

#	AB 481 Recommended Edits	pg. number	Supervisor	SFPD Response	SFPD Explanation
R1	Section A.4 "Purpose": Change the following sentence "A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers." to read: "A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers by providing ground support and situational awareness for law enforcement operations."	3	Peskin	Included/Accepted redline	
R2	Section A.5 "Authorized Use": Change the following sentence "The robots listed in this section shall not be utilized outside of training and simulations, criminal apprehensions, critical incidents, exigent circumstances, executing a warrant or during suspicious device assessments." to read: "The robots listed in this section shall not be utilized outside of training and simulations, criminal apprehensions, critical incidents, exigent circumstances, or during suspicious device assessments. Robots shall not be used as a Use of Force against any person."	3	Peskin	Revised and accepted	SFPD has revised to read: "The robots listed in this section shall not be utilized outside of training and simulations, criminal apprehensions, critical incidents, exigent circumstances, executing a warrant or during suspicious device assessments. Robots will only be used as a deadly force option when risk of loss of life to members of the public or officers are immanent and outweigh any other force option available to SFPD" Robots are often used as an alternative to a TAC officer approaching a home during a high risk search warrant. The robot creates distance between a potentially dangerous situation and an officer's body. Robots can also be used to deploy a breaching apparatus or less lethal options such chemical agents. This deployment would fall under a "use of force" action. The recommended edit would remove SFPD's ability to create distance during some of the more dangerous and precarious situations TAC officers encounter. LAEs must be prepared to address scenarios where mass casualties are a potential and must be thwarted. In some cases deadly force against a threat is the only option to mitigate those mass casualties.
R3	Section B.5 "Authorized Use": Change from "To protect and safely transport SFPD personnel to active scenes. Used by Tactical and Specialist Teams" to read: "To protect and safely transport SFPD personnel to active scenes. Used only by Tactical and Specialist Teams when authorized by Command officers for: • mobile physical cover in incidents involving actual or threatened violence or when reasonable suspicion, based on articulable facts, exists that violence will occur using firearms or explosives; could • Vehicle blocking for incidents involving armed and unresponsive persons in vehicles; • Medical emergencies and disaster responses, when the armored vehicle’s capabilities are necessary to prevent loss of life. Each deployment/use shall be logged with all deployment details and reported to the Assistant Chief of Operations or designee to fulfill annual reporting requirements."	5	Peskin	Revised and accepted	SFPD has revised to read: "To protect and safely transport SFPD personnel to active scenes. Used only by Tactical and Specialist Teams when authorized by commissioned officers: • mobile physical cover in incidents involving actual or threatened violence or when reasonable suspicion, based on articulable facts, exists that violence will occur using firearms or explosives; or any other deadly weapon; • Vehicle blocking for incidents involving armed and unresponsive persons in vehicles; • Medical emergencies and disaster responses, when the armored vehicle’s capabilities are necessary to prevent loss of life." Changing "command staff" to "commissioned officers" which are rank of Lieutenant and above as time wasted with too much bureaucracy may result in lives lost. SFPD TAC requires ability to be agile and deployed quickly. We have moved the sentence relating to logging and reporting to the "Annual Report" Section of this policy
R4	Section C.5 "Authorized Use": deletion of "Battering ram on the BearCat may be used during a search/arrest warrant service after the prior approval of a magistrate."	6	Peskin	Revised and accepted	SFPD revised authorized use to read: "Entry apparatus on the BearCat may be used to allow personnel to enter or extract victims or suspects. Authorized to be used in high-risk tactical situations where de-escalation methods were unsuccessful or would be futile and other force options would jeopardize the safety of the public and officers. Used by Tactical and Specialist Teams See comments in Bear Cat, above"
R5	Section D.6. "Fiscal Impact": Is the Ford E-350 Van, 1992 still in use?	7	Peskin	Yes	
R6	Section E.4. "Purpose": add "if negotiation, de-escalation or other alternatives to entry are not possible." to the end of para 1.	8	Peskin	Included/Accepted redline	
R7	Section E.5. "Authorized Use": include "Each deployment/use shall be logged with all deployment details and reported to the Assistant Chief of Operations or designee to fulfill annual reporting requirements."	9	Peskin	Revised and accepted	Moved this to the Annual Report section of the us policy so it applies to all items.

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R8	Section F.2. "Quantity": Request for model names	10	Peskin	Included/Accepted redline	While model/make names are not clearly required by AB 481/Gov Code § 7070 and not readily available for all products listed in this use policy, we have updated to include the model names when available.
R9	Section F.5 "Authorized Use": include "Each deployment/use shall be logged with all deployment details and reported to the Assistant Chief of Operations or designee to fulfill annual reporting requirements."	10	Peskin	Revised and accepted	Moved this to the Annual Report section of the use policy so it applies to all items.
R10	Section F.6.: "Fiscal Impact": "need to specify if this is a bundle or if purchased separately costs"	10	Peskin	Included/Accepted redline	confirmed that this cost is associated with a bundle.
R11	Section F.7.: "Legal and Procedural Rules": Tactical Unit Order 11-02: Use of Chemical Agent where is this public? Tactical Unit Order 21-02: Pepperball Systems where is this public?	11	Peskin	Will be posted publicly	Per Ca Penal Code § 13650, SFPD must post on its website all current standards policies and operating procedures that would otherwise be made available during a PRA. The Unit Order should be posted subject to redactions any information that could compromise the officer's safety or reveal tactical information. The department is reviewing, redacting if necessary and will publicly post.
R12	Section G.1: "Description": needs model name	11	Peskin	Included/Accepted redline	While model/make names are not clearly required by AB 481/Gov Code § 7070 and not readily available for all products listed in this use policy, we have updated to include the model name "LRAD-Model 100X".
R13	Section G.1: "Description": Revised description to delete the direction beam of sound as the department is no longer allowed to use in this way. Now the description reads as follows: "LRAD -Model 100X: A device that can be used as a specialized loudspeaker system that produces sound at a high power for directional communication communicating at a distance. LRAD sound is directionally focused toward the intended individual person or groups."	11	SFPD	Included/Accepted redline	
R14	Section G.4. "Purpose": change the purpose from "LRAD is used as a safe deterrent against hostile crowds or individuals committing violent acts: to read as follows: "LRAD is used as a safe deterrent against hostile crowds or individuals committing violent acts evidence shows it can lead to hearing loss/not safe"	11	Peskin	Revised and accepted	The Department revised the Purpose to read as follows: "LRAD is an amplified communication device used by law enforcement agencies to communicate to the public, suspect(s), hostile crowds, or during disaster management."
R15	Section G.5. "Authorized use": change " LRADs may only be utilized as a public address system for commercial purposes. Any other use is not authorized." to read as follows: "LRADs may only be utilized as a public address system only for (1) Disaster or city-wide emergency management or (2) rescue operations including missing or lost persons at no louder than 120db." Regarding the sentence "Any other use is not authorized."- If we use this not authorized language here than we have to use it in other places. Also this conflicts with stated purpose	11	Peskin	Revised and accepted	SFPD revised the language to read as follows: "LRADs may only be utilized as a public address system only for (1) Disaster or city-wide emergency management (2) rescue operations including missing or lost persons (3) Dispersal Orders or (4) During Critical Incident to communicate to suspect(s)." SFPD deleted the following sentence: "Any other use is not authorized" SFPD removed the previous required approvals as the system will no longer utilize the deterrent tones.
R16	Section G.5."Authorized Use": include "Each deployment/use shall be logged with all deployment details and reported to the Assistant Chief of Operations or designee to fulfill annual reporting requirements."	12	Peskin	Revised and accepted	Moved to the Annual Report section of the use policy so it applies to all items.
R17	Section G.7. "Legal and Procedural Rules": Tactical Unit Order 21-01: Use of Extended Range Impact Weapons During Crowd Control -Not publicly available? Tactical Unit Order 04-03 Use of Chemical Agents ? Not publicly available?	12	Peskin	Will be posted publicly	Per Ca Penal Code § 13650, SFPD must post on its website all current standards policies and operating procedures that would otherwise be made available during a PRA. The Unit Order should be posted subject to redactions any information that could compromise the officer's safety or reveal tactical information. The department is reviewing and will post online.

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R18	Section H.4. "Purpose": Deleted "Nationwide, violent offenders outgun law enforcement and high-powered weapons continue to be weapon of choice for violent offenders confronting law enforcement and innocent civilians. In 2016, long guns (rifles, etc.) were used in 40% of firearms related line- of -duty deaths. From 1988 to -August 2019, more than 85% of mass public shootings have occurred in gun-free zones, like the workplace, schools, churches, and shopping malls where law enforcement may be in the vicinity and waiting for SWAT deployment is not timely. "	13	Peskin	Declined	This narrative explains why law enforcement agencies started using these types of weapons. It is important for the public to understand the relevance to law enforcement use.
R19	Section H. Specialized Firearms: Delete in its entirety	14	SFPD	Accepted	AB 481 defines this section as: "Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.". The Department did not initially include this section in the May 16, 2022 draft as the Range and TAC defined these as "standard issue service weapons", however the Department had not received confirmation from general counsel at that time. As other LEA's across California began to include this category in their AB 481 use policies, the Department included in the July draft for added transparency. Recently the Department received confirmation from general counsel that this use policy should exclude these weapons if the Chief of Police defined them as "standard issue service weapons". Upon review of additional recommendations provided by Supervisors and by community members, the Chief of Police conferred with members and confirmed that these weapons have remained standard issue service weapons as they are procured by the Department and issued to members. There are LEA's that allow their members to procure these types of weapons on their own, and are eligible for reimbursement, for use during active duty. This is not the case for SFPD and as such, this section has been deleted.
R20	Section H.5. "Authorized Use": Change the use from "During large critical incidents/active shooter or incidents where an armed suspect is threatening the public or officers and where there may be a need to defeat body armor. To be used to effectively control a scene with increased distance between officer and subject allowing more time to deploy other force options." to read as follows: "During active shooter or incidents where an armed suspect with body armor is threatening the public." Peskin highlighted with a question: "To be used to effectively control a scene with increased distance between officer and subject allowing more time to deploy other force options."	14	Peskin	Declined	As written this recommendation could limit all officers, including patrol, to only use these weapons when they know an active shooter or suspect has body armor on. Knowledge or confirmation of body armor is not a feasible expectation. These firearms are also currently used as lethal cover for ERIW deployment when distance is more advantageous to officers. As these weapons are more accurate than handguns, and able to be used at greater distances they are more effective at addressing incidents where high-powered weapons are being used by subjects which limits the potential of injuring bystanders or other unintended targets.
R21	Section H.5. "Authorized Use": include "Each deployment/use shall be logged with all deployment details and reported to the Assistant Chief of Operations or designee to fulfill annual reporting requirements."	14	Peskin	Revised and accepted	Moved this to the Annual Report section of the us policy so it applies to all items.
R22	Section I.4. " Purpose": delete "This can potentially prevent a deadly force encounter." and include "if de-escalation or negotiation is unsuccessful.	15	Peskin	Declined	SFPD has slightly revised the end of para 1 of the purpose to read: "The bean bag shotgun also allows officers to confront an armed or dangerous suspect at a longer distance. This can potentially prevent a deadly force encounter as the alternative is the use of a department issued firearm." Use of firearm is not dependent on unsuccessful de-escalation or negotiation. Use of a less lethal tools does not guarantee that a firearm will not be used but it does decrease the likelihood. Using a less lethal is an alternative to firing a service weapon but is still considered use of force.
R23	Section I.4. " Purpose": delete "When deployed, they provide a less lethal force option and significantly reduce the risk of injury to citizens, suspects, and police officers." -Not a purpose	15	Peskin	Declined	As chemical agents are defined as less lethal force options by law enforcement agencies, deleting this sentence eliminates the purpose of the use from the policy.

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R24	Section 1.4, "Purpose": include "Chemical agents shall not be used to disperse any assembly, protest or demonstration, except as permitted under California Penal Code Section 13652(b). Projectile launch platforms and their munitions shall not be aimed or fired at a person’s head, neck, throat or vital organs nor fired closer than 20 feet nor shall then be used against children, elderly persons or persons only engaged in passive resistance."	15	Peskin	Revised and accepted	SFPD modified this revision slightly to align with department policy: "Chemical agents shall not be used to disperse any assembly, protest or demonstration, except as permitted under California Penal Code Section 13652(b). Projectile launch platforms and their munitions shall not be aimed nor fired closer than 15 feet or intentionally be aimed at a person's head, neck, throat, heart, or spine. The ERIW should not be used in the following circumstances (unless the use of deadly force is appropriate): elderly, children, where a subject is in an elevated position where a fall is likely to cause serious injury or death, or the subject is known or appears to be pregnant. Officers should not deploy the 40mm ERIW within 15 feet unless an exigent circumstance arises. Exigent Circumstance Exception - An exigent circumstance arises when an officer reasonably believes, based on specific and articulable facts, that a threat exists to a person's safety, the safety of others, or the safety of the involved officers(s)."
R25	Section 1.5 "Authorized use": Delete "De-escalation tool not likely to inflict serious injury."	16	Peskin	Accepted	
R26	Section 2. Definitions: change text from "Exigent Circumstances: An emergency involving imminent danger of death or serious physical injury to any person or destruction of property or evidence that requires the immediate use of equipment subject to the provisions of AB 481." : to read as follows: "Exigent Circumstances: An emergency involving imminent danger of death or serious physical injury to any person"	17	Peskin	Revised and accepted	The recommended definition mirrors the definition in SF Admin Code 19b but that legislation's concern is focused on the civil liberties impacts around PII collection and data sharing. The equipment subject to AB 481 are not collecting PII and are instead used to disperse or control unusually dangerous and spontaneous events where typical SFPD patrol responses are not sufficient. The recommended language would prohibit SFPD TAC from addressing hostile crowds destroying buildings or property (ex: Jan 6th insurrection, seizing an SFPD station or city hall). The proposed revision does not align with the SFPD accepted definition listed in several DGOs that were approved by the Police Commission. The acceptance of the language would necessitate multiple revisions to Department policies, manuals and trainings requiring additional review from the Department of Police Accountability and subsequent Police Commission hearings leading to adoption. SFPD and most law enforcement agencies defer to exigent circumstance definitions that include property destruction, destruction of evidence or lean on the reasonable belief of an officer that immediate action is necessary. SFPD offers to delete "destruction of evidence" from this definition and the inclusion of language pulled from approved DGOs.
R27	Section 3- Acquiring or seeking funds: Change section to read as follows: "Should stock of equipment listed in this Use Policy has reached significantly low levels, has been exhausted, needs maintenance or replacing, or if there exists an objectively reasonable expectation that stock may reach significantly low levels, the Department shall immediately notify the may purchase new stock without additional Board of Supervisors. approval to maintain essential availability for the Department’s needs public safety needs. The Department is authorized to acquire additional stock of items listed in this Use Policy from other law enforcement agencies of California Governor’s Office of Emergency Services (“CalOES”) in the event of an designated emergency when approved by the Chief of Police or designee"	18	Peskin	Revised and accepted	The Department agrees to notify the BOS of low stock, however the language is unclear whether the notification allows the department to maintain or purchase replacements of current inventory. The department proposed language that clearly defines the authority to purchase approved equipment . The section now reads as follows: "When stock of equipment listed in this Use Policy has reached significantly low levels, has been exhausted, needs maintenance or replacing, or if there exists an objectively reasonable expectation that stock may reach significantly low levels, the Department shall immediately notify the Board of Supervisors when new stock, maintenance or replacements have been procured by the Department."
R28	Section 4- Compliance & Sanctions: Add the following language: "AB481 requires this policy to include “the mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority.” The San Francisco Board of Supervisors has ultimate oversight authority over compliance wit this policy."	18	Peskin	Revised and accepted	This use policy, if approved by ordinance, will only be applicable to SFPD members. SFPD member compliance to written directives, policies, procedures and trainings are not overseen by the Board of Supervisors. Gov Code 7070(d)(6) asks the LAE to list the mechanism to ensure compliance with the military equipment use policy but does not name the governing body (BOS) as having ultimate authority over all facets of compliance. The BOS does not have authority to discipline SFPD members of non-compliance with Department policy and does not have oversight over discipline proceedings. The BOS does however have the authority to, based on review of an annual report, determine whether each type of equipment identified in the approved use policy was used according to approved standards as set forth in Gov Code 7071(d). The BOS then has the authority to either renew, disapprove or modify the authorization for the use policy to resolve the lack of use compliance. The Department has modified the requested language to adhere to Gov Code 7072 . The new language has been included in the Annual Report section (p. 20).
R29	Section 4- Compliance & Sanctions: Add the word "complaints" in the concerns and inquiries paragraph.	19	Peskin	Accepted	

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R30	Section 5-Collaboration with Outside Law Enforcement Agencies: Change "Equipment not listed in this Law Enforcement Use of Equipment Policy shall not be used by any other law enforcement agency or member in this jurisdiction unless there is an approved interagency operation in compliance with SFPD DGO 5.14, an exigent circumstance or the equipment subject to the provisions of AB 481 is approved for use in accordance with this policy." to read as follows: "Military Equipment not listed in this Law Enforcement Use of Equipment Policy shall not be used by any other law enforcement agency or member in this jurisdiction unless the equipment subject to the provisions of AB 481 is approved for use in accordance with this policy."	19	Peskin	Revised and accepted	The Department does not refer to any of the equipment listed in the proposed use policy as "military equipment" as most if not all are used as de-escalation or rescue tools and were not provided to SFPD by the federal government. The Department has no authority to define the actions of other LEAs in this jurisdiction and as such cannot prohibit outside agency or mutual aid agencies use of equipment defined by AB 481. It is not feasible to seek BOS approval before the emergency use of equipment owned by outside agencies as the use would be in response to an urgent or large scale event requiring public safety interagency collaboration. The Department proposes the following language: "Equipment not listed in this Law Enforcement Use of Equipment Policy shall not be used by any other law enforcement agency or member in this jurisdiction unless there is an approved interagency operation in compliance with SFPD DGO 5.14, an exigent circumstance requiring deployment of mutual aid partners or the equipment subject to the provisions of AB 481 is approved for use in accordance with this policy."
R31	Section 6-Annual Reporting: Subsection (1), include a summary of which equipment was used, the frequency of use, and the purpose of its use, and the outcome of the incident, including whether injuries were sustained	20	Chan	Accepted	
R32	Section 6-Annual Reporting: Subsection (1), include the date, time and location(s) of such use together with report and incident numbers.	20	Peskin	Declined	The summary already requires the frequency and reason for use. The date/time/incident and report numbers included in the annual report present an administrative burden that SFPD cannot commit to as this would require a manual search through crime data warehouse and will require additional FTEs to track. The data itself may also reveal specific information leading to victims and witness identification.
R33	"SFPD's proposed policy leaves many of its weapons with very loosely defined authorized use. These could allow weapons that have a non-escalatory or non-lethal purpose be authorized for use outside that purpose. In addition to limiting these broad authorizations, two additional recommendations: 1. Clearly identify which weapons may be used for Use of Force (including lethal force) 2. Make any use that is not authorized by policy be prohibited"	all	American Friends Service Committee	Revised and accepted	The Department has listed the SFPD DGO 5.01 Use of Force in the "legal and procedural rules" category under each respective type of equipment that may be involved with use of force incidents. If DGO 5.01 is not listed in that legal and procedural rules section, the equipment is not considered or tracked under use of force. Listing prohibitions are not required per AB 481 and creating authorized uses that are too narrow may create unintended consequences where SFPD cannot respond to critical incidents that the Department or this governing body cannot pre-determine, pre-define or imagine in advance. Domestic terrorism, active shooters, large scale emergencies and other exigent circumstances are not daily occurrences, but can impact a large metropolitan area like San Francisco and its law enforcement agency will need to be nimble and prepared in those instances.
R34	Align receipt of annual report with annual budget process. San Francisco should follow neighboring cities Berkeley and Oakland in setting a specific delivery date of its annual report (which the state law only requires to be delivered “within one year of approval”). Oakland requires the first annual report be delivered by March 15. By setting a similar March deadline, SFPD will not only be able to avoid a rush before the last minute, it will also be able to deliver a smaller initial report, confirm earlier in the process whether it is tracking all the information required by law, and provide context for its requested budget for the next fiscal year.	20	American Friends Service Committee	Declined	The SF City and County annual budget cycle begins for Departments in February of each year and ends in July. This recommendation would require SFPD to provide an "annual report" two or three months after BOS approval of the AB 481 use policy. Oakland and Berkely are used as examples to support this recommendation yet Oakland's AB 481 policy is still in draft form as their Militarized Equipment Ad Hoc Committee is still convening meetings to discuss. According to the Berkeley Police Department draft policy, Manual 709, the annual report section 709.7 states that BPD annual report will be submitted within one year of city council approval, and annually thereafter for as long as the military equipment is available for use, pursuant to Government Code § 7072. This does not align with the recommendation's assertion of budget alignment. As a reminder, the SFPD proposed use policy represents items the SFPD acquired before January 2022. Many items have been in SFPD's possession dating back to the 90s and early mid-2000s. The estimated annual cost to the department for maintenance or related ammunition is approx. \$111,000 and paid for through the operational budget and not identified though an itemized list. Because of this, the Department does not see a clear benefit to the public by providing a supplemental report that will not provide itemized information, does not align with the AB 481 annual report requirement and does not clearly align with BOS annual review pursuant to Government Code 7071(e)(1).
R35	Include the following in the annual report: How many personnel devoted and how many hours toward training on each weapon? What was the cost of that personnel time? How many hours were devoted by all personnel towards cleaning rifles? Towards cleaning or maintenance on each weapon? Were any of the above at an overtime rate?	20	American Friends Service Committee	Declined	SFPD does not have Human Resource Management System (HRMS) time codes to delineate the work sworn members do while on duty. There is no code for "cleaning weapons", "training to use weapons", or "maintaining weapons". SFPD's Advanced Officer/Continued Training Cycle, which is required by officers to take on a two-year cycle, is coded as regular work hours. There is no way to track or report on the activities listed in this recommendation as officers do not track their time by billable hour codes. Billable hours are for services where projects can be charged to specific clients according to an agreed upon hourly rate (ex. freelancers and attorneys). As sworn members are salary employees of the City & County of SF, paid by the General Fund, there are not multiple ways to bill for regular work hours, which means there is no compelling reason to track in the suggested manner.

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R36	Section 3- Acquiring or Seeking Funds: SFPD’s proposed policy would allow SFPD to acquire equipment without prior Board of Supervisor approval if it has an unanticipated reduced in any of its stock. If this happens, this is exactly the situation in which more oversight is needed, not less. The public has a right to know why that supply was unexpectedly depleted, how it was used, and whether to expect similar levels of use in the future. As the law states: “The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency’s decision to fund, acquire, or use such equipment.” Unrestricted restocking moves counter to the public transparency provided by the law	18	American Friends Service Committee	Revised and accepted	The proposed AB 481 use policy does not allow SFPD to purchase all equipment subject to the provisions of AB 481 without BOS approval. This section applies to items listed in the proposed policy itself and are already in SFPD's current inventory and once approved subject to annual review by the BOS. Pursuant to AB 481, the annual report requires SFPD to include the "total annual cost for each type of equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the equipment in the calendar year following submission of the annual equipment report." The proposed use policy allows the department to maintain, replace or purchase ammunitions or equipment (if the overall use policy is approved by the BOS) without additional BOS hearings and approvals. AB 481 does not change a Department Head's charter authority to authorize all requisitions for the purchase of materials, supplies and equipment required by the Department. The costs of most of the equipment listed in this use policy range between \$1,000- \$300,000, while the annual maintenance costs for all items is approximately \$111,000. Individual purchases at these amounts are not typically under the purview of the BOS. The BOS must, however, approve all city department procurements estimated to exceed \$10 million. If BOS approves continued use of current inventory of equipment subject to AB 481, the SFPD Department Head/Chief of Police should maintain the authority to approve procurement or maintenance costs for his/her department needs. It is the Department's opinion that AB 481 considered law enforcement agencies needs to maintain, upgrade and/or incur ongoing costs relating to approved equipment, as this information is already required in annual report and governing body annual review.