

Improved Nighttime Safety in the Tenderloin

The Tenderloin Retail Hours Restriction Pilot Program would improve nighttime safety in the Tenderloin by limiting after-midnight retail business and do two things:

- Prohibit certain retail stores, like smoke shops, from being open to the public between 12 a.m. (midnight) to 5 a.m. in a select part of the Tenderloin.
- Authorize the Department of Public Health to fine stores violating the limitation up to \$1,000 per hour of violation.

What does the Pilot Program Do?

Establishes a two-year pilot program. During the two years, retail stores that sell any prepackaged food or tobacco products will be prohibited from being open to the public from 12:00 a.m. to 5:00 a.m.

SFPD will investigate. SFPD will conduct the investigations, gather evidence, and give warnings, but will not arrest or criminally cite anyone.

Violators will be issued an administrative fine. The Department of Public Health would impose an administrative fine of up to \$1,000 per hour of violation, based on SFPD evidence. There is no warning requirement for a fine for the first hour of the day, but the store must be warned before they can get subsequent violations per day. The ordinance does not establish a new crime; the goal is for compliance and to increase the health of the neighborhood -- not for punishment.

Who does it impact?

Only impacts certain retail stores open after midnight. The pilot program would only apply to retail stores that sell prepacked food (e.g. chips and soda) or tobacco products (e.g. smoke shops and corner stores). This applies whether or not the store has any permit(s), such as a food permit from DPH or TPE permit from Planning. It does not apply to bars, restaurants, or other non-retail businesses.

Only impacts a small “Tenderloin Public Safety Area”. The pilot program will only impact a particular high-crime area of the Tenderloin, between O’Farrell St. to McAllister St., and Polk St. to Jones St.

Why is this needed?

Unintended consequences of late-night retail. The Police Department has determined that a relatively high concentration of narcotics crimes and other crimes frequently connected with drug activity occurs between the hours of 12:00 a.m. and 5:00 a.m. in the Tenderloin Public Safety Area. SFPD believes that by being open so late, these retail food and tobacco establishments in effect facilitate the late nighttime drug market by providing a lighted gathering point for drug users and dealers, by enabling drug user and dealers to take cover indoors to avoid police patrols, and, in some cases, by selling tobacco, tobacco paraphernalia, and other retail goods used by people engaged in drug use and sales.

The Tenderloin has many families with children and seniors. The Tenderloin is home to a high density of low- and middle-income families, including many families with children, and it has the City's highest rate of drug-related crime, including narcotics offenses and gun-related crimes, both of which are frequently connected with drug offenses. Tenderloin families and residents generally do not shop at these stores after midnight, and they believe these store hours do not serve the community.

Limiting after-midnight business will help make the neighborhood feel safer. Based on the feedback from Tenderloin stakeholders and residents and on findings from the Police Department, this pilot program will help limit the congregation of large groups engaged in drug activity that happens in front of the stores, which will reduce crime, reduce litter and refuse in on the streets, and make the residents feel safer to go out at night.