17 *La zona era altamente peligrosa - venta de estupefacientes*
 - 18
 - 19 Concerned with crimes occurring in our neighborhood
 - 20 Most of the time they are in the neighborhood. They respond faster than 911.
 - 21 Neighborhood was becoming less safe
 - 22 There had been a series of violent crimes in the neighborhood. The police response seemed inadequate.
 - 23 I firmly believe community policing is absolutely necessary in a tourist and nightlife area. Officers become familiar with the businesses and potential problems
 - 24 To promote neighborhood safety
 - 25
 - 26 Increase in mugging in neighborhood was worrisome, and police officers don't spend enough time in our part of the neighborhood
 - 27 Crime has been rising in the neighborhood. Residents wanted to protect themselves.
 - 28
 - 29
 - 30 For security reasons
 - 31 Security

- 32 Rash of petty crime and violence
- 33 Problem clients, community support and safety
- 34 To support the [neighborhood]'s need for security and protection
- 35 Safety
- 36 Was having a problem with homeless and was tired of cleaning up after them
- 37 Escalating crime in neighborhood
- 38 Visibility is key
- 39 Additional safety and quicker response
- 40 Good price
- 41 High crime rate
- 42 To hopefully make the neighborhood safer
- 43 Community safety
- 44 (1) High quality of services offered (2) Responsiveness (3) Value!
- 45 Helps with above, "Deals with noise complaints, trespassers, inebriates, etc."
- 46 Violent crime incident involving fellow merchant
- 47
- 48 Did not hire directly. Only contribute to a community effort to be supportive. Wouldn't do it for myself.
- 49 See above "Ensure entry is locked at close, verify no one is inside, help with homeless or other business nuisances. A watchful eye since we are a self service facility."
- 50 Faster service, personal touch
- 51
- 52
- 53 Security
- 54 Community solidarity
- 55 For a safer neighborhood
- 56 Interest in providing a safer neighborhood
- 57 Was in place when we got building
- 58 I am part of the [neighborhood] group made up of several businesses and individuals. We felt due to several crimes in our neighborhood a patrol officer was needed
- 59 Because of the area of my business
- 60 Attack and robbery of corner store in neighborhood
- 61 Frustrated by increased crime and lack of S.F. Police presence
- 62 Protect our clients and customers
- 63 There were some crimes as of late the town is also a thoroughfare (Bart and Muni)

Why did you not simply rely on the local S.F. Police Department to meet your safety needs?

Respondent

- 1
- 2 PSP more responsive, familial with personnel and security issues and situations here
- 3 Need extra services
- 4 Insufficient neighborhood patrol
- 5 Slow or delayed response, that it was not effective
- 6 Police cannot supply seven day a week beat officers
- 7 Because there is less patrol in our neighborhood. Secondary to demands in other areas of the city.
- 8
- 9 We didn't feel like we had a consistent police presence in neighborhood
- 10 They scare me - Trust issues
- 11 They take too long to arrive
- 12 PSP offers faster service and are known in the community
- 13
- 14 Too stretched thin
- 15 They have to service too wide an area and do undercover work. They were never/rarely in evidence on streets. 96-98 I saw SFPD stroll by my retail shop 2-3 times only!!
- 16 More is better
- 17
- 18
- 19 Wasn't working; I feel that with the BART station coming soon (people and going to work), and the freeway exists and entrances make our neighborhood more of a target
- 20 It take them long time to respond and we need somebody to be in the neighborhood
- 21 Not sufficient coverage
- 22 Their budget and staffing constraints did not allow them to respond to our needs in a completely satisfactory way
- 23 When I first bought my first 24 hour café in 1972 - S.F.P.D. was very homophobic and non responsive. They are better now, but still think Patrol Special is a huge benefit for the area
- 24 Crime was increasing in [our] neighborhood
- 25
- 26 I think can work together with PSP officers and that their focus is and should be different. I think of my PSP officer as proactive law enforcement, not reactive
- 27 The SFPD has institutionalized problems. They have been largely ineffective and permit a culture of passivity and "paperwork avoidance."
- 28 They're too busy to respond to minor altercations
- 29
- 30 Because they don't patrol often enough plus they don't check doors/windows
- 31

- 32 That's a joke right? I have little confidence in S.F.P.D.
- 33 Not local or quick enough for small problems
- 34 Support a more direct community need for additional security
- 35 Better to have recognizable person in neighborhood
- 36 Not as responsive
- 37 [Neighborhood] has had a horrific increase in crime (some of it violent)--much of it literally outside my family's home and the S.F.P.D. was unable to handle al of it
- 38 S.F.P.D. will sometimes not consider shoplifting very important
- 39 Patrol Special Police more visible and available
- 40 Too expensive; not dependable
- 41 There is not enough officers employed and retired officers double the cost
- 42 Feel we need additional safety measures
- 43 Not sufficient
- 44 Services and attention simply not available from S.F.P.D.
- 45 Response too slow
- 46 I would prefer to do this and feel the \$48K in city taxes/fees paid last year by my business should cover adequate police protection
- 47
- 48 Apparently funding/staffing issues for regular presence
- 49 Police don't have time to help with nuisance type problems- homeless, loitering, etc.
- 50 Not as familiar with local issues
- 51
- 52 Concern about limited resources
- 53 I believe when people see an electronic device they have to think twice before they see something
- 54
- 55 Not enough resources; California is broke
- 56
- 57 Wanted day time security
- 58 I felt there just weren't enough police available for our area. Also I felt we needed someone on foot patrol
- 59 In the past they have taken more time to get to my business
- 60 Insufficient police presence for regular S.F. Police Department to deter crime
- 61 Too much crime, not enough S.F. Police action
- 62 We want more than one beat cop but they have pulled them, restored them, and pulled them. It's political.
- 63