



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

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## Private Policing in San Francisco

### Abstract:

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

***If it's not a core function, perhaps we should no longer do it.***

—Ken Bukowski, chief financial officer, San Francisco Police Department<sup>1</sup>

***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 Commission<sup>2</sup>

***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 Department<sup>3</sup>

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

<sup>2</sup> Retrieved September 1, 2009 from [http://www.sfexaminer.com/local/Extra\\_force\\_may\\_be\\_on\\_its\\_way\\_out.html](http://www.sfexaminer.com/local/Extra_force_may_be_on_its_way_out.html).

<sup>3</sup> 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 as to whether continuing (and increasing) police department budget levels compared to previous years is actually sustainable in the long run.<sup>4</sup> Budget cuts have yet to be made, but some people worry that possible future layoffs or attrition may include up to 325 officers in the San Francisco Police Department (SFPD), leading many to ask who will keep San Francisco safe.<sup>5</sup> 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 have pointed out that community safety is provided by numerous factors. Jacobs highlighted that having many “eyes on the street” (multiple people observing the activities 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 nongovernmental organizations and private police groups have played and are playing an increasingly important role in providing safety.<sup>6</sup>

This paper provides an analysis of one of the longest established private police groups in America, the San Francisco Patrol Special Police (PSP). The PSP are a collection of independent companies that the city charter authorizes to patrol different neighborhoods or “beats” in San Francisco at the request of private clients. The PSP date back to the days of the Gold Rush and were incorporated

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<sup>4</sup> 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>.

<sup>5</sup> 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\\_departmenten.php](http://blogs.sfweekly.com/thesnitch/2009/06/heads_of_fire_police_departmenten.php).

<sup>6</sup> Jenkins, Morris. 2006. Gullah Island Dispute Resolution: An Example of Afrocentric Restorative Justice. *Journal of Black Studies*, 37 (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.

in the San Francisco City Charter in 1856.<sup>7</sup> Today the PSP 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 PSP provide a wide variety of security services and activities, including patrolling streets; standing guard at or patrolling 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 PSP are not just stationary property guards at one location; by municipal 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 PSP officers affirmatively assist anyone in need, and they 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 PSP 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 elements of their structure and nature of service render them unique in the United States, including the particular effectiveness of their model of delivering policing services. Professor James Pastor writes that the PSP have “what may be the most unique private policing arrangement in America.”<sup>8</sup> However, many people are unaware of how the PSP are funded and how many and whom they serve. In economic terms, the

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<sup>7</sup> 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 Heather Cassel, who is writing a history of the Patrol Special Police.

<sup>8</sup> Pastor, James. 2009. *Terrorism and Public Safety Policing: Implications for the Obama Presidency*. CRC Press, p 251. **[[AU: Please provide publisher’s location.]]**

PSP provide a service that would be classified as a public good. Their services, which private clients pay for, provide 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 PSP 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. PSP services are consumer defined and consumer driven, and officers provide services to those whom the San Francisco Police Department (SFPD) does not always have the time or resources to serve. The PSP become profitable and remain in business solely by virtue of their success in serving and satisfying their clients in making the community safer.

Yet despite these evident benefits, the PSP face some challenging political and regulatory obstacles. In the early 1990s certain members of the San Francisco Police Union noticed that the PSP 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 SFPD from working more than twenty hours of voluntary overtime per week, officers found or invented a workaround in what is known as the 10(b) program.<sup>9</sup>

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<sup>9</sup> *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 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.

SFPD officers may exceed overtime 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.”<sup>10</sup> If the administering SFPD could convince existing PSP clients to hire SFPD officers instead through their 10(b) overtime program, then these SFPD officers could boost their salaries and also the base rate upon which their pensions would be calculated.

Hourly rates the SFPD billed under the 10(b) program are nearly double the PSP’s rates. Today an off-duty SFPD officer bills roughly \$87 per hour, with an up charge (extra fee) 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 PSP officer, including his or her patrol car, can be hired for roughly \$48 per hour. Although hiring an SFPD officer through 10(b) is typically uneconomical for those paying the bills when compared to the PSP rate, it provides tremendous benefits to the officers being hired, so members of the SFPD have used various means to make sure that they get hired. These tactics have led to various lawsuits alleging that the SFPD is violating antitrust laws for acting monopolistically. For example, the police commissioner has delegated broad and virtually uncircumscribed authority to the SFPD to administer the PSP program, including screening applicants. Without any time limits set by rule or regulation, the SFPD has exercised this authority to delay for months or years on end, or in some cases even lose, applications. The SFPD has also cross subsidized the 10(b) program with general funds so that SFPD officers can offer rates that appear to be competitive with those charged by the PSP. Not only must the hourly rate 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 PSP officer who

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‘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>.

<sup>10</sup> Retrieved September 1, 2009, from [http://www.sfgov.org/site/courts\\_page.asp?id=3731](http://www.sfgov.org/site/courts_page.asp?id=3731).

never works overtime, but always serves fresh on regular assignment. These and other allegations will be discussed in more detail later, but one fact that remains indisputable is that since the number and extent of regulations governing the PSP started increasing in the 1990s, the number of PSP officers has decreased from more than 200 to about 40 or so today.<sup>11</sup>

Several potential hypotheses exist about why increased numbers of regulations are being promulgated to restrict the PSP concerning an increased range of behaviors or topics. One hypothesis is that members of the SFPD are acting in its capacity to maximize the public good. A second hypothesis is that members of the SFPD 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.

Evidence indicates that the PSP play an important role in providing safety that citizens cannot obtain if they have to rely on the safety services of the SFPD. This report provides an analysis of the PSP's role 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.

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

## 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 (PSP), if they even know about the existence of this police force at all. However, anyone who has gone to or near hundreds of individual businesses and merchant associations, not-for-profit and homeowners' organizations, or individual residents who hire the PSP has had an indirect relationship with these officers. To help collect baseline client opinions about the PSP, a printed survey was delivered, primarily by hand, to a total of 146 clients.<sup>12</sup> The 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 sixty-three 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 that asked respondents to write replies. The questions were designed to be non-leading and to enable comparison of the PSP's performance with that of the public police. The complete survey is included in Appendix A, and a summary of the results is provided in Appendix B.

Answers to questions about why clients pay to hire the PSP rather than simply rely on taxpayer-financed "free" public police were particularly informative, thus all responses are included in the appendix. 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 PSP fill needs that are not met by the SFPD. The PSP 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.

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<sup>12</sup> The survey was given in printed form and handed out in person (or in some cases dropped in the mail) along with a \$2 bill, which is a common way of inducing a higher response rate. See Rizzo, Louis, Inho Park, Bradford Hesse, and Gordon Willis. "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](http://www.allacademic.com/meta/p116055_index.html).



The results can be summarized as:

1. The PSP provide services that members of the SFPD do not provide.
2. The SFPD does not respond quickly to many types of calls whereas the PSP does.
3. Crime is viewed as a problem, and the PSP are seen as a proactive rather than a reactive solution to that problem.
4. Most responses indicate that the SFPD 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?” (see 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?” (see Figure 3). This contrasts starkly with the perception of the SFPD, where only 47 percent of respondents answered “Yes” when asked, “Do you feel your opinion makes a difference in what the SFPD does?” (see Figure 2). These responses indicate that people feel that the PSP are more responsive to their needs than are the SFPD.

Figure 1. Does your Patrol Special Police officer make your neighborhood a more friendly and safe place?



Figure 2. Do you feel your opinion makes a difference in what the SFPD does?

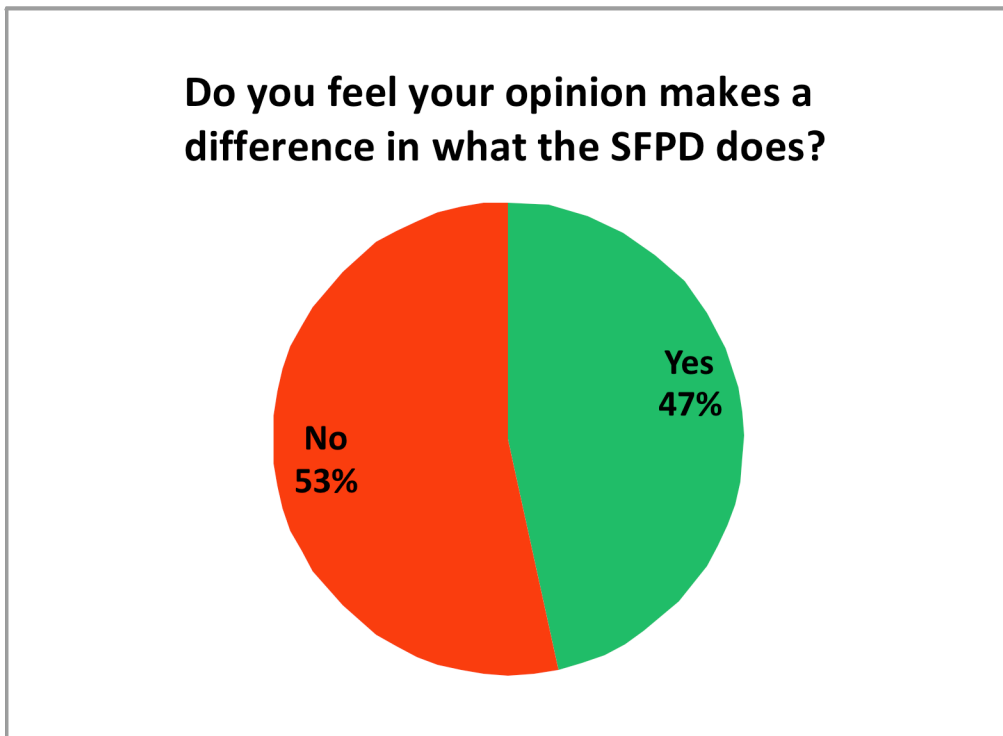


Figure 3. Do you feel your opinion makes a difference in what your Patrol Special Officer does?

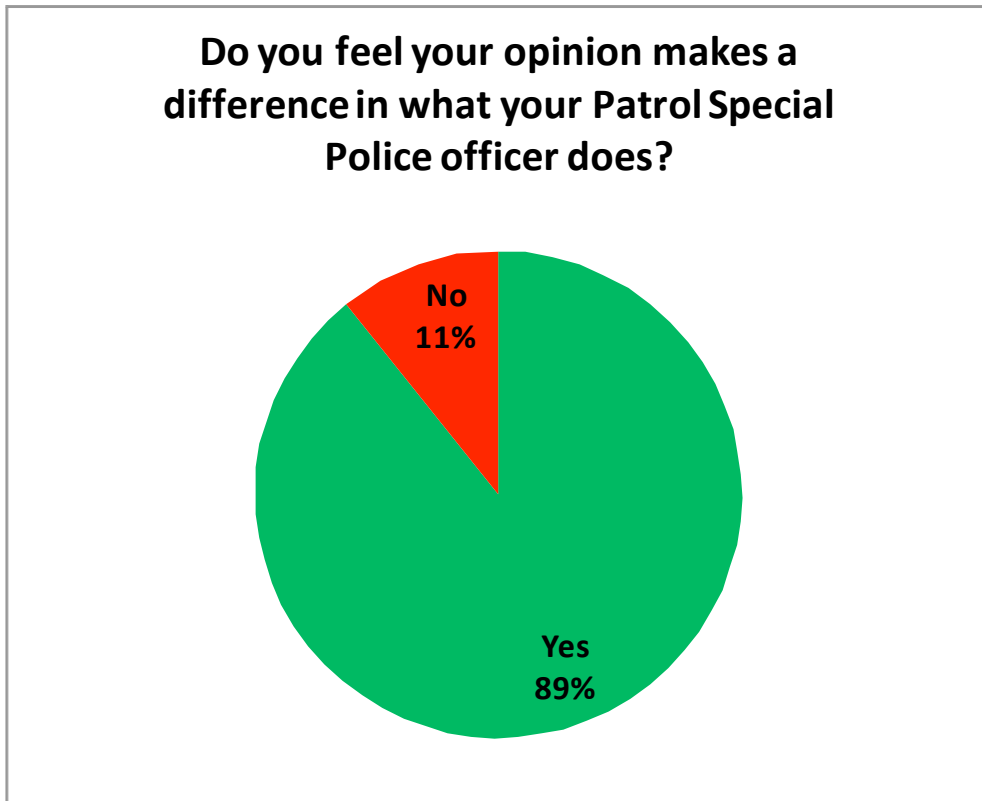
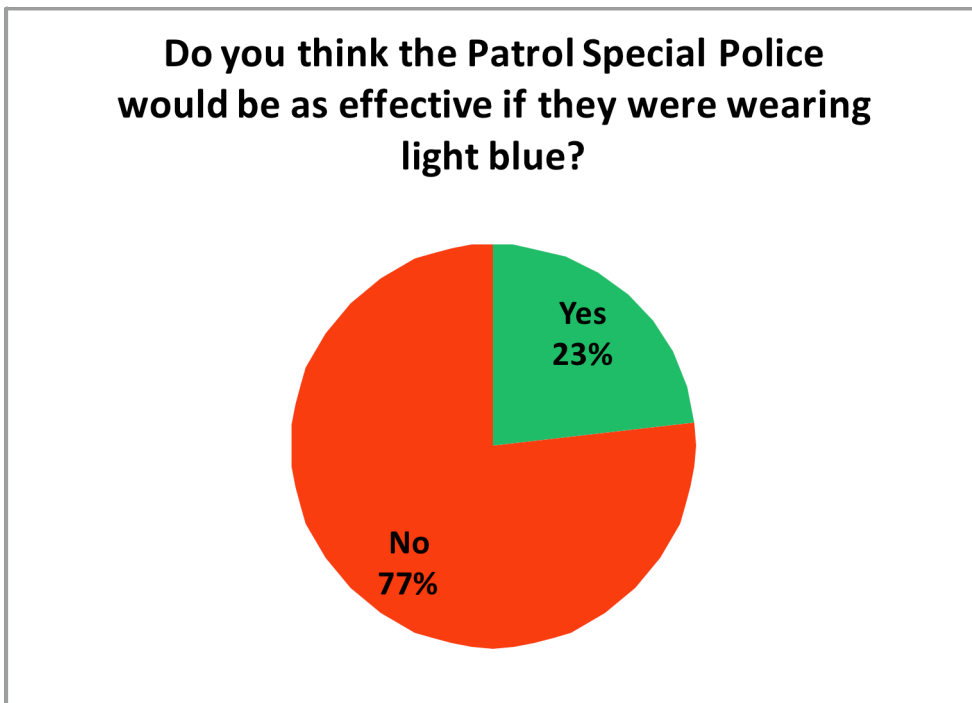


Figure 4. Do you think the Patrol Special Police would be as effective if they were wearing light blue?



Other questions asked about various regulations, such as “Do you think they would be as effective if they were wearing light blue?”; 77 percent of respondents answered “No” (see Figure 4). Clients perceive this regulation as less concerned with safety and more concerned with handicapping the PSP. In answering this question, many clients expressed or indicated that forcing PSP officers 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 like an invasion of privacy that isn’t necessary for my security or the police commission’s ability to do their job” (respondent number 26), “I would like anonymity” (number 34), “Personal information I choose to release” (number 40), “My contract is with the PSP. The commission has never approached me for opinion or help; I doubt it even knows our problems” (number 6), “I do not understand the reason or purpose for it” (number 23), “Because my financial records are no one’s business! I know of no reason they need this info since an officer’s illegal behavior if any can be prosecuted under existing criminal laws” (number 19).

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

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<sup>13</sup> 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.

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

reporter or any citation of client complaints regarding unlawful behavior by the PSP. In fact, all evidence indicates that the PSP are providing services to make the community safer.

### **3. Regulations to Promote Safety or Restrict Competition**

Many academic writers believe that governmental regulations are only implemented to protect the public. Nobel prize-winning economist George Stigler, however, pointed out that many governmental 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 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 telecommunications 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 (PSP) and the San Francisco Police Department (SFPD) have coexisted for the past 160 years. Over time, however, the SFPD has gradually expanded its publicized or intended role into areas historically provided by the PSP. The SFPD'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 PSP service. Accompanying the SFPD's expanded role and reach has been an increasing number of regulations on new areas of behavior and requirements for the PSP. One must investigate whether these regulations

are consistent with the hypothesis that “regulations are always benevolent,” or whether they are consistent with 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 the SFPD are interpreting and administering several regulations 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.<sup>15</sup> 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.<sup>16</sup> 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).]<sup>17</sup>

The California Unfair Competition Law (Business and 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 SFPD if they are classified as an organization or persons).<sup>18</sup> In the case *Russo & Reyes v. Willis Casey et al.*, 15 F.3d 1089 (9th Cir. 1993), two PSP officers (Russo and Reyes) alleged that the San Francisco 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

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

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

<sup>17</sup> Rubins, Noah, and N. Stephan Kinsella. 2005. *International Investment, Political Risk and Dispute Resolution: A Practitioner’s Guide*. Dobbs Ferry, New York: Oceana Publications, pp. 141, 145.

<sup>18</sup> 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>.

reached.<sup>19</sup> 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.”<sup>20</sup>

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 PSP’s long-held powers, specifically taking away their peace officer powers of arrest and reducing that power to a citizen’s power to arrest only, and removing the PSP from civil service employment status. At the same time, members of the SFPD began encouraging businesses to hire off-duty police officers (and also private patrol operator companies allegedly owned by some SFPD family members).<sup>21</sup> It has been reported that members of the SFPD have threatened businesses, saying their business will receive no protection if they hire PSP officers rather than off-duty members of the SFPD.<sup>22</sup> As recently as September 2009, similar information came to light when owners of several entertainment businesses located in the Castro district reportedly feared retaliation by city licensing agencies if they failed to follow the lead of the Community Business District, where the executive leadership had been pressing for additional security to be provided solely by the 10(b) program.

The law currently prohibits members of the SFPD from accruing more than 20 hours of overtime per week,<sup>23</sup> 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 that regular SFPD officers can work after hours and off duty in the 10(b) program, the higher their take-home pay. Furthermore, SFPD officers’ pensions are calculated based on the salary of their highest year of salary, adding on 10(b) spikes to the base from

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

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

<sup>21</sup> 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>.

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

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

which lifelong pensions are calculated. For these reasons, any area in the marketplace where SFPD officers can solicit private clients and “compete” with the PSP provides an area ripe for great contention. If SFPD officers cannot compete with the PSP on a level playing field, then it becomes advantageous for them to handicap competitors via regulating the PSP program’s ad hoc administrative rules and practices. Regulations and tactics that appear to be restricting competition include:

- a. The SFPD has authority to delay and prevent the PSP from hiring personnel. Although the PSP are private businesses hired according to consumer demand, current regulations enable the SFPD to restrict the supply. The PSP 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.<sup>24</sup> In 2008 the SFPD admitted that Police Chief Heather Fong had only approved five of the twenty-seven applicants in the past three years. Effective restriction of competition also arises from the SFPD 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 program administrator 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 seventeen such applications were pending. Such tactics and lack of follow-up amelioration from the police commission or police chief obviously discourage potential applicants and prevent the PSP 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 PSP 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 at the Castro Street Halloween Festival. This practice of placing hiring approval in the hands of the SFPD without any apparent limits is the equivalent of giving General Motors the authority to decide whom Toyota gets to hire.

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<sup>24</sup> 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/>.



- b. There are allegations that the SFPD creates a hostile environment for many members of the PSP.<sup>25</sup> For example, certain district captains call PSP officers off their beat while they are on duty, requesting that they go to district stations for various inspections. Starting after the present set of interim regulations was adopted in December 2008, various district captains have called 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 officer’s pants and an epaulette across the jacket shoulder. From allegedly being called “fake cop”<sup>26</sup> 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 SFPD 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.”<sup>27</sup>
- c. The SFPD has taken to regulating everything for the PSP, including the color of their uniforms and specific use of striping on it. One reporter calls the color “decidedly un-coppish light-blue outfits.”<sup>28</sup> One former PSP officer stated, “You’re making us better targets.” Seventy-seven percent of PSP clients who were surveyed believed that the PSP would be less effective if they were forced to wear light blue.
- d. The regulatory environment under which the PSP are operating is constantly changing, yet the PSP are often not fully advised about the existence or meaning of vague or ambiguous and ad hoc inconsistent interpretations of regulations. This leads to confusion, unnecessary questions from the SFPD liaison staff, and waste of foot-patrol time for PSP 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 other officers operate in exactly the same fashion.
- e. According to a new regulation passed in December 2008, the SFPD is demanding that the PSP turn over not only the names of clients on their beats 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.”<sup>29</sup> One could interpret this regulation as being implemented in the name of safety. Conversely one could view this as an attempt by the SFPD 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 about this new regulation possibly being enforced.

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

<sup>26</sup> 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/>.

<sup>27</sup> Retrieved September 1, 2009, from [http://www.sfexaminer.com/local/San\\_Francisco\\_Patrol\\_Specials\\_on\\_the\\_firing\\_line.html](http://www.sfexaminer.com/local/San_Francisco_Patrol_Specials_on_the_firing_line.html).

<sup>28</sup> 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>.

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

Some specifically voiced obvious privacy concerns, given that all information turned over to the 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.<sup>30</sup>

- f. Using money from the city's general fund and other tax resources, the SFPD subsidizes officers working in the 10(b) program, so they can offer rates that are competitive with the PSP. 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."<sup>31</sup> 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 an additional 22 percent administrative up charge 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 PSP officers. In addition, the 10(b) program's indirect cost to the client goes up if one considers that the city refuses to reimburse any damage caused by a 10(b) officer's negligent actions while working on an off-duty assignment. That means the customer (not the officer or the SFPD) is liable for any wrongdoing on the part of the SFPD 10(b) officer.<sup>32</sup> Yet when SFPD officers market their 10(b) services compared to those of the PSP, the SFPD officers have claimed (wrongly so) that liability insurance is provided when indeed it is not.<sup>33</sup> On notable occasion, the SFPD makes their rates appear competitive to prospective customers by charging businesses less than \$87, then paying the officer \$87 per hour with the difference coming from the city's general fund (i.e., money from taxpayers). For example, instead of charging the San Francisco 49ers football team for five hours of security services ( $\$87 \times 5 = \$435$ ), they will "donate" two hours to the customers and only bill for three hours of service ( $\$87 \times 3 = \$261$ ). Then they will charge the remaining two hours ( $\$87 \times 2 = 184$ ) to the general fund (i.e., taxpayers).

The \$261 subsidized price for a 10(b) officer now appears competitive with the \$240 full price ( $\$48 \times 5 = \$240$ ) charged by a PSP officer, but the 10(b) officer is basically receiving a taxpayer-financed subsidy of \$38 per hour so the 10(b) officer's side and after-hours business can be "competitive."

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<sup>30</sup> See California Government Code Sections 54950–63 and [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495&mode=text](http://www.sfgov.org/site/sunshine_page.asp?id=34495&mode=text). Retrieved September 1, 2009.

<sup>31</sup> 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](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).

<sup>32</sup> 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 SFPD. The *San Francisco Examiner* reports, "The equestrian officer—a 28-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>.

<sup>33</sup> One San Francisco 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 gets sued. He said yes!" Personal correspondence with Officer Jane Warner (October 10, 2009).

It appears that such sweetheart deals are common today, even though they were first uncovered and well documented in a report from the San Francisco Board of Supervisors' 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 cost \$315,350.<sup>34</sup> The budget analyst states, "The Police 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."<sup>35</sup>

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 work at time-and-a-half pay under 10(b) instead of attending to their regular jobs, while the SFPD 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 SFPD 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 a patrol car's total usage is 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 SFPD completely ignores these costs it is imposing on the city and taxpayers, often not charging any of the administrative overhead fees at all. San Francisco's budget analyst admonished the SFPD because it "inappropriately

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<sup>34</sup> 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 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](http://www.sfgov.org/site/budanalyst_page.asp?id=5192).

<sup>35</sup> Retrieved September 1, 2009, from [http://www.sfgov.org/site/budanalyst\\_page.asp?id=5192](http://www.sfgov.org/site/budanalyst_page.asp?id=5192).

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 SFPD’s monopolistic practices 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 SFPD *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 government monopolization of policing costs the citizens of San Francisco in at least two ways. First, as options to hire private police are reduced, citizens have less protection, and less protection can only lead matters in the direction of more crime.<sup>36</sup> 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 San Francisco Patrol Special Police (PSP) means San Franciscans will have to spend more on the SFPD, 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

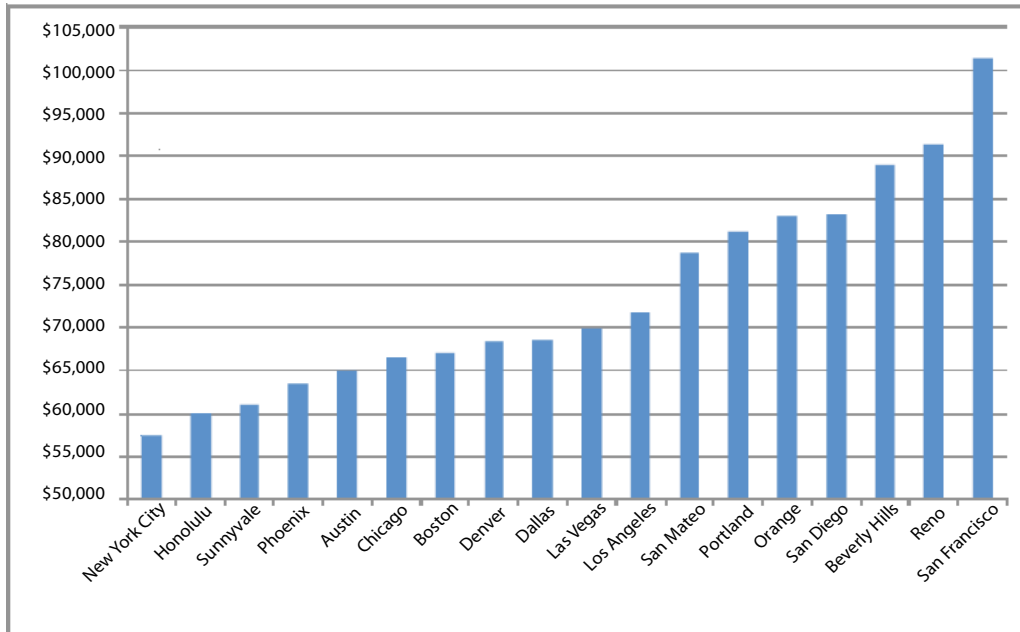
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<sup>36</sup> The *New York Times* reports crime was reduced in an area after the PSP were brought in, "There were local muggings, very aggressive panhandling and a problem with the homeless. The presence of a patrol special cleaned up the location." 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.

make sense to have a one-size-fits-all solution when different levels of policing services (with different price levels) 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 money available to spend on everything else.

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

Figure 5. Annual operating expenditure per police department employee (2000).

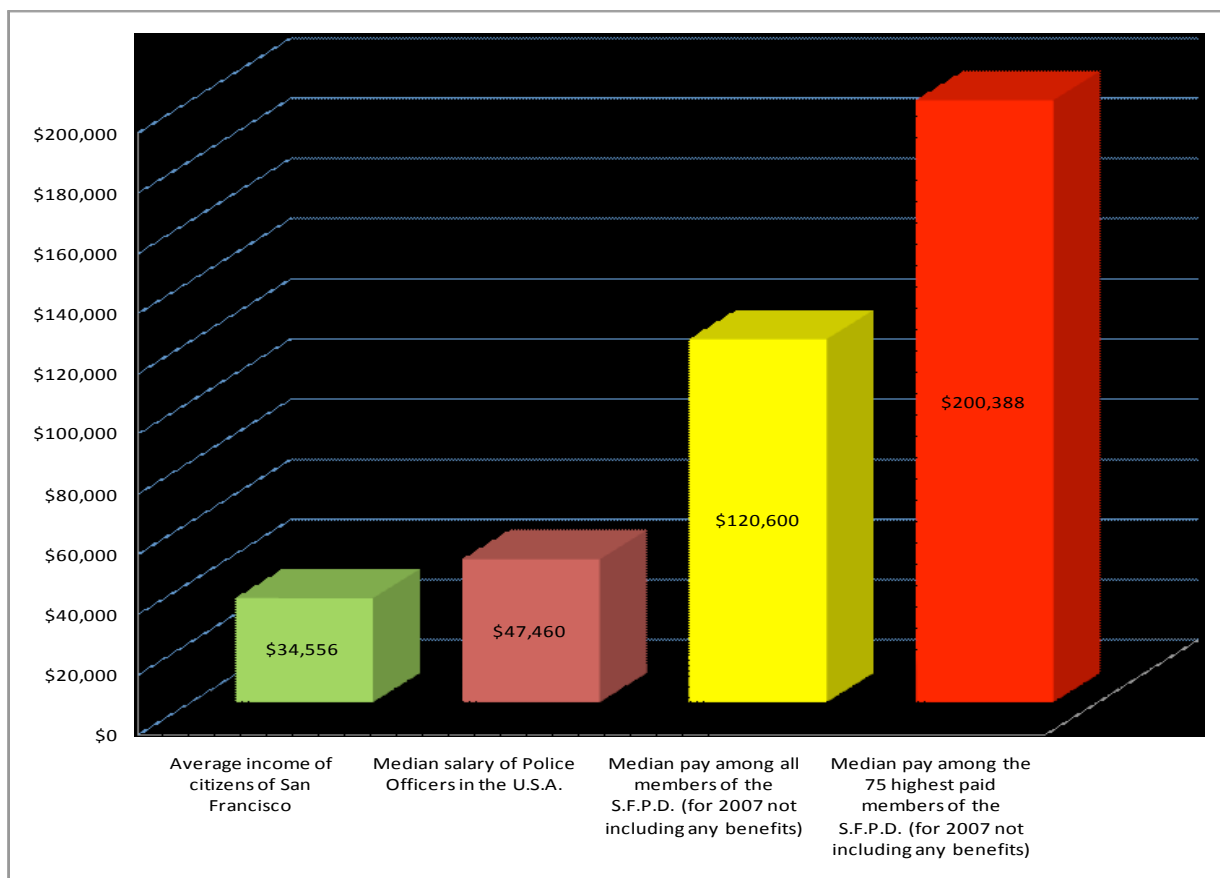


Data are from <http://www.ojp.usdoj.gov/bjs/pub/pdf/lemas00.pdf>.

Although the 2000 base salary for an entry-level SFPD 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 SFPD (the only organization known by this author with such a status)

is allowed to issue their annual report without one single mention of costs.<sup>37</sup> Through various programs administered by the SFPD, regular officers augment 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 SFPD 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.

Figure 6: How much do SFPD members make?



Data are from <http://www.sfgate.com/webdb/sfpay/> and <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

<sup>37</sup> See their annual report, retrieved September 1, 2009, from [http://www.sfgov.org/site/uploadedfiles/police/information/annual\\_report\\_2007.pdf](http://www.sfgov.org/site/uploadedfiles/police/information/annual_report_2007.pdf).

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 taxpayers will pay for years to come. For example, when former Police Chief Heather Fong retired from the SFPD in 2009, the fifty-three-year old will now "be pulling down about \$229,500 a year for life."<sup>38</sup> (Asian American females live on average about ninety years, thus Fong will likely be receiving well over \$8 million from government coffers for the years *after* she retired.) As of June 2009, 146 retired SFPD officers are receiving more than \$100,000 each per year from San Francisco taxpayers for the rest of their or their survivors' lives,<sup>39</sup> and the number of expected SFPD retirees in coming years is burgeoning.

Some people claim that the SFPD 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 PSP 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."<sup>40</sup>

But an accurate assessment of the true cost to the taxpayer of permitting SFPD officers to work off duty on the 10(b) program would include not just current salary earned but several additional factors, such as higher risk to their clients from failure to provide liability insurance, up charges 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 percent,<sup>41</sup> when officers

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

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

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

<sup>41</sup> 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>.

can boost their highest income base through working in 10(b) assignments they will be paid a higher pension for the rest of their lives. For example, *if an officer works just two extra hours of work per week for one year on 10(b) assignments, earning at his regular maximum of \$87 per hour, he not only will earn an extra \$9,048 for the two hours of work per week for that year, his pension will increase by \$8,143 per year for the rest of his or his survivors' lives.* With the average SFPD officer retiring at age fifty-five (with at least twenty-five more expected years of pension payouts),<sup>42</sup> those two hours of extra 10(b) work per week 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 a 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, with the remaining bill paid by future taxpayers).

In 2009, the San Francisco Civil Grand Jury found widespread evidence among city employees 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.<sup>43</sup> Currently the San Francisco Employees' Retirement System is paying more than \$125 million per year to Police Retired Members and Survivor Continuation Benefits, a figure that is not counted in the SFPD's \$400+ million annual 2009–2010 budget.<sup>44</sup> This number is likely to grow significantly in coming years given that among all San Francisco public employees "40 percent of the active employees are currently eligible for retirement and another 15 percent will be eligible in the next 5 years." The San Francisco Civil Grand Jury states, "This willingness to accept indebtedness into the

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

<sup>43</sup> 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](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](http://www.sfgov.org/site/courts_page.asp?id=3680). Retrieved September 1, 2009.

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



future is problematic.” Their report concludes, “The time to pay back 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.”<sup>45</sup> These costs are real and should not be ignored any longer.

## **5. Conclusion and Recommendations**

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

The PSP have an incentive to respond quickly, usually before an SFPD officer can respond, and they are known for handling service calls both for quality of life and for serious safety matters when the SFPD chooses not to respond at all. People surveyed about the PSP indicated an overwhelming support for their contribution to San Francisco, and they had limited faith in relying on the SFPD to meet all of their security needs. Nevertheless, certain members of the SFPD have viewed the PSP as competition and have erected numerous barriers attempting to restrict their business. There is almost definitely a conflict of interest here.

Immediate reforms should include the following:

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<sup>45</sup> Retrieved September 1, 2009, from [http://www.sfgov.org/site/courts\\_page.asp?id=3680](http://www.sfgov.org/site/courts_page.asp?id=3680).

- (1) An audit should be conducted of the 10(b) program, including surveying the precise effect on pension spiking and determining 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 regulating uniform color and making the PSP turn over information about private contracts) should be eliminated.
- (3) Certain program administration changes are needed, including setting time limits for processing PSP applications. The SFPD should not have the authority to inexplicably delay applications for months or years on end, or even lose them, thus effectively preventing the PSP from hiring additional employees. All evidence suggests that the SFPD has been acting monopolistically at the expense of the general public to make it more difficult to get willing and able PSP officers on the streets to serve their clients' needs and to affirmatively market their services.

Fortunately 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."<sup>46</sup> 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.

San Francisco has an opportunity to rely more on a neighborhood police resource, which their clients desire and appreciate, 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

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

out of 10. People want more safety, but current regulations, rules, and administrative practices make it excessively difficult for the PSP to be able to hire additional people and answer the need. The PSP provide an opportunity that is available now, that is desirable, accountable to the citizens, customer-service oriented, and community oriented. San Francisco could be “putting extra cops on the street and costing the city treasury next to nothing.”<sup>47</sup> The PSP should be supported, encouraged, and assisted in publicizing 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.

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

## Appendix: Survey Responses<sup>48</sup>

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	Offers assistance 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	Patrols 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	Responds to all emergency calls and non-emergency calls. Offers information on the neighborhood and provides safety.
24	Drives by, stops in.
25	
26	Patrol neighborhood, get to know who belongs and who doesn't, keep an eye on troublemakers, 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	
30	Checks buildings between 10p–5a to make sure doors are locked and no vagrants.

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<sup>48</sup> 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.

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 days 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 San Francisco Police Department to meet your safety needs?**

Respondent

1

2

PSP more responsive, familiar 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 exits 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, SFPD was very homophobic and nonresponsive. 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 SFPD.



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 SFPD was unable to handle al of it.  
38 SFPD 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 SFPD.  
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 daytime 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