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Subject: Retrocession of Jurisdiction at HPS
Date: Monday, January 14, 2008 12:21:15 PM

Beth,

Some additional thoughts about retrocession related to a LIFOC. Based upon a review of real estate summary / jurisdiction maps and jurisdiction documents related to HPS, it appears that Parcel 49 and the related parking areas straddle the boundary between partial legislative jurisdiction and the proprietarial areas. It also appears that the partial legislative jurisdiction area is exclusive for purposes of criminal law enforcement. That is, while San Francisco has jurisdiction for criminal law enforcement in the proprietarial areas, it has no jurisdiction in the partial areas. Consequently, if the Navy transfers the parking areas within the partial legislative jurisdiction area under a LIFOC and without a retrocession of jurisdiction to concurrent, only federal police officers will be able to enforce criminal laws in those parking areas. In addition, even identifying which areas are subject to which laws could be a problem, given that the boundary between partial and proprietarial appears to bisect the parking areas at an angle. This provides further support for a retrocession of jurisdiction to concurrent in the event of a LIFOC.

In the interest of full disclosure, I have been an advocate for retrocession of jurisdiction at HPS for some time and notwithstanding the possibility of a LIFOC. Under a LIFOC, however, the arguments supporting retrocession are even more compelling.

John