

INTRODUCED BY COUNCILMAN \_\_\_\_\_

*Don M. Felt*  
CITY ATTORNEYORDINANCE No. 10341 C.M.S.*JK**D.M.*

AN ORDINANCE AMENDING ARTICLE 11 OF CHAPTER 5 OF THE OAKLAND MUNICIPAL CODE BY AMENDING SECTIONS 5-11.01 THROUGH 5-11.13, PROVIDING FOR REGISTRATION AND LOCAL REGULATIONS OF PRIVATE PATROL OPERATORS AND PRIVATE WATCHMEN, AND REPEALING SECTIONS 5-11.14 THROUGH 5-11.20.

WHEREAS, the State of California Bureau of Consumer Affairs has taken over much of the regulation of private patrol operators and private security officers, pursuant to State law; and

WHEREAS, the need exists for local registration and limited local regulation of private patrol operators and private security officers, as provided by State law; and

WHEREAS, the need exists for local regulation of private watchmen, who are not presently regulated by State law, except with regard to the carrying and use of firearms; now, therefore,

The Council of the City of Oakland does ordain as follows:

1. Article 11 of Chapter 5 of the Oakland Municipal Code is hereby amended to read as follows:

Section 5-11.01 Definitions. For the purposes of this Article, certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it shall be apparent from their context that a different meaning is intended.

a. Private Patrol Service means any business which furnishes or purports to furnish any private security officer, watchman, or guard to patrol any territory or to guard or watch property of another person or to act to preserve the peace, in the City of Oakland.

b. Private Patrol Operator means any person who operates a private patrol service.

c. Private Security Officer is any individual who patrols any territory or grounds or who guards or watches property of another person or who acts to preserve the peace, within the City of Oakland, and who is employed by a person holding a private patrol operator's permit from the State of California or who himself holds such a permit.

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d. Private Watchman is any individual who patrols any territory or grounds or who watches the property of another or who acts to preserve the peace, within the City of Oakland, and who is employed for this purpose by a person other than a person who holds a private patrol operator's permit from the State of California. "Employed" for the purposes of this Section means that the private security officer is a bona fide employee of the owner or operator of the property and is provided benefits, has records kept, and payroll deductions by the employer.

Section 5-11.02 - Registration of Private Patrol Operators. Each private patrol operator doing business within the City of Oakland shall register with the Chief of Police of the Oakland Police Department before commencing business within the City of Oakland. Private patrol operators already doing business within the City of Oakland at the time of final passage of this Ordinance shall register with the Chief of Police within thirty (30) days after the effective date of this Ordinance. No fee shall be charged for registration.

Each private patrol operator shall file the following documents at the time of registration:

a. A registration form, to be provided by the Chief of Police, which shall include the name, business address, and business telephone number of the private patrol service being registered; the name, residence address, and residence telephone number of the private patrol operator holding the license from the State of California for such private patrol service; the name, address, and telephone number of each establishment within the City of Oakland served by the private patrol service; and the name, residence address, date of birth, and State guard registration card number of all persons employed as private security officers by the private patrol service; and

b. Copies of both the private patrol operator's State of California identification card and private patrol operator's license issued by the State of California; and

c. A copy of the private patrol service's City of Oakland business license.

Section 5-11.03. Regulation of Private Patrol Services. Each private patrol operator doing business within the City of Oakland shall comply with the following local regulations:

a. Each private patrol operator shall at all times hold a current, valid license for such private patrol service from the State of California.

b. Each private patrol operator shall at all times hold a current, valid business license from the City of Oakland.

c. Each private security officer working as such within the City of Oakland shall at all times be properly registered as a guard with the State of California.

d. Each private patrol operator shall and will require each private security officer employed by him to aid, assist, and cooperate with the Oakland Police Department in the detention, apprehension, or investigation of persons suspected of violating the law.

e. Each private patrol operator shall at all times have the business or personal residence identified in Section 5-11.02 (a) connected with a telephone system operated by a public utility company in the City of Oakland. Such telephone system shall be constantly attended, on a 24-hour basis, by a person who is able and competent to receive and transmit telephone calls.

f. Each private patrol operator shall submit to the Chief of Police on a quarterly basis a report showing the name, address, and telephone number of each establishment within the City of Oakland served by the operator, and the name, residence address, date of birth, and State guard registration card number of all private security officers employed by the operator. This report is to be used for the sole purpose of enforcing Article 11, Chapter 5 of the Oakland Municipal Code. It shall be deemed to be confidential, and no access shall be allowed to any person having an interest in a guard company.

g. In addition to the State-required guard card, each private security officer must, while working, have in his possession another governmentally issued identification card with a current photograph, name, date of birth, and physical description. In the event that the private security officer has no such governmental card, the private patrol operator shall supply him or her with an identification card incorporating the employee's current photograph, name, date of birth, and physical description, and shall require each such employee to carry such card on his or her person while performing his or her duties.

h. Each private patrol operator shall ensure that uniforms worn by and equipment used by his or her employees identify the private patrol service by whom they are employed. Such uniforms shall conform to the requirements of Section 5-11.08 of this Article. If a badge is to be worn, it shall conform to the requirements of Section 5-11.09 of this Article.

Section 5-11.04 Private Watchman Permit:  
Application, Issuance, and Revocation. It shall be unlawful for any person to act as a private watchman, or for any person to employ another as a private watchman, unless such person holds an unrevoked private watchman's permit issued by the Chief of Police, as provided in this Article. The application for a private watchman's permit shall be made in the manner and form provided in Section 5-11.05, and shall be signed by the person to whom the permit is to be issued. Such application shall be endorsed thereon the

written approval thereof of the employer of the applicant, with the employer's request that such permit be granted. The permit, if granted, shall state the name of the employer of such private watchman and the address whereat such private watchman's services are to be rendered. The permit may be revoked in the manner and for any of the reasons provided in Section 5-11.07, and shall be automatically revoked upon the termination of the employment of the holder thereof with the employer whose name is set forth in such permit.

Section 5-11.05 Content of Application for Private Watchman's Permit. Application for the private watchman's permit provided for in Section 5-11.04 of this Article shall be made under penalty of perjury by the person to whom the permit is to be issued on a form to be supplied by the Police Department. The Application shall provide the following information:

- a. The full name and residence address of the applicant.
- b. The applicant's business or occupation for the previous five (5) years, including the name and address of each employer, the dates of each commencement and termination of employment, and the nature of the services performed.
- c. Whether the applicant has ever been convicted of a crime; if so, then full details of each conviction shall be stated.
- d. Whether the applicant is able to read, write, speak, and understand the English language.
- e. Such other information as the Chief of Police may require.

The applicant shall be photographed and fingerprinted by the Police Department at the time application is made. A nonrefundable fee as established by the Master Fee Schedule of the City of Oakland shall be collected at the time application is made.

Section 5-11.06 Grant or Denial of Private Watchman's Permit. Upon receipt of an application for a private watchman's permit pursuant to this Article, the Chief of Police shall investigate both the truthfulness of the facts set forth in the application and the moral fitness and reputation, character, integrity, and competence of the applicant. If, upon completion of such investigation, it is determined that the statements in the application are true and that the applicant is qualified and fit to act as a private watchman, the Chief of Police shall issue the permit to the applicant. If, after investigation, it is determined that the permit shall be denied, the Chief of Police shall state the reasons for such denial to the applicant in writing.

Section 5-11.07 Revocation of Private Watchman's Permit. Any permit granted pursuant to this Article for a private watchman may be revoked by the Chief of Police at

anytime, for any reason for which such permit might lawfully be denied; for conviction of a violation of any provision of this Article or of any local, state, or federal law or regulation; or for any other good cause. Such revocation may be made only after the opportunity for a hearing before the Chief of Police has been provided to the private watchman in accordance with the provisions of Section 5-2.07 of this Chapter.

Section 5-11.08 Uniforms.

a. Each private patrol service shall adopt a distinctive and characteristic uniform, and all private security officers employed by such service shall wear such uniform at all times while engaged in the performance of their duties.

b. Any uniform proposed to be adopted by a private patrol service, pursuant to subsection (a) hereof, and any uniform proposed to be worn by any private watchman, shall be approved by the Chief of Police before such uniform may be adopted or worn. To be approved, a proposed uniform must conform to the restrictions of subsections (c) hereof.

c. It shall be unlawful for any person to wear, or to cause or permit to be worn, any uniform which is similar in design to any uniform used by the Oakland Police or Fire Departments. A uniform shall be considered to be similar in design to a uniform used by the Oakland Police or Fire Departments if it so resembles such official uniform as to cause an ordinary reasonable person to believe that the person wearing the uniform is a member of the Oakland Police or Fire Department.

d. The provisions of this section shall not apply to any uniform being worn by any private watchman or private security officer at the time of adoption of this section as amended, but any replacement of such uniform must conform in every respect with all of the provisions of this section.

Section 5-11.09 Badges. It shall be unlawful for any person to wear or display, or cause to be worn or displayed, any badge or insignia similar in design to that used by the Oakland Police or Fire Departments, and no badge or insignia of any design shall be worn, displayed, or used in any manner unless the same has first been approved by the Chief of Police. Any badge or insignia worn by a private watchman or by a private security officer shall have imprinted thereon, in letters of a size approved by the Chief of Police, the name of the employer of the private watchman, or the name of the private patrol service by whom the private security officer is employed, as the case may be. In addition to such name, there may be imprinted thereon words such as "private security officer," "private watchman," "watchman," or "guard."

Section 5-11.10 Unlawful to Manufacture Certain Badges. It shall be unlawful for any person to make or manufacture or sell any badge of a like or similar design

to that used by the Oakland Police Department or Oakland Fire Department, or to make or manufacture or sell any badge to be used by a private security officer or private watchman, except with the written approval of the Chief of Police.

Section 5-11.11 Complaints by Chief of Police.

The Chief of Police is hereby authorized, empowered, and directed to file or to cause to be filed with the Bureau of Consumer Affairs of the State of California a complaint against any private patrol operator or private patrol service or any person employed as a private security officer by a private patrol operator or private patrol service, whenever he believes good cause exists therefor. A copy of each such complaint filed shall be furnished to the private patrol operator involved.

Section 5-11.12 Business License Tax. Nothing in this Article shall be construed to permit any person to act as a private patrol operator or to operate a private patrol service within the City of Oakland unless such person shall first pay any license tax or fee that may be required by Article 1 of this Chapter or by other Ordinance of the City of Oakland. Nothing herein shall be construed as a waiver of any such license or fee.

Section 5-11.13 Penalty for Violation.

Violation of any provision of this Article shall be a misdemeanor and shall be punished as provided in Section 1-3.01 of this Code.

2. Sections 5-11.4 through 5-11.20 inclusive of the Oakland Municipal Code as hereby repealed.

IN COUNCIL, OAKLAND, CALIF., MAY 10 1983, 19

**PASSED BY THE FOLLOWING VOTE:**


AYES — ENG, GIBSON, ~~CHAMBERLAIN~~, MOORE, OGAWA, RILES, SPEES, ~~SCOTT~~ CANNON  
AND ~~...~~ PRESIDENT WILSON -8

NOES — NONE

ABSENT — COUNCILMEMBER GILMORE -1

ABSTENTION — NONE

ATTEST:

  
ARRECE JAMESON  
City Clerk and Clerk of the Council  
of the City of Oakland, California