

#	AB 481 Recommended Edits	pg. number	Supervisor	SFPD Response	SFPD Explanation
R1	<p>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:</p> <p>"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."</p>	3	Peskin	Included/Accepted redline	
R2	<p>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:</p> <p>"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."</p>	3	Peskin	Revised and accepted	<p>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"</p> <p>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. Supervisor Peskin's 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.</p>
R3	<p>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:</p> <p>"To protect and safely transport SFPD personnel to active scenes. Used only by Tactical and Specialist Teams when authorized by Command officers for:</p> <ul style="list-style-type: none"> • 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. <p>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."</p>	5	Peskin	Revised and accepted	<p>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:</p> <ul style="list-style-type: none"> • 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." <p>Changing "command staff" to "commissioned officers" which are rank of Lieutenant and above as time wasted with 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</p>

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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	Revised and accepted	
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.
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 and not readily available for all products listed in this use policy, we have updated to include the model names.
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 us 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		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 polices 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.
R12	Section G.1: "Description": needs model name	11	Peskin	Included/Accepted redline	While model/make names are not clearly required by AB 481 and not readily available for all products listed in this use policy, we have updated to include the model names.
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	COP	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	Not included	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."

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R15	<p>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:</p> <p>"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</p>	11	Peskin	Revised and accepted	<p>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 at no louder than 120db (3) Dispersal Orders or (4) During Critical Incident to communicate to suspect(s)."</p> <p>SFPD deleted the following sentence: "Any other use is not authorized"</p> <p>SFPD removed the previous required approvals as the system will no longer utilize the deterrent tones.</p>
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 this to the Annual Report section of the us policy so it applies to all items.
R17	<p>Section G.7. "Legal and Procedural Rules":</p> <p>Tactical Unit Order 21-01: Use of Extended Range Impact Weapons During Crowd Control -Not publicly available?</p> <p>Tactical Unit Order 04-03 Use of Chemical Agents ? Not publicly available?</p>	12	Peskin	Will be posted publicly	Per Ca Penal Code § 13650, SFPD must post on its website all current standards polices 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.
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	<p>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:</p> <p>"During active shooter or incidents where an armed suspect with body armor is threatening the public."</p> <p>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."</p>	14	Peskin	declined	As written by Supervisor Peskin, this authorized use would limit all officers, including patrol, to 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 bystander or other unintended targets.
R20	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.

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R21	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.
R22	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.
R23	Section I.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 or fired at a person's head, neck, throat or vital organs nor fired closer than 15 feet nor shall then be used against children, elderly persons or persons only engaged in passive resistance.
R24	Section 1.5 "Authorized use": Delete "De-escalation tool not likely to inflict serious injury."	16	Peskin	accepted	
R25	Section 2. Definitions: change 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	declined	This edit would prohibit SFPD TAC from addressing hostile crowds destroying buildings or property (ex: Jan 6th insurrection or taking over an SFPD station or city hall). While this definition may apply to SF Admin Code 19b and its concern around PII collection and data sharing, the equipment under the provisions of AB 481 are not collecting PII and are acquired to disperse and control unusually dangerous and spontaneous events where typical SFPD patrol responses are not sufficient. 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 as we do not believe that rises to the need for a TAC response.
R26	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	accepted	