



**COUNCILMEMBER CHRIS CATE
CITY OF SAN DIEGO
SIXTH DISTRICT**

M E M O R A N D U M

DATE: September 12, 2018

TO: Kevin L. Faulconer, Mayor
David Nisleit, Chief of Police

FROM: Councilmember Chris Cate, Chair, Committee on Public Safety and
Livable Neighborhoods 

SUBJECT: Proposed Changes Regarding Massage Establishment Police Permits

The San Diego Municipal Code currently identifies massage establishments as a police-regulated business. However, it also exempts massage establishments that only employ individuals with certification from the California Massage Therapy Council (CAMTC) from needing to obtain a police permit. Currently, of the approximately 640 massage establishments in San Diego, only five have a police permit on file with the City. Due to this exemption, the San Diego Police Department (SDPD) cannot verify that those claiming the exemption are, in fact, only employing CAMTC certified therapists. Therefore, the SDPD is limited in their ability to regularly inspect massage establishments and efficiently shut down those found to be engaging in illicit activity, such as lewdness, prostitution, and human trafficking.

Since the Municipal Code currently does not require all massage establishments to obtain a revocable permit, establishments that have been found to conduct illicit activities, such as prostitution and human trafficking, are enforced via the Red-Light Abatement Act outlined in California Penal Code Section 11225, which can be a time consuming and costly process for the City. Under the current process, uncooperative establishments engaging in illicit activity can take as long as one-year before compliance is achieved or the establishment is effectively shut down.

As of June 2018, the SDPD Vice Unit currently had 15 active cases under investigation and had referred an additional 19 cases to the City Attorney's office. Given the current law, both the SDPD and the City Attorney's office are doing an exceptional job. However, the goal of proposing changes is to provide them with the tools needed to effectively and efficiently shut down bad actors and combat human trafficking in massage establishments, while lifting up the legitimate profession of massage therapy.

According to the California Massage Therapy Council, best practices in local massage establishment ordinances include the mandatory issuance of local revocable permits, such as police permits, granting local governments the ability to either suspend or revoke a permit for specific violations. This process will provide the city with a cost-effective and efficient avenue to close massage establishments that conduct illicit activity and violate the law.

“The outlined proposal follows Best Practices that CAMTC has observed have proven effective in numerous cities and counties, along with adequate enforcement,” said Beverly May, Director of Governmental Affairs for the California Massage Therapy Council.

As such, I respectfully request the San Diego Police Department work with my office and the City Attorney’s office to evaluate and create ordinance language that will achieve the following:

- Remove the existing exemption for massage establishments that hire only CAMTC certified massage therapists and re-instate a mandatory revocable massage establishment police permit for all massage establishments;
- Include an amendment to San Diego Municipal Code Chapter 3, Article 3, Division 35 that includes a robust list of grounds for permit suspension and revocation, which includes all violations outlined in California Business Professions Code Section 4609 and other violations relating to prostitution, human trafficking, lewdness, etc;
- Include a “rotating door” amendment to San Diego Municipal Code Chapter 3, Article 3, Division 35, prohibiting the issuance of a new massage establishment police permit in the same location as one that has been closed for illicit activity, or other serious violations, for at least two years as well as prohibiting the transfer of ownership while an action by the City is pending;
- Work with the Finance Department to evaluate a massage establishment police permit fee that is lower than the current cost and evaluate the option of a lower permit fee for massage establishments owned and operated by one massage therapist.

CC:ay

cc: Honorable Mara Elliott, City Attorney
Andrea Tevlin, Independent Budget Analyst
Jessica Lawrence, Director of Council Affairs, Office of the Mayor
Jen Lebron, Director of Public Safety Policy, Office of the Mayor