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**CIVIL RIGHTS**  
OF THE SAN FRANCISCO BAY AREA

May 10, 2010

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Public Safety Committee

Board of Supervisors, City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Committee Member:

Attached is a report prepared by the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and O'Melveny & Myers LLP entitled *Review of Current Laws Regulating Public Safety on San Francisco Sidewalks* ("Report"). The Report reviews existing laws that regulate conduct on public sidewalks and public areas throughout San Francisco, including:

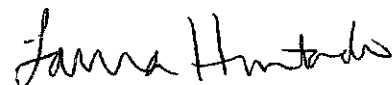
- S.F. Municipal Police Code § 120-2 (aggressive panhandling);
- California Penal Code § 647(c) (aggressive panhandling);
- S.F. Municipal Police Code § 22 (obstruction of sidewalks);
- California Penal Code § 647c (obstruction of sidewalks);
- S.F. Municipal Police Code § 63 (obstruction with belonging);
- S.F. Municipal Police Code § 121 (loitering);
- S.F. Municipal Police Code § 122 (aggressive pursuit);
- S.F. Municipal Police Code § 124.2 (loitering near public toilets); and
- S.F. Municipal Police Code § 157 (stalking and harassment)

The Report addresses arguments by proponents of a "Sit/Lie Ordinance" that a citywide ban on sitting or lying on sidewalks is necessary because existing laws are inadequate and/or unenforceable without the filing of a citizen complaint. To the contrary, as the Report concludes, neither the text of the laws themselves, nor Police Department General Orders, nor the City Charter requires that an officer receive a citizen complaint to enforce such laws.

Moreover, based on our experiences, San Francisco police officers *do*, in fact, cite individuals for charges, such as obstructing the sidewalk and aggressive panhandling, without requiring a citizen complaint. When these cases have gone to trial, charges have been sustained against individuals based solely on the testimony of officers. *See, e.g.*, Case Citation No. B0800021B, S.F. Traffic Court, Dept. A, Sept. 23, 2008.

We hope that this Report is helpful in countering misconceptions regarding existing laws.

Sincerely,



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