

**SAN FRANCISCO POLICE DEPARTMENT
PERMIT HEARING RULES**

**ARTICLE I – DUTIES OF THE PERMIT HEARING OFFICER,
AND OF THE SFPD PERMITS SECTION
COMMANDING OFFICER**

Section 1. The San Francisco Police Department (hereinafter, "SFPD") Permit Hearing Officer shall (1) be appointed by the Chief of Police, (2) act as the Chief's designee and preside at all SFPD Permit Hearings, and (3) perform all other duties reasonably necessary or incidental to his or her office.

Section 2. In the event of the incapacity or absence of the Hearing Officer, the Chief of Police, or his/her agent, shall identify another person to take the place of, and perform the duties of, the Hearing Officer.

Section 3. It shall be the responsibility of the Hearing Officer to assure a fair hearing to all parties.

Section 4. The SFPD Permits Section Commanding Officer shall have responsibility for all activities of the SFPD Permits Section. He/she – or his/her designee – shall (1) direct and supervise the personnel of the Permits Section, and plan, assign, coordinate and review their work and activities; (2) allocate the time, personnel and other resources of the Permits Section; (3) administer all regulatory measures entrusted to that unit; and (4) take reasonable steps to assure fair investigation and reporting of SFPD-issued permit-related matters by the Permits Section.

ARTICLE II – PUBLIC HEARINGS

Section 1. Regular Hearings. Regular hearings shall be open to the public, and shall be held on Wednesdays at 1:00 p.m. in the hearing room provided in the San Francisco Hall of Justice.

Section 2. Special Hearings. Subject to reasonable cause and appropriate notice, the Hearing Officer, or his/her representative, may call a special hearing at any time.

Section 3. Hearing Cancellation. The Hearing Officer, or his/her representative, may cancel any scheduled regular or special hearing date for good cause. Reasonable notice of a hearing date cancellation shall be provided to the relevant parties, and to members of the public. Additionally, the Permits Section Commanding Officer shall cause a notice of the cancelled hearing date to be

conspicuously posted on or near the door of the hearing place prior to the scheduled time of the hearing.

Section 4. Notice of Hearing. When a hearing is scheduled, the Commanding Officer, or his/her designee, shall mail notice of the initial hearing to the parties, and take reasonable steps to post notice of that hearing's date/time on the SFPD website.

- (a) Announcement at a public hearing of the time and place to which a hearing is rescheduled or continued shall be deemed sufficient notice, and no mailed notice shall be required for any such rescheduled, bifurcated or continued hearing.

Section 5. Language Translation Services. The Permits Section shall provide reasonable translation services at permit hearings for any party (or non-party member of the public who desires to provide testimony or evidence at hearing) who requests such translation services from the Permits Section at least eight calendar days prior to the hearing date.

- (a) The Hearing Officer shall use his/her discretion to determine the need for reasonable language translation services if/when the issue is raised at the time of the hearing.
- (b) If due process demands translation services, the Hearing Officer shall continue the proceedings to secure effective translation.

Section 6. Briefing. Briefs and other submittals properly filed by parties at least eight calendar days prior to the hearing date shall be considered by the Hearing Officer before the hearing. Such filings shall be made at the SFPD Permits Section (1) in person, (2) via fax at 415.553.7969, or by mail to 850 Bryant Street, room 458, San Francisco, CA 94103.

- (a) Members of the public who are not parties to a hearing item, or representatives of a party – as defined below in Section 6.(c)(i) – are welcome to submit written materials to the Hearing Officer c/o the SFPD Permits Section at least eight calendar days prior to the hearing date, and at the above SFPD Permits Section contact numbers and/or locations.
- (b) The Permits Section shall make all pre-hearing submittals available to the relevant parties prior to hearing.
- (c) Additionally, non-parties may present materials in person during public comment – as described below in Section 6.(c).

Section 7. Order of Agenda/Hearing Calendar. At the Hearing Officer's discretion, the ordering of items on the published agenda/hearing calendar, or the order in which he/she takes up items, may differ depending upon the circumstances.

Section 8. Order of Presentations. Except when the Hearing Officer finds good cause to order the presentations otherwise, the order of presentation of a hearing shall be as follows:

- (a) The SFPD shall speak first, and shall be allowed a reasonable time to present relevant testimony and evidence. (Relevant testimony and evidence from representatives of other governmental departments and agencies may also be allowed at this juncture.)
- (b) Then the permit applicant, or permit holder, shall be allowed reasonable time to present relevant testimony and evidence.
- (c) Then members of the public who are not parties to the item in question may speak once for up to three minutes to give relevant testimony and evidence. The Hearing Officer may limit or extend public comment time on an agenda/calendar item based on such factors as the nature of

the item, the number of anticipated speakers for that item, and the number and anticipated duration of other agenda/calendar items.

- (i) Parties, and representatives of a party, shall address the Hearing Officer during that party's allotted time, and may not speak during public comment. Representatives are persons with a financial or other close connection to a party, such as family or household members, attorneys, advisors, or agents; and in matters where an organization or association is a party, officers or board members of the governing board of the association or organization.
- (d) Then five minutes of rebuttal from the SFPD.
- (e) Then five minutes of rebuttal from the permit applicant or permit holder.
- (f) Then Hearing Officer's statement, questions, and/or decision.

In all cases, and at his/her discretion, the Hearing Officer may request a response from any governmental entity or person offering testimony and evidence at a hearing.

ARTICLE III – WRITTEN DECISIONS

Section 1. Hearing Officer's Decision. In all instances of a permit denial, suspension, and/or revocation by the Hearing Officer; or in the instance of the Hearing Officer's refusal to revoke or suspend a permit; and in all instances of the Hearing Officer's denial of a request for rehearing; and in all instances of issuance of a reprimand to a permit holder, or when the Hearing Officer's decision is to place the permit on a probationary status; the Hearing Officer shall memorialize that decision in a writing to the affected applicant, permit holder, or party who initiated the action. All such writings shall reasonably identify and describe justification for the decision.

ARTICLE IV – ADMINISTRATIVE RECORD

Section 1. Recording as Official Record. SFPD permit hearings are audio recorded.

Section 2. Designating Transcript as Official Record. Any party (or parties, jointly) may provide a certified court reporter to transcribe an SFPD permit hearing. Upon request of such party or parties prior to the start of the relevant hearing, the Hearing Officer may designate the court reporter's transcription as the official record of that proceeding if the parties so stipulate, provided that the requestor agrees to supply the Hearing Officer with a certified copy of the transcript at no cost to the SFPD.

ARTICLE V – REQUEST FOR REHEARING

Section 1. Rehearing Requests. Requests for rehearing of the Hearing Officer's decision shall be filed (1) only once, and within ten calendar days of the decision, (2) only by a party, (3) only in a writing filed at the SFPD Permits Section, 850 Bryant Street, room 458, San Francisco, CA 94103, and (4) by fax, mail, or in person.

- (a) The Hearing Officer may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if

known at the time, could have affected the outcome of the original hearing. The written request shall state:

- (i) the nature and character of the new facts or circumstances;
 - (ii) the names of the witnesses and/or a description of the documents to be produced; and
 - (iii) why the evidence was not produced at the original hearing.
- (b) Failure to exercise due diligence to produce the new facts and circumstances at the previous hearing shall be deemed grounds for denial of the request.
- (c) The Hearing Officer shall allow testimony of up to three minutes from each party, and one minute from non-party members of the public when considering a Rehearing Request.

ARTICLE VI – APPEAL

Section 1. San Francisco Board of Appeals. Decisions made by the Hearing Officer may be appealed to the San Francisco Board of Appeals. Such appeal should be filed with the Board of Appeals within 15 calendar days of the Hearing Officer’s decision. (For further information, refer to the Board of Appeals website at www.sfgov.org regarding “Rules of Board of Appeals.”)

- (a) De Novo Hearings. Board of Appeals proceedings are hearings “de novo” on law and facts. A “de novo” hearing means that the Board of Appeals hearing on the matter is a new hearing. Therefore, the Board of Appeals will review the appeal as if the matter originated there.

ARTICLE VII – AMENDMENTS

Section 1. Amendment of Rules. These rules may be amended by the SFPD at any Regular Meeting by the Hearing Officer following a public hearing, provided that at least ten days public notice is given.