

Dear Mayor Newsome, Board of Supervisors, Police Commissioners, Chief Gascon & President Byard :

RESPONSE TO THE PSSG REPORT ON THE SAN FRANCISCO PATROL SPECIAL POLICE

I write to you today to express considerable concerns regarding the report produced by the Public Safety Strategies Group (PSSG) for the City of San Francisco and submitted to the Police Commission on September 1, 2010 regarding the San Francisco Patrol Special Police and the recommendations therein.

In my many years of working with the San Francisco Police Department and the San Francisco Patrol Special Police organization as a community safety and security activist, I was frankly shocked and dismayed at how misguided the PSSG report appears to be, and surprised at how many factual mistakes and important omissions occurred in their final presentation. I am also disturbed by the conclusions drawn and recommendations put forward in the report as I believe them to be ill advised and potentially disastrous for the City and Country of San Francisco if adopted as proposed.

Thus. I would like to present you with an alternative view and make some recommendations to better achieve, what I believe and hope, was the desired result of the research commissioned from the PSSG.

First, some background on me to help you understand my experience and knowledge of the safety and security situation within San Francisco.

I am a permanent resident in the U.S. and a green card holder. I was born and raised in Scotland, United Kingdom and moved to the States in 1989. I worked as an independent contracted computer systems designer and analyst for a number of years with such companies as Allegheny Power in Pittsburgh, PA; AIL Defense Systems in Long Island, NY; Exxon Company USA in Benicia, CA and BayTec Engineering in Napa, CA.

I moved to California in 1991 and then to the City of San Francisco about 10 years ago, and have lived in the South Beach area of the city since 2001. As a gay man and a Grand Master Instructor of martial arts I founded and continue to lead the non-profit Triangle Martial Arts Association (TMAA) (www.TriangleMAA.org) which is focused very much on community and individual development and self-defense training for the LGBTQQI community, thus I spend a lot of my time in the Castro neighborhood of the city also. Through my work with TMAA, I collaborated on many community projects with members of the San Francisco Police Department, Mission Station, as well as members of the San Francisco Patrol Special Police, most especially the late Officer Jane Warner.

In late 2006 I was asked to speak at the first meeting of the citizens safety group that ultimately became the Castro Community on Patrol (CCOP) (www.CastroPatrol.org) I joined their board of directors and have been director of volunteer training and emergency services liaison for CCOP ever since. In that role, I worked even more closely with the SFPD and the SF Patrol

Special Police on a day to day basis in the Castro.

Recognizing that the Community On Patrol Service (COPS) concept embodied by CCOP was a valid and useful model that should be replicated in other neighborhoods, I formed the Community Patrol USA organization as a non-profit in 2008 to do just that. We provide information, guidance, support and technical assistance to other neighborhoods around San Francisco who are trying to enhance their community safety and security, or who may be contemplating establishing their own COPS group. This work brought me to my own neighborhood of South Beach / Rincon Hill / Mission Bay which is developing and expanding at a tremendous rate.

In chatting with many of the businesses and condominium management groups in the area, I discovered many were facing the same quality of life challenges that the Castro experienced i.e. a significant homeless population, a number of noise and aggressive behavior problems during events at AT&T park, and a number of quality of life concerns that the SFPD seemed unable to respond to in a timely fashion. As I discussed the many options already available, few had ever heard of or knew anything about the SF Patrol Special Police. As I provided information on who they were and the services they provided, the interest level grew exponentially and continues to grow. A significant number of businesses and large condominium buildings have now secured the services of the Patrol Special Police, often as a supplement to their own private on-site security services. The PSP in South Beach / Rincon Hill / Mission Bay have been a "godsend" and have made a significant improvement in the safety and security of the neighborhood, just as they have done in the Castro also.

I fully support the tremendous efforts of the SFPD also, and recognize that they perform wonderful work on a day to day basis. Reality however, for anyone who pays any attention at all, is that fiscal limitations, staffing limitations and overtime cuts result in fewer officers covering larger areas with rising crime numbers. Quite appropriately therefore, SFPD targets the higher priority crimes such as murders, rapes, assaults, burglary, drug sales, prostitution etc. The result of this is that lower level, so called "quality of life" incidents are often relegated to "we'll get there when we can," and that is often four to eight hours later depending upon the division, day and time the call is received. No fault on the SFPD, taxes and citizens will never allow SFPD to become so large that they could respond to "quality of life" calls with the same importance and timeliness as more serious crimes. however, this leaves the citizens wondering how to bridge that gap.

The San Francisco Patrol Special Police were a novel and highly successful unique innovation by the City of San Francisco over 160 years ago and they remain so today. Indeed, many cities and counties around the United States and many countries around the world at present are arriving at the same conclusion the City of San Francisco pioneered in the 1840's, by establishing organizations similar in style and function to the Patrol Special Police.

While San Francisco established a public police force, they also retained and codified a private police force with the same powers and functions. For over 150 years both organizations worked side by side, and worked well together on behalf of the citizens and City of San Francisco. There

was mutual respect between both organizations, mutual support and aid for officers when the need arose, and joint efforts on many occasions throughout their history. Sadly, too few people really know of that history as much attention has been focused on recent political problems largely caused by ill advised and largely unsupported regulatory rulings by past Police Commissioners and a childish and territorial undermining of the Patrol Special Police by the SFPD Police Officers Association.

The problems really began when the SFPD were successful in adopting the administrative code 10B recommendation, allowing their officers to work overtime on essentially private policing duties for sporting events, street fairs, nightclub security and so on. This market was very lucrative and one in which the Patrol Special Police had been very successful for over 150 years. While the market is undoubtedly large enough for both organizations, and while there are significant advantages to allowing both to coexist and support each other at large public events, for some reason a change in political tenor occurred at the SFPD Police Officers Association and the result was a view that the Patrol Special Police were "Trespassing" on SFPD jurisdiction. Efforts were then undertaken in a number of ways to limit, undermine, and diminish the Patrol Special Police as an effective organization. This culminated in the November 1994 decision by the Police Commission to remove the "peace officer" status that the Patrol Special Police had enjoyed and used judiciously for over 150 years. They also removed the ability of the Patrol Special Police officers to write citations or write police reports and required them to call SFPD if they observed anything that may require a police presence.

In essence, they muzzled and dismissed the force in one single administrative decision that was supported by the SFPD POA but was not supported by the Board of Supervisors at the time who voted unanimously against the decision, and it most certainly was not supported by the majority of the Patrol Special Police clients, then or now. Still, the die was cast and the PSP lost a significant number of quality and experienced officers who refused to continue to protect and serve when faced with what they perceived to be an insulting disregard by the Police Commission of their history and past service.

The officers who remain today are committed, community minded, and outstanding resources for the neighborhoods they serve. In contrast to the improper assertion of the PSSG report that only wealthy neighborhoods would afford such services, Patrol Special Police officers currently patrol such recognized socially and economically challenged areas as the Tenderloin, Polk Street, The Mission and Bay View / Hunters Point. Their policing model of walking a beat and checking in on all of the residents and businesses, whether their clients or not, affords them a unique and essential personal connection with the community and provides a strong citizen/officer bond that the SFPD find almost impossible to replicate in all but a very few neighborhoods. Such close ties were very self-evident when the former President of the Patrol Special Police Officers Association, Officer Jane Warner, passed away from Cancer earlier this year in the tremendous outpouring of grief and sadness by thousand in the Castro neighborhood. Notably, such expressions of grief were reported by some who had been arrested by officer Warner as well as those who had been served by her. That is a unique and precious commodity that the City of San Francisco dare not cast aside lightly in my opinion, and many of the remaining Patrol Special Police officers have formed similarly close bonds with the neighborhoods they patrol on a daily basis.

Like any organization, some officers are more effective than others, and there are always one or two proverbial "bad apples" who should be re-trained, disciplined, or removed from the force. With that said, the simplest and most profound example of the value and need for the Patrol Special Police is that fact that since 1850 to the present, the public have elected, of their own free will, to pay out of their own pockets for the additional services of these fine officers. The Police Commission significantly reduced the effectiveness of that service (for little apparent reason or need) in 1994 and that decimated the ranks of the officers, but not the desire and commitment of the public to hire and utilize those officers who continue to serve and protect with pride in some of the most socially and economically challenged neighborhoods of this city, as well as some of the most affluent.

In my opinion the report produced by the PSSG was clearly flawed, presented incorrect factual information in a number of areas, and omitted a considerable amount of positive information regarding the history, historic role, and current functions of the Patrol Special Police. Instead it focused almost entirely on negatives and dismissing the force as lacking credibility or being unnecessary. It refused to recognize the history of their foundation and over 150 years of active and credit worthy service as a functioning police entity and instead took the view that these officers were little more than private security guards with special privileges. I believe that was a gross disservice to the City, to the Commission, to the Patrol Special Police officers who did and continue to serve and most especially, to the citizens of the City and County of San Francisco.

To specifically address some of the inaccuracies in the PSSG report :

Patrol Specials and their activities are private in nature

This is indeed true and properly so by virtue of their unique and invaluable creation in 1846, and their continuance as a private police force available to the citizens and businesses of San Francisco. While the report takes the view that this is a 'negative' for the City, I take entirely the opposite view, as do many other cities in the US and countries around the world.

In fiscally challenged times, with overstretched and often under funded public police departments, many other jurisdictions are adopting a variety of public/private projects in an attempt to fill the service gap that often exists between what the public police are charged with achieving, and what they can realistically accomplish. San Francisco is ahead of many cities in this regard with the well established, respected and publicly supported Patrol Special Police organization.

Contrary to the conclusions of the PSSG report, I would recommend supporting and enhancing this relationship for the benefit of all, not destroying and removing it as an available resource for the citizens of San Francisco. Doing so would follow the national and international trend and would be an extremely cost effective and defensible position to adopt in my opinion. Adopting the PSSG recommendation would be indefensible, extremely short sighted, and a disservice to the citizens of San Francisco.

Patrol Specials have unique benefits not available to other security guards

This is a clear and obvious case of the PSSG report obfuscating the truth or being inexplicably unaware of the history of the Patrol Special Police for over 150 years prior to 1994.

This is because the Patrol Special Police were never intended to be a security company and should not be viewed as or expected to act like a private security company. Indeed, in my opinion, they should not now be forced to diminish their services to a level equivalent to that of a private security company.

The Patrol Special Police were established, intended to be, and functioned as a police force equal to and alongside the public SFPD. This is precisely why they wear the same uniform, use radios on police the frequency and are issued a shoulder patch, shield and ID that state Police on them. The suggestion that they are receiving "special" privileges is a gross misunderstanding or a lack of clarity on the part of the PSSG, as the Patrol Special Police were always intended to have such access as part of their Police function.

That role and function remains today, and is an invaluable asset to the city and the clients who utilize their services. It is also an invaluable asset to the SFPD beat officers who frequently find themselves "backed up" in dangerous situations by Patrol Special Police officers when no SFPD officer is available. Despite the Police Commission decision in 1994, these officers never shirk away from any citizen in need or distress, whether they are a client or not - as any reasonable and moral citizen of this country should do. They step up when called upon to do so, and they put their lives on the line to perform a job they love, respect, and have a passion to perform professionally and effectively. They step in willingly when seconds may be the difference between injury or death, such as in the Suede nightclub shooting, and they should be recognized and applauded for it.

These officers are not, and never have been, expected or formed to be mere private security guards and it is an extreme disservice and misunderstanding to consider them in any other way, other than Police Officers who have had their "peace officer" status and arrest powers suspended.

Patrol Special place a financial burden on the City

While I am certain there is a cost to the City with regard to the Patrol Special Police existence and function, I am equally certain that the benefits provided by this organization far outweigh any and all costs realized by the City for administering and supervising the program. This minor administrative cost has been the very nature and design of the organization from its founding in 1846, and the "burden" is far less than that imposed by the SFPD in terms of salary, benefits, and litigation costs etc. when compared to the services provided and the tremendous good will created by these Patrol Special Police officers.

The report also suggested that the liability to the city was too great and recommended disbanding the Patrol Special Police as a result, yet the Police Commission itself requires every PSP officer to carry liability and workers compensation insurance to the value the Police Commission determines, and to cover Assistant Patrol Specials under these policies.

If the concern is litigation against the city that may apply outside of this liability and workers compensation insurance, surely it would be a simple matter for the Police Commission and City to require all clients of the Patrol Special Police to sign a legal waiver recognizing that the Patrol Special Police are not city employees and absolving the city and county from all claims for any illegal or improper action by a Patrol Special Police officer? While it is true such waivers do not prevent civil litigation, I'm certain that the SFPD have cost the city far more in such litigation than the Patrol Special Police have ever come close to.

The similar appearance of Patrol Specials to the SFPD causes confusion

The report suggests that the Patrol Special Police uniform should be changed as the public confuses the Patrol Special Police officers with SFPD officers. Indeed, the Patrol Special Police uniform is the same as the SFPD uniform, with a few key distinctions, because the Patrol Special Police were intended to be a police force equal to the SFPD from their very beginning. Many other organizations use uniforms that are practically indistinguishable to the common citizen from the SFPD uniform such as at the UCSF Police department, the SFSU Police Department, the BART Police Department and so on. The only difference in any of these uniforms is the star and the shoulder patch, yet there is no call or requirement on those private police agencies to change their uniforms to avoid possible citizen confusion.

The Patrol Special Police star and shoulder patch is also different from, the SFPD star and shoulder patch, thus the uniform is no more or less similar than is a UCSF or SFSU uniform. If the public is cognizant enough to recognize a UCSF star or shoulder patch, they will recognize a Patrol Special Police one also. If they are not cognizant enough to do so, it is unlikely any uniform changes will provide any significant adjustment in public perception, but such a uniform change would be detrimental to the public relations of the SFPD as many Patrol Special Police officers bring considerable credit and good will to the SFPD specifically as a result of the public not being cognizant of the difference.

As both forces began with equal powers and equal responsibilities, and as both shared those powers and responsibilities in a professional and meaningful manner for over 150 years, and as both shared the same uniform items and shared in the ups and downs of that similarity, there is little practical purpose to requiring this drastic change in uniform. Indeed, rather than raise concerns of citizens believing a "sworn officer" is addressing them when a Patrol Special Police officer is present, I would strongly recommend restoring the Patrol Special Police to "sworn officer" status as they once were, so that the confusion or concern becomes moot and entirely unimportant.

The Police Commission has legal oversight over the appointment of Patrol Specials, but not over their day to day operation

Once again, this presents a rather disingenuous and misleading assertion on the part of the PSSG.

The statement suggests that the Police Commission seeks, or should seek, day to day command and control over the operational deployment and tasks of the Patrol Special Police officers, just

as it presumably also has over the day to day operational deployment and tasks of the SFPD.

If my understanding of the role and function of the Police Commission is correct, day to day operational and tactical control and command is not something the commission is charged with or should seek to undertake. That is up to the Chief and his command and supervisory hierarchy within the SFPD. Regulatory oversight and disciplinary review are most certainly appropriate, and I believe within the purview of the Commission.

The Commission clearly has just as much control over the operations of the Patrol Special Police as it has over the operations of the SFPD. Of course, the Commission invites the SFPD Chief of Police to every meeting and invites him to speak at length on what his force and officers are doing on a weekly basis, while no such invitation or opportunity is extended to the Patrol Special Police. Thus it could be very legitimately argued that the Police Commission itself is at fault for any lack of understanding and awareness of the day to day operations and focus of the Patrol Special Police officers.

Perhaps a very simple remedy to this situation would be to accord the President of the Patrol Special Police Officers Association the same recognition and extend the same invitation as that afforded to the SFPD Chief of Police. While I fully realize that in protocol terms a Chief of Police is a very different position to that of POA President, the Police Commission itself and the SFPD POA have prevented the Patrol Special Police organization from establishing a ranking structure beyond that of the basic Officer, thus the Patrol Special Police Officers Association President would be the closest office which would make suitable representation for the bulk of the Patrol Special Police officers.

There was an effort by a former Chief of Police to establish a Patrol Special Police station and designate them as their own independent police company, presumably with a ranking structure as part of the company, however the SFPD Police Officers Association used internal SFPD Memorandum during roll calls to generate opposition and quash that plan. Had that plan gone into effect prior to the 1994 removal of "peace officer" status, things may have been entirely different with respect to the ability of the Police Commission to oversee and regulate the activities of the Patrol Special Police.

Patrol Special routinely violate the regulatory rules and procedures set out by the Police Commission.

This is one area where the PSSG report essentially got the facts correct, but entirely missed the reasoning and purpose behind such violations and merely adopted a "right and wrong" approach to the bulk of these "violations."

While violations of such rules and procedures are concerning, I would argue that the vast majority of these "violations" relate to one or two very contentious rules imposed on the Patrol Special Police organization without any true discourse, and therefore some of the Patrol Special Police officers, improperly, resisted the rulings. Unfortunately, as the Police Commission has not allowed the Patrol Special Police organization to form any ranking structure or hierarchy, such as within the SFPD, it is impossible for them as a group to effectively discipline individual officers within their ranks - and this has led to an unfair and indiscriminate "tarring" of all Patrol Special

Police officers with the same "undisciplined" brush.

Some of these "disciplinary" issues relate to the uniforms and items on the uniforms, particularly, the blue stripe required on the epaulettes and pants of the officers is one such concern. Many have followed the Police Commission protocol, while a few have resisted it as they believe it to be a serious safety concern in the neighborhoods in which they work. Another is the uniform wet/cold weather jacket which is obtained from the SFPD uniform supplier. The supplier refuses to provide a cloth six-point Patrol Special Police star affixed to the jacket, thus a number of Patrol Special Police officers obtained the jacket with the only cloth star offered, the seven point one. This created a number of "disciplinary" actions for not displaying the correct star on their uniforms. Then there are a number of other minor protocol infractions brought against various Patrol Special Police officers for such things as jay walking and improper parking!

To my mind, ALL of these pale in significance when compared to the service these officers provide, the respect and admiration they engender amongst their clients and the general public, and the typically close and friendly working relationship these officers have with the SFPD beat officers. They also pale in significance when compared to the commendations, recommendations and public letters of gratitude these officers receive on a regular basis for their compassionate, tactful and often low-key handling of a variety of situations.

There are undoubtedly some largely minor concerns and issues to be resolved with regard to the Patrol Special Police and their relationship to the City and to the Police Commission and the SFPD. In my personal opinion, the best way to resolve these issues to the benefit and satisfaction of all would be to form an independent advisory committee consisting of:

- o Two police commissioners
- o Two SFPD officers
- o Two PSP officers
- o Two interested and concerned members of the public

Allow this voluntary unpaid committee to review all research papers produced related to the PSP. Allow them to review the many concerns raised by all sides and to look at options to mitigate or mediate them to the satisfaction of the City, the Commission, the SFPD and the citizens of the city. This would be the most equitable, transparent, non-partisan and cost effective way to try to resolve the few matters which continue to exist.

Allow the committee to make recommendation on:

1. Patrol Special Police "peace officer" and sworn status
2. Patrol Special Police client contractual obligations to ensure the city is absolved of liability
3. Patrol Special Police uniforms and compliance
4. Patrol Special Police disciplinary protocols and enforcement of Police Commission rules and

regulations

5. Patrol Special Police command and control and their role and function in cooperation/collaboration with SFPD and other city law enforcement agencies

6. Other matters pertaining to the operations and functions of the Patrol Special Police

Bottom line, SFPD cannot, and likely never will be able to, do all that is required or desired by the citizens of this city in order to secure their safety, security and quality of life on a daily basis. SFPD needs a significant amount of assistance and support from the public and from other private agencies and organizations on a daily basis. The Police Commission in my opinion should be directing the SFPD to collaborate, develop and enhance such resources in any reasonable and legal way possible.

The Patrol Special Police are undoubtedly such a resource. They have been a vital resource for the city for over 150 years. They helped the city through the 1906 earthquake. They helped protect the city when SFPD had only 70 officers. They have worked side by side with the SFPD and the city to protect and serve as fully fledged police officers for over a century, and they should be returned to that status again at this cities time of need.

Sincerely,
Ken Craig

CC. Media Outlets, Castro CBD, MUMC, UMA, Glen Park Safety Alliance, South Beach/Rincon Hill/Mission Bay Neighborhood Association, South Beach Community Safety Collaborative