

File No. 220641

Committee Item No. 2

Board Item No. 28

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Nov. 14, 2022

Board of Supervisors Meeting

Date Nov 29, 2022

#### Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
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Completed by: Victor Young Date Nov 10, 2022

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]

**Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing for the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's Use of Equipment Policy.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background and Findings.

(a) On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481), requiring law enforcement agencies to obtain approval from their applicable governing body for the funding, acquisition, and use of certain law enforcement equipment.

(b) AB 481 requires the Police Department to obtain Board of Supervisors approval for use of certain existing equipment acquired prior to January 1, 2022. The list of covered law enforcement equipment includes:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this category.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a

1 breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and  
2 motorized dirt bikes are specifically excluded from this category.

3 (4) Tracked armored vehicles that provide ballistic protection to their occupants  
4 and utilize a tracked system instead of wheels for forward motion.

5 (5) Command and control vehicles that are either built or modified to facilitate  
6 the operational control and direction of public safety units.

7 (6) Weaponized aircraft, vessels, or vehicles of any kind.

8 (7) Battering rams, slugs, and breaching apparatuses that are explosive in  
9 nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram  
10 designed to be operated by one person, are specifically excluded from this category.

11 (8) Firearms of .50 caliber or greater. However, standard issue shotguns are  
12 specifically excluded from this category.

13 (9) Ammunition of .50 caliber or greater. However, standard issue shotgun  
14 ammunition is specifically excluded from this category.

15 (10) Specialized firearms and ammunition of less than .50 caliber, including  
16 assault weapons as defined in Sections 30510 and 30515 of the California Penal Code, with  
17 the exception of standard issue service weapons and ammunition of less than .50 caliber that  
18 are issued to officers, agents, or employees of a law enforcement agency or a state agency.

19 (11) Any firearm or firearm accessory that is designed to launch explosive  
20 projectiles.

21 (12) "Flashbang" grenades and explosive breaching tools, "tear gas," and  
22 "pepper balls," excluding standard, service-issued handheld pepper spray.

23 (13) Taser Shockwave, microwave weapons, water cannons, and the Long  
24 Range Acoustic Device (LRAD).

1 (14) The following projectile launch platforms and their associated munitions:  
2 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM)  
3 weapons.

4 (15) Any other equipment as determined by a local governing body or a state  
5 agency to require additional oversight.

6 Notwithstanding the law enforcement equipment listed in subsections (b)(1)  
7 through (15), law enforcement equipment or "covered equipment" under AB 481 does not  
8 include general equipment not designated as prohibited or controlled by the federal Defense  
9 Logistics Agency.

10 (c) AB 481 requires the Police Department to submit to the Board of Supervisors a draft  
11 Law Enforcement Use of Equipment Policy for the covered equipment as described in  
12 subsection (b). At a minimum, the Law Enforcement Use of Equipment Policy shall address:

13 (1) A description of each type of covered equipment, the quantity sought, its  
14 capabilities, expected lifespan, and product descriptions from the manufacturer of the  
15 equipment.

16 (2) The purposes and authorized uses for which the Police Department  
17 proposes to use each type of covered equipment.

18 (3) The fiscal impact of each type of covered equipment, including the initial  
19 costs of obtaining the equipment and estimated annual costs of maintaining the covered  
20 equipment.

21 (4) The legal and procedural rules that govern each authorized use.

22 (5) The training, including any course required by the Commission on Peace  
23 Officer Standards and Training, to ensure the full protection of the public's welfare, safety, civil  
24 rights, and civil liberties and full adherence to the Law Enforcement Use of Equipment Policy  
25 prior to the use or deployment of covered equipment.

1 (6) The mechanisms to ensure compliance with the Law Enforcement Use of  
2 Equipment Policy, including which independent persons or entities have oversight authority,  
3 and, if applicable, what legally enforceable sanctions are put in place for violations of the  
4 policy.

5 (7) The Police Department's procedures by which members of the public may  
6 lodge complaints or concerns or submit questions about the use of each specific type of  
7 covered equipment, and how the Police Department will ensure that each complaint, concern,  
8 or question receives a response in a timely manner.

9 (d) Under AB 481, the Police Department must seek the Board of Supervisors'  
10 approval prior to engaging in any of the following:

11 (1) Requesting covered equipment made available pursuant to Section 2576a of  
12 Title 10 of the United States Code.

13 (2) Seeking funds for covered equipment, including, but not limited to, applying  
14 for a grant, and soliciting or accepting private, local, state, or federal funds, in-kind donations,  
15 or other donations or transfers.

16 (3) Acquiring covered equipment either permanently or temporarily, including by  
17 borrowing or leasing.

18 (4) Collaborating with another law enforcement agency in the deployment or  
19 other use of covered equipment within the territorial jurisdiction of San Francisco.

20 (5) Using any new or existing covered equipment for a purpose, in a manner, or  
21 by a person not previously approved by the Board of Supervisors.

22 (6) Soliciting or responding to a proposal for, or entering into an agreement with,  
23 any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in  
24 the use of, covered equipment.  
25

1 (7) Acquiring covered equipment through any means not provided by this  
2 paragraph.

3 (e) Under AB 481, the Board of Supervisors may approve a policy governing the  
4 funding, acquisition, and use of covered equipment only if it determines ~~that the equipment~~  
5 ~~meets~~ all of the following:

6 (1) The equipment is necessary because there are no reasonable alternatives  
7 that can achieve the same objectives of officer and civilian safety.

8 (2) The proposed Law Enforcement Use of Equipment Policy will safeguard the  
9 public's welfare, safety, civil rights, and civil liberties.

10 (3) If purchasing the covered equipment, the equipment is reasonably cost  
11 effective compared to available alternatives that can achieve the same objective of officer and  
12 civilian safety.

13 (4) Existing covered equipment complies with the Law Enforcement Use of  
14 Equipment Policy, or if previous use did not comply with said policy, corrective action has  
15 been taken to remedy nonconforming uses and ensure future compliance.

16 (f) Under AB 481, the Police Department must submit an annual report for the covered  
17 equipment within one year of receiving Board of Supervisors approval of the Law Enforcement  
18 Use of Equipment Policy, and annually thereafter for as long as the covered equipment is  
19 available for use. The annual Law Enforcement Equipment Report ("covered equipment  
20 report") shall be publicly posted and, at a minimum, include the following information for the  
21 immediately preceding calendar year for each type of covered equipment:

22 (1) A summary of how the covered equipment was used and the purpose of its  
23 use.

24 (2) A summary of any complaints or concerns received concerning the covered  
25 equipment.

1 (3) The results of any internal audits, any information about violations of the  
2 covered equipment use policy, and any actions taken in response.

3 (4) The total annual cost for each type of covered equipment, including  
4 acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other  
5 ongoing costs, and from what source funds will be provided for the covered equipment in the  
6 calendar year following submission of the annual covered equipment report.

7 (5) The quantity possessed for each type of covered equipment.

8 (6) If the Police Department intends to acquire additional covered equipment in  
9 the next year, the quantity sought for each type of covered equipment.

10 (g) Under AB 481, within 30 days of submitting to the Board of Supervisors and publicly  
11 releasing the annual covered equipment report, the Police Department shall hold at least one  
12 public meeting regarding the covered equipment report and use therein.

13 (h) AB 481 requires the Board of Supervisors to review any ordinance approving the  
14 funding, acquisition, or use of covered equipment, annually, and determine whether to renew  
15 the ordinance consistent with applicable law. If the Board of Supervisors determines that a  
16 type of covered equipment identified in that annual Law Enforcement Equipment Report has  
17 not complied with state law, the Board of Supervisors shall either disapprove a renewal of the  
18 authorization for that type of equipment or require modifications to the Law Enforcement Use  
19 of Equipment Policy to comply with state law.

20  
21 Section 2. The Administrative Code is hereby amended by adding Chapter 96HG,  
22 consisting of Section 96HG.1, to read as follows:

23 **CHAPTER 96HG: POLICE DEPARTMENT EQUIPMENT POLICY**

24 **SEC. 96HG.1 FUNDING, ACQUISITION, AND USE OF CERTAIN POLICE EQUIPMENT.**

1           (a) Pursuant to California Government Code Sections 7070 et. seq, the Police Department is  
2           required to obtain Board of Supervisors' approval of a Use of Equipment Policy prior to seeking  
3           funding for, acquisition of, and use of certain law enforcement equipment.

4           (b) The Police Department shall submit a draft Use of Equipment Policy to the Board of  
5           Supervisors for approval. Thereafter, the Police Department shall review the approved Law  
6           Enforcement Use of Equipment Policy and submit a report regarding the covered equipment within one  
7           year of receiving Board of Supervisors approval, and annually thereafter for as long as the covered  
8           equipment is available for use. The Police Department shall hold a public hearing on the Use of  
9           Equipment Policy and annual report prior to submitting the annual report to the Board of Supervisors  
10          for its review and approval. The Use of Equipment Policy and annual report shall be publicly  
11          available and posted on the Police Department's website for at least thirty days prior to said hearing.

12          (c) The Board of Supervisors may only approve the Use of Equipment Policy governing the  
13          funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth  
14          in state law, referenced in subsection (a).

15          ~~(d) A copy of the Police Department's Use of Equipment Policy is on file with the Clerk~~  
16          ~~of the Board of Supervisors in File No. \_\_\_\_\_, the file for the ordinance establishing~~  
17          ~~this Chapter 96G.~~

18  
19          Section 3. Approval of Use of Equipment Policy.

20          (a) The Police Department's Use of Equipment Policy is on file with the Clerk of the  
21          Board of Supervisors in Board File No. 220641. That policy includes an inventory of the  
22          Police Department's equipment subject to AB 481, the uses of such equipment, the fiscal  
23          impact of such equipment, the legal and procedural rules governing its use, the training that  
24          must be completed before the equipment may be used, the mechanisms to ensure  
25



compliance with the policy, and the procedures by which members of the public may register complaints or concerns about the equipment.

(b) The Board of Supervisors hereby determines that the equipment identified in the Use of Equipment Policy is necessary because there is no reasonable alternative; the policy will safeguard the public's welfare, safety, civil rights, and civil liberties; the equipment is reasonably cost effective; and prior use of the equipment complied with any policy that was previously in place.

(c) The Board of Supervisors hereby approves the Use of Equipment Policy.

Section ~~34~~4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 45. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: \_\_\_\_\_/s/  
ALICIA CABRERA  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

(Revised 10/17/2022)

[Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]

**Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's Use of Equipment Policy.**

Existing Law

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481"), requiring law enforcement agencies to obtain approval from their applicable governing body for a policy governing the funding, acquisition, and use of certain law enforcement equipment. AB 481 requires the Police Department to obtain Board of Supervisors approval of the use of certain existing equipment acquired prior to January 1, 2022.

AB 481 requires the Police Department to submit to the Board of Supervisors a draft Law Enforcement Use of Equipment Policy for approval. Within one year of Board of Supervisors approval of the policy, and annually thereafter for as long as the covered equipment is available for use, the Police Department is required to review the approved Law Enforcement Use of Equipment Policy and submit a report regarding the covered equipment. The Police Department must hold a public hearing on the Use of Equipment Policy and annual report prior to submitting the annual report to Board of Supervisors for its review and approval. The Use of Equipment Policy and annual report shall be publicly available and posted on the Police Department's website for at least thirty days prior to said hearing.

AB 481 requires the Board of Supervisors to annually review any ordinance approving the policy governing the funding, acquisition, or use of covered equipment, and determine whether to renew the ordinance consistent with applicable law. If the Board of Supervisors determines that a type of covered equipment identified in that annual Law Enforcement Equipment Report has not complied with state law, the Board of Supervisors shall either disapprove a renewal of the authorization for that type of equipment or require modifications to the Law Enforcement Use of Equipment Policy to comply with state law.

Amendments to Current Law

The proposed ordinance would require the Police Department to comply with the requirements of AB 481 by obtaining approval from the Board of Supervisors of a policy governing the funding, acquisition, and use of certain law enforcement equipment.

As amended in the Rules Committee on July 11, 2022, the proposed ordinance would also approve the Use of Equipment Policy submitted by the Police Department and available in Board File No. 220641

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**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

May 16, 2022

Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B Goodlett Pl  
San Francisco, CA 94102

President Walton and Members:

**Re: SFPD Compliance with California Assembly Bill 481, Government Code 7070-7075**

CA Assembly Bill 481, Government Code 7070-7075, was enacted in January 2022. Under AB 481, the San Francisco Police Department ("the Department") is required to submit policies summarizing the funding, acquisition or uses of equipment defined by Government Code 7070 (c) to the Board of Supervisors for review and approval. In addition, the Department is required to post the draft use policy on our public website. This letter confirms both the draft use policy submission and public posting requirement on the Department website. The enclosed submission to the Board of Supervisors relates to the Department equipment inventory acquired by the Department prior to January 1, 2022.

Government Code 7070(c) defines the equipment as the following:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- (9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- (10) 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.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

May 16, 2022

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

The following constitutes a list of qualifying equipment acquired by the Department prior to January 2022:

Government Code 7070 Equipment	SFPD Inventory
<p>(1) Unmanned, remotely piloted, powered aerial or ground vehicles.</p> <p>*Note – all systems in SFPD inventory are ground vehicles</p>	<p>REMOTEC F5A  REMOTEC F6  REMOTEC RONS  QinetiQ TALON  QinetiQ DRAGON RUNNER  IROBOT FirstLook  Recon Robotics Recon Scout ThrowBot  (All items also governed by SF Admin Code 19B)</p>
<p>(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.</p> <p>&amp;</p> <p>(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.</p>	<p>Lenco BearCat with a Patriot 3 Liberator Ramp System</p>
<p>(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.</p>	<p>Ford Eagle MH, 2001  Ford Eagle MH, 2002  Ford E-350 Van, 1992  Freightliner MT-55, 2012  Freightliner Sprinter Van, 2011</p>
<p>(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.</p>	<p>Energetic Breaching Tool  Kinetic Breaching Tool  Pan Disrupter (attached to a robot)  Ballistic Breacher Rounds</p>

<b>Government Code 7070 Equipment</b>	<b>SFPD Inventory</b>
(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.	Flash Bangs Pepperball Systems
(13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).	LRAD
(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.	40mm Launcher 12 Gauge (GA) Pump-Action Shotgun 12GA Super-Sock Bean Bag Model 2581 CTS 4556 OC Impact CTS 4556 OC Impact CTS 4340 OC Liquid Barricade CTS 4441 OC Powder Barricade CTS 4530 CS Impact CTS 4330 Liquid Barricade CTS 4431 Powder Barricade CTS 4557 Foam Baton CTS 5230 Baffled Canister CTS 6210 White Smoke Canister

AB 481 contains a list of equipment covered by the legislation that does not necessarily indicate the equipment was provided by the federal government as surplus equipment. The items in the Department's inventory are used as a component of overall best practices for law enforcement agencies throughout the country responding to critical or prolonged incidents where in many cases the alternatives are limited to use of Department issued firearms and increased potential for loss of life. Loss of the items listed in the Department inventory would jeopardize the safety of visitors, residents, and peace officers within the jurisdiction of the city and county of San Francisco.

The Department members are required to comply with Department General Orders (DGOs) approved by the Police Commission or other Department written directives while using these tools. A finding of a member's non-compliance with Department written directives and/or officer misconduct results in discipline. Depending on the severity of the allegation of misconduct, the Chief may impose discipline of up to 10-day suspension or the Chief or the Department of Police Accountability ("DPA") may elect to file charges with the Police Commission for any penalty greater than the 10-day suspension. Any discipline sought must be consistent with principles of just cause and progressive discipline and in accordance with the SFPD Disciplinary Guidelines.

The Department seeks the Board of Supervisors review and approval of the continued use and maintenance of the current inventory of equipment subject to the provisions of AB 481. When there are plans to fund, acquire, or use new equipment subject to the provisions of AB 481 not listed in the current inventory, the Department will submit a use policy for the Board's consideration.

May 16, 2022

The members of the San Francisco Police Department are committed to excellence in law enforcement and are dedicated to the people, traditions, and diversity of our city. In order to protect life and property, prevent crime and reduce the fear of crime, we will provide service with understanding, response with compassion, performance with integrity and law enforcement with vision. Our highest priority is the protection of human life. While crime prevention is our principal goal, we should vigorously pursue those who commit serious crimes.

We look forward to receiving your feedback and discussing our draft use policy with Board members and members of the public at a future public hearing.

Respectfully submitted,



**MICHAEL REDMOND**

Acting Chief of Police

**For**

**WILLIAM SCOTT**

Chief of Police

Encl: Draft Law Enforcement Use of Equipment Policy for Equipment Acquired Prior to January 2022

#	AB 481 Recommended Edits	pg. number	Date	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	11/4/22	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	11/4/22	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 imminent 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 as 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.</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"><li>• 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;</li><li>• Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;</li><li>• Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life.</li></ul> <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	11/4/22	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"><li>• 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;</li><li>• Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;</li><li>• Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life."</li></ul> <p>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 the 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. 20)</p>
R4	<p>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."</p>	6	11/4/22	Peskin	Revised and accepted	<p>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"</p>
R5	<p>Section D.6. "Fiscal Impact": Is the Ford E-350 Van, 1992 still in use?</p>	7	11/4/22	Peskin	Yes	
R6	<p>Section E.4. "Purpose": add "if negotiation, de-escalation or other alternatives to entry are not possible." to the end of para 1.</p>	8	11/4/22	Peskin	Included/Accepted redline	
R7	<p>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."</p>	9	11/4/22	Peskin	Revised and accepted	<p>Moved this to the Annual Report section of the us policy so it applies to all items.</p>
R8	<p>Section F.2. "Quantity": Request for model names</p>	10	11/4/22	Peskin	Included/Accepted redline	<p>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.</p>



#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response	SFPD Explanation
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	11/4/22	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	11/4/22	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	11/4/22	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, redacting if necessary and will publicly post.
R12	Section G.1: "Description": needs model name	11	11/4/22	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	11/4/22	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	11/4/22	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	11/4/22	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	11/4/22	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	11/4/22	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 redacting any information that could compromise the officer's safety or reveal tactical information. The department is reviewing, redacting and will post online.

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response	SFPD Explanation
R18	Section H. Specialized Firearms: Delete in its entirety	12, 13, 14	11/4/22	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 followed suit and 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.
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	11/4/22	Peskin	Accepted	See response to R18
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	11/4/22	Peskin	Declined	See response to R18  As this section has been deleted, a response may not be necessary, however, 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	11/4/22	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	11/4/22	Peskin	Declined	SFPD has revised para 1 of the purpose to read: "The 40mm launcher affords the ability to use less lethal chemical agents and impact munitions. This is designed to fire a projectile to temporarily incapacitate a subject. The use allows officers to address a threat from a greater distance and provides a less-lethal force option when appropriate per DGO 5.01. The bean bag shotgun is a less-lethal weapon that also allows officers to confront a dangerous suspect at a longer distance when used in accordance with DGO 5.01."  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. All members must adhere to Police Commission approved DGO 5.01 where procedures and appropriate uses are outlined.
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	11/4/22	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.

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response	SFPD Explanation
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	11/4/22	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) and DGO 5.01. Projectile launch platforms and their munitions shall be used in accordance with Police Commission approved DGO 5.01".  The Police Commission has approved the policy that dictates how projectiles, chemical agents and ERIW's are used and reported on. Referring to the DGO instead of pulling sections from the DGO allows the Police Commission to maintain their authority to update/modify DGOs without requiring an amendment to an ordinance.
R25	Section 1.5 "Authorized use": Delete "De-escalation tool not likely to inflict serious injury."	16	11/4/22	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	11/4/22	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 Board of Supervisors. 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	11/4/22	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. If costs to replace or maintain equipment approved through this use policy, are estimated to exceed \$10 million, the Department will seek BOS approval as required."
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	11/4/22	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	11/4/22	Peskin	Accepted	
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	11/4/22	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."

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response	SFPD Explanation
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	11/4/22	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	11/4/22	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	10/31/22	American Friends Service Committee	Already included	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	10/31/22	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	10/31/22	American Friends Service Committee	Declined	See response to R18. SFPD does not have Human Resource Management System (HRMS) time codes to delineate the work sworn members do while on duty. There is no consistent way to track or report on the tasks listed in this recommendation as they are part of daily on-duty activities. 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. Please see "Training" section in each category of AB 481 equipment to track the hours required for deployment purposes.
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 reduction 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	10/31/22	American Friends Service Committee	Revised citing Charter Authority	The proposed AB 481 use policy does not allow SFPD to purchase <i>all</i> 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." It is the Department's opinion that AB 481 includes this carve out as it recognizes the LEA's need to re-stock, maintain or upgrade current inventory once use policies are approved by the governing body.  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.

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response	SFPD Explanation
R37	Section 2- Definitions: Include a definition for "high-risk tactical situations" and include information relating to "high-risk warrants" as these are mentioned in the BearCat, breaching apparatus and flashbang sections but not explained.	18	11/9/22	Peskin	Accepted	The Department agrees with this recommendation and has included a definition of high-risk tactical situations which includes information relating to high-risk warrants.
R38	Section F7- Flash bang/Pepperball Legal and Procedural Rules: include CA Penal Code Section 13652 (AB 48).	18	11/9/22	Peskin	Accepted	The Department agrees with this recommendation as a reference to CA Penal Code 13652 was included in the 11/04/22 draft of the use policy, however it was placed only in the Authorized Use section. The Department corrected this and included in the Legal and Procedural Rules section under flashbangs and projectile launch platforms and their associated munitions.
R39	Section H-Specialized Firearms: Reinstate this section, excluding the long guns assigned to patrol as they are considered standard issue service weapons.	12	11/9/22	Peskin	Accepted	The Department agrees with this recommendation and has reinstated all long guns historically assigned to Spec Ops and removed 375 weapons used daily by patrol. The AB 481 definition of specialized firearms excludes "standard issue service weapons that are issued to officers of a law enforcement agency". The Department maintains that all long guns used by patrol are standard issue service weapons.
R40	Section 3- Acquiring or Seeking Funds: Clarify that the Department may purchase, replace or maintain existing equipment listed in this use policy without additional BOS approval during the period between use policy approval and annual report review.	18	11/9/22	Peskin	Accepted	The Department has clarified that this section relates only to existing equipment that is listed in the proposed use policy. Any and all new equipment categories, not captured in this use policy, must be proposed to and approved by the governing body through a use policy before the Department acquires or procuring that category of equipment.
R41	Section 4- Compliance & Sanctions: Include which independent persons or entities have oversight authority.	19	11/9/22	Peskin	Accepted	The Department agrees with this recommendation and has added a reference to the Police Commission and the Department of Police Accountability's Charter authority relating to SFPD.
R42	Align AB 481 annual report with budget process.	20	11/14/22	American Friends Service Committee	Declined	The city's budget process starts in December each year when the Mayor issues budget instructions to Departments to balance gaps between revenue and spending. In January the Departments solicit public feedback on budget priorities. Initial submissions are due in February. Budget outlook update is issued in March by Controller, BOS and BLA. The Mayor's budget priorities for the next two years are issued in May along with interim legislation on revenue spending for city departments. The nine-month budget status report is issued by the Controller's office in mid-to late May. A series of hearings are held until end of July when final legislation for city department revenue and spending and staffing are approved. Budget allocations become available after August of each year. As the budget process runs for nine months of the year, and does not align with AB 481's annual reporting requirement, the Department has declined this recommendation. Further, the items listed in this use policy fall under the Department's overall operating budget expenditures allocated to POL Admin, POL-FOB, POL-SOB or are funded under Materials and Supplies. Equipment subject to AB 481 are not broken out into individual line items specifying AB 481 expenditures. Because of the city department budget uses & sources reporting structure, this recommendation if implemented, would not provide additional information or transparency to the public.
R43	Clearly state specific authorized uses of firearms listed in the policy.	13 & 14	11/14/22	American Friends Service Committee & member of the public	Already listed in use policy	The specialized firearms legal and procedural section refers to SFPD DGO 5.01. Members of the public can find this document posted on the SFPD website by clicking on "Your SFPD" then "Policies" then click "General Orders" and scroll down to "5.01". The AB 481 use policy hyperlinks to this SFPD DGO.  Specific and detailed authorized uses for firearms are listed from page 13-16 of DGO 5.01. The DGO was approved by the Police Commission at a public hearing. The unintended consequence of including specific DGO language in the AB 481 use policy ordinance, is the elimination of the Police Commission's sole authority over DGO update approvals as the Department or the Commission would now need to seek amendments to the ordinance itself before having the ability to update department general orders. The Department does not believe this is the intention of AB 481 which is why the DGO is listed in the use policy as a reference which allows the Police Commission to update as needed without seeking ordinance amendments to this AB 481 use policy, once approved.



## Law Enforcement Equipment Policy

Inventory Acquired Prior to January 2022  
Police Department

The City and County of San Francisco values safeguards, including transparency, oversight, and accountability measures, to protect the public's welfare, safety, civil rights, and civil liberties. As required by California Assembly Bill 481, Government Code Section 7070 -7075, the Law Enforcement Use of Equipment Policy Ordinance aims to ensure the responsible use of the Police Department's current inventory (equipment acquired prior to January 1, 2022), and the protection of City and County of San Francisco residents' safety, civil rights, and liberties.

### PURPOSE AND SCOPE

Pursuant to the San Francisco Charter, the Police Department is required to preserve the public peace, prevent, and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California, and the City and County. The Department's mission is to protect life and property, prevent crime and reduce the fear of crime by providing service with understanding, response with compassion, performance with integrity and law enforcement with vision.

Assembly Bill 481 (AB 481), codified at Government Code sections 7070-7075 requires law enforcement agencies in California to obtain approval from the applicable governing body, via adoption of a Law Enforcement Use of Equipment Policy through an ordinance, prior to the law enforcement agency seeking funds, permanently or temporarily acquiring, using new or existing equipment subject to the provisions of AB 481 or collaborating with another law enforcement agency in the deployment of equipment subject to the provisions of AB 481 within the territorial authority of the governing body.

Equipment subject to the provisions of AB 481 do not necessarily indicate equipment that has been provided by the federal government and include, but are not limited to, command and control vehicles and less lethal bean bag projectile launchers. AB 481 identifies 14 categories of equipment. The Department's inventory meets nine of those categories that are listed in this policy.

The Department does not have the following equipment, and as such, have not included in this policy:

- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Firearms of .50 caliber or greater. However, standard-issue shotguns are specifically excluded from this subdivision.
- Ammunition of .50 caliber or greater. However, standard-issue shotgun ammunition is specifically excluded from this subdivision.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.

The Law Enforcement Use of Equipment Policy defines the way the equipment subject to the provisions of AB 481 acquired by the Police Department prior to January 2022 will be used to support the Department's mission, by describing the intended purpose, authorized uses, and training requirements.

This Use of Equipment Policy applies to all to Department personnel that use, plan to use, procure or share equipment subject to the provisions of AB 481.





# Law Enforcement Use of Equipment Policy

## Inventory Acquired Prior to January 2022

### Police Department

#### POLICY STATEMENT

The authorized use of current equipment, defined under Government Code 7070-7075, for the Department is limited to the authorized uses outlined in this document and is subject to the requirements categorized in this Use Policy Ordinance.

On an annual basis, the Board of Supervisors will evaluate the annual report required by this Use Policy and if determined necessary, may vote on whether to renew the associated Law Enforcement Use of Equipment Policy.

This Use of Equipment Policy contains authorized uses relating to the current inventory.

#### SECTION 1: CURRENT INVENTORY POLICY ORDINANCE REQUIREMENTS

A. Unmanned, remotely piloted, powered ground vehicle (ground)	
1. Description	<p>REMOTEC F5A: The Remotec F5A is a heavy-duty robot. It has stair climbing ability and an arm capable of lifting over 85lbs. The F5A can carry/tow a variety of large tools and accessories that smaller robot platforms cannot.</p> <p>REMOTEC F6A: The Remotec F6A is a heavy-duty robot. It has stair climbing ability, an arm capable of lifting 65lbs, a Hazmat probe, and offers multiple communications options, a chassis and manipulator that allow for accessories and tool combinations, and quick-release pneumatic wheels for rapid width reduction.</p> <p>REMOTEC RONS: Remote ordnance neutralization systems otherwise known as explosive ordnance disposal robots.</p> <p>QinetiQ TALON: TALONs are widely deployed for improvised explosive device (IED) and explosive ordnance disposal (EOD), reconnaissance, communications, CBRN (Chemical, Biological, Radiological, Nuclear), HAZMAT, security, heavy lift, defense, and rescue missions.</p> <p>QinetiQ DRAGON RUNNER: Dragon Runners can be hand carried or transported inside a rucksack, and both can be remotely operated from many hundreds of meters away, providing protection and safety to their operators.</p> <p>IRobot FirstLook: FirstLook is a throwable, rugged, and expandable robot that provides immediate situational awareness, performs persistent observation, and investigates dangerous and hazardous material while keeping its operator out of harm's way. FirstLook allows operations where other robots can't fit or maneuver. This rugged, lightweight robot can be inserted into structures and provides operators with visual, audio, and sensor feedback before entry. The robot climbs small obstacles, overcomes curbs, turns in</p>



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	<p>place and self-rights when flipped over.</p> <p>Recon Robotics Recon Scout ThrowBot: Throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments.</p>
<b>2. Quantity</b>	<p>17 total. <u>The following five are (5 out of commission not functioning:-12 functioning)</u></p> <p><u>IRobot FirstLook (1)</u></p> <p><u>Recon Robotics Recon Scout ThrowBot (1)</u></p> <p><u>QinetiQ TALON (1)</u></p> <p><u>REMOTEC RONS (2)</u></p>
<b>3. Expected Lifespan</b>	All robots, 8-10 years.
<b>4. Purpose</b>	<p>A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and <del>officers</del> <u>by officers by providing ground support and situational awareness for law enforcement operations</u>. Only assigned operators who have completed the required training shall be permitted to operate the robots. The Tactical Unit/EOD Special Operations Bureau establish use.</p>
<b>5. Authorized Use</b>	<p><del>Provide ground support and situational awareness for law enforcement operations. 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 shall not be used as a Use of Force against any person. Robots will only be used as a deadly force option when risk of loss of life to members of the public or officers is imminent and outweighs any other force option available to SFPD.</del></p> <p>Use of any robots with audio or video functionality shall comply with authorized uses and prohibitions approved pursuant to Section 19B.2 of the San Francisco Administrative Code.</p> <p><u>Only assigned operators who have completed the required training shall be permitted to operate the robots. The Tactical Unit/EOD Special Operations Bureau establish use. 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.</u></p>
<b>6. Fiscal Impact</b>	<p>Initial Cost:</p> <p>REMOTEC F5A: \$267,955.95</p> <p>REMOTEC F6A: n/a</p> <p>REMOTEC RONS: \$147,703.50</p>





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	<p>QinetiQ Talon: \$208,068.30,  QinetiQ Dragon Runner: \$121,730.49,  iRobot FirstLook: \$106,551.41,  Recon Robotics Recon Scout ThrowBot: \$9,840, 2012  Estimated annual cost to maintain the equipment: \$1,445  Year obtained:  REMOTEC F5A: 2012  REMOTEC F6A: Prior to 2010  REMOTEC RONS: 2017  QinetiQ TALON: 2011  QinetiQ DRAGON RUNNER: 2013  iRobot FirstLook: 2017  Recon Robotics Recon Scout ThrowBot: 2012</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#"><u>DGO 5.01 Use of Force</u></a>  <a href="#"><u>DGO 8.01 Critical Incident Evaluation and Notification</u></a>  <a href="#"><u>DGO 8.07 Hazardous Material Incidents</u></a>  <a href="#"><u>DGO 8.08 Bomb Threats, Clandestine Laboratories, Destructive Devices, Explosions, and Fireworks</u></a>  <a href="#"><u>SF Administrative Code 19B</u></a></p>
<b>8. Training</b>	<p>All robot operators must complete the FBI's 6-week hazardous device school prior to operate the robots</p>

<b>B. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.</b>	
<b>1. Description</b>	<p>Lenco BearCat with a Patriot 3 Liberator ramp system.  The Lenco Bearcat is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor. A battering ram attachment can be attached to the Lenco Bearcat for breaching purpose. The battering ram attachment is an 11 foot by 2 inch tubing with an octagon shaped strike plate on one end. The battering ram can be attached to the front or rear of the BearCat so it can be used to breach a door or structure without exposing an officer to any potential gunfire. The Patriot 3 Liberator ramp system is a hydraulic ramp that can extend to a second story level so officers can enter a structure through a window, or an airplane if needed.</p>
<b>2. Quantity</b>	One
<b>3. Expected Lifespan</b>	25 years
<b>4. Purpose</b>	<p>Provides armored vehicle response to critical incidents to protect and safely transport SFPD personnel to active scenes.  The BearCat is used to provide ballistic protection to officers and citizens during rescue, critical incidents, and other hazardous situations. These</p>



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	vehicles allow officers closer access to high-risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian commercial vehicles. As such, there are no reasonable alternatives to providing the same level of ballistic protection.
<b>5. Authorized Use</b>	<p>To protect and safely transport SFPD personnel to active scenes. Used <u>only</u> by Tactical and Specialist Teams <u>when authorized by Command commissioned officers for:</u></p> <ul style="list-style-type: none"> <li>• <u>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 deadly weapon;</u></li> <li>• <u>Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;</u></li> <li>• <u>Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life.</u></li> </ul> <p><u>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.</u></p>
<b>6. Fiscal Impact</b>	<p>Initial Cost: \$335,782.14  Estimated annual cost to maintain the equipment: \$1,040    Year obtained: 2010</p>
<b>7. Legal and Procedural Rules</b>	<a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a>
<b>8. Training</b>	<p>Class C California Driver's License</p> <p>Tactical Officer and Specialist Team Officer is trained in a 10-hour block to drive and operate the BearCat and ramp system and then trained annually, thereafter</p>

<b>C. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.</b>	
<b>1. Description</b>	<p>Lenco BearCat with a Patriot 3 Liberator ramp system (entry apparatus) and battering ram attachment.  See Section B1 for description.</p>
<b>2. Quantity</b>	One (listed in section B)
<b>3. Expected Lifespan</b>	25 years
<b>4. Purpose</b>	Provides armored vehicle response to critical incidents.



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	<p>The BearCat is used to provide ballistic protection to officers and citizens during rescue, critical incidents, and other hazardous situations. These vehicles allow officers closer access to high-risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian commercial vehicles. As such, there are no reasonable alternatives to providing the same level of ballistic protection. The battering ram attachment is an 11 foot by 2-inch tubing with an octagon shaped strike plate on one end. The battering ram can be attached to the front or rear of the BearCat so it can be used to breach a door or structure without exposing an officer to any potential gunfire.</p>
<b>5. Authorized Use</b>	<p><del>Battering ram on the BearCat may be used during a search/arrest warrant service after the prior approval of a magistrate.</del></p> <p>Entry apparatus on the BearCat may be used to allow personnel to enter or extract victims or suspects.</p> <p><u>Used by Tactical and Specialist Teams</u>  <u>Authorized to be used in high-risk tactical situations where de-escalation methods were unsuccessful, have been exhausted or where other force options would jeopardize the safety of the public and officers.</u>  <u>Used by Tactical and Specialist Teams</u></p> <p><u>See comments in Bear Cat, above.</u></p>
<b>6. Fiscal Impact</b>	<p>Initial Cost: \$335,782.14</p> <p>Estimated annual cost to maintain the equipment: \$1,040</p> <p>Year obtained: 2010</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a></p>
<b>8. Training</b>	<p>Class C California Driver's License</p> <p>Tactical Officer and Specialist Team Officer is trained in a 10-hour block to drive and operate the BearCat and ramp system and then trained annually, thereafter</p>

<b>D. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.</b>	
<b>1. Description</b>	<p>Ford Eagle Motor Home (MH)</p> <p>Ford Eagle Motor Home (MH)</p> <p>Ford E-350 Van</p> <p>Freightliner MT55 Cargo Van</p> <p>Freightliner Sprinter Van</p>



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<b>2. Quantity</b>	5 total
<b>3. Expected Lifespan</b>	20 years
<b>4. Purpose</b>	<p>The mobile incident command vehicle is an unarmored vehicle equivalent to a commercial recreational vehicle. It is equipped with specific communication and audio-visual devices to assist in command and control of a critical incident. This vehicle allows for mobile incident command and use of the Incident Command Systems facilitating the best possible on scene decision-making by key leaders. It provides for mobility, sheltering, and logistical support, restroom facilities and power.</p> <p>There is no known alternative for the Mobile Incident Command Vehicles which provide the same amount of mobility and support at one location in a quick deploying package.</p>
<b>5. Authorized Use</b>	<p>To be used at both planned and unplanned events including critical incidents, large demonstrations, or prolonged incidents where an on-scene command post would help the outcome of the incident.</p> <p>The Homeland Security Unit (HSU) maintains a fleet of five command vans. The on-scene Incident commander determines the need for a command vehicle.</p>
<b>6. Fiscal Impact</b>	<p>Initial Cost: \$3,500,000</p> <p>Estimated annual cost to maintain the equipment: ~\$50,000</p> <p>Year obtained:</p> <ul style="list-style-type: none"><li>Ford Eagle MH, 2001</li><li>Ford Eagle MH, 2002</li><li>Ford E-350 Van, 1992</li><li>Freightliner MT-55, 2012</li><li>Freightliner Sprinter Van, 2011</li></ul>
<b>7. Legal and Procedural Rules</b>	<p>Department Notice 21-128 Command Van Requests</p> <p><a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a></p> <p>SFPD Crowd Control Manual</p>
<b>8. Training</b>	<p>Freightliner: Class B license</p> <p>Remaining Command Vehicles require Class C license.</p> <p>The National Incident Management System Training Program:</p> <ul style="list-style-type: none"><li>Incident Command System (ICS) 100-800</li><li>ICS 300 &amp; 400</li><li>Emergency Vehicle Operator Course (EVOC)</li></ul>



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E. Battering rams, slugs, and breaching apparatuses that are explosive in nature	
1. Description	Energetic Breaching Tool Kinetic Breaching Tool Ballistic Breacher Rounds Pan Disrupter (attached to a robot)
2. Quantity	Energetic Breaching Tool: Detonating Cord: 18 grain per foot - 2.3 lbs., 25 grain per foot - 12.1 lbs., 50 grain per foot - 6.2 lbs., 100 grain per foot - 0.4 lbs., and 200 grain per foot - 1.4 lbs.; Blasting Caps: 17 Units; Materials: UTK Rubber Strips - 33 pieces, UTK Pucks - 11 pieces, FETT Rubber Rolls - 5 rolls, Fett Water Bladders - 40 pieces, Hydro Gel Rolls - 20 rolls, and Breacher Tape - 20 rolls. Kinetic Breaching Tool: 3 Ballistic Breacher Rounds: 200 rounds Pan Disrupter (attached to a robot): 2 Units
3. Expected Lifespan	5 years
4. Purpose	<p>Used to safely breach doors or devices.</p> <p>This allows officers to conduct rescues or high-risk forceable entries during high risk and critical incidents. These items allow peace officers to quickly and safely enter a structure when time is of the essence and where it is not feasible to delay access to the structure. The alternative to these items may involve mechanical breaching which requires officers to stand in front of the door utilizing hydraulic tools, rams, sledgehammers, the jaws of life or other handheld battering rams. This increases the likelihood of the use of Department issued firearms if suspects fire upon officers that are in a doorway utilizing a handheld battering ram. As such there is no reasonable alternative to these items listed in this category <u>if negotiation, or de-escalation or other alternatives to entry are not possible</u>.</p> <p>Law enforcement agencies receive calls for suspicious packages every day. SFPD's Explosive Ordnance Detail (EOD) AKA bomb squad, is responsible for performing the threat assessment of these suspicious packages. These packages can be an improvised explosive device (IED) which has no standard application, meaning there is no one standard way to address these devices. IEDs are homemade and are becoming more sophisticated as web/internet resources are more readily available. SFPD has tools that minimize the time on target (the amount of time an officer is next to a suspicious package/device) and provide more protection for our bomb techs, which in turn provides increased safety for the public. One of these tools is a "pan disruptor" and can be attached to a wheeled robot. The pan disruptor is a percussion actuated non-electrically fired device. It is a steel tube filled with water, plugged off on one side while the other side is capped by a shotgun</p>



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	shell. A breach is used which has a firing pin that is projected forward by an explosively driven shock wave from a shock tube- this is fired remotely so the bomb tech does not have to be anywhere near the package as it is breached.
<b>5. Authorized Use</b>	<p>For use during high-risk warrant service on fortified locations, encounters with barricaded suspects, active shooter, and hostage rescue.</p> <p><del>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.</del></p>
<b>6. Fiscal Impact</b>	<p>Initial cost:</p> <p>Energetic Breaching Kit: \$5,000</p> <p>Kinetic Breaching Tool: \$9,500 per unit</p> <p>Ballistic Breacher Rounds: \$150 for 25 rounds</p> <p>Pan Disrupter (attached to a robot): Attachments with procurement of the EOD robots.</p> <p>Year obtained:</p> <p>Energetic Breaching Kit: 2020</p> <p>Kinetic Breaching Tool: 2018</p> <p>Ballistic Breacher Rounds: 2008</p> <p>Pan Disrupter (attached to a robot): 2000</p> <p>Estimated annual cost to maintain the equipment: \$8,476</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 5.01 Use of Force</a></p> <p><a href="#">DGO 5.16 Obtaining Search Warrants</a></p> <p><a href="#">DGO 8.02 Hostage and Barricaded Suspect Incident</a></p>
<b>8. Training</b>	<p>CAL-OSHA Blaster's License</p> <p>Firearm Instructor Training</p> <p>IDC Instructor Training</p> <p>California Association of Tactical Officers (CATO): Critical Incident Leadership</p> <p>POST: Ballistic Breacher Certification</p> <p>All Pan Disrupter operators must complete the FBI's 6-week hazardous device school prior to operating the robots</p>



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<b>F. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray</b>	
<b>1. Description</b>	<p>Flash-Bang is an explosive device that produces a blinding flash of light and a sudden, loud noise intended to temporarily stun, distract, and disperse people and it is thrown by hand or projected.</p> <p>Pepperball Systems utilize either round ball projectiles or round tipped projectiles, which are ultrasonically welded and designed to disperse the chemical agent contained inside upon Impact.</p>
<b>2. Quantity</b>	<p><u>Combined Tactical Systems</u> Flash-Bang quantity: 227 units</p> <p><u>PepperBall VKS™</u>: 8</p> <p>PepperBall Rounds: 6,740 rounds</p>
<b>3. Expected Lifespan</b>	5 years
<b>4. Purpose</b>	<u>De-escalation tool not likely to inflict serious injury of involved parties or front-line personnel during tactical or high-risk operations.</u>
<b>5. Authorized Use</b>	<p>To safely resolve critical situations during high-risk tactical operations. <u>Only trained member assigned to the Tactical Unit, or Specialist Team member who is working an assignment under the direction of the Tactical Company, may carry and deploy such weapons. The deployment of Flashbangs requires the approval of at least one of the following:</u></p> <ul style="list-style-type: none"> <li><u>Commanding Officer of the Special Operation Group (SOG)</u></li> <li><u>Lieutenant assigned to the Tactical Unit</u></li> <li><u>SOG or Team Leader</u></li> <li><u>Commander, Deputy Chief, Assistant Chief or Chief of Police</u></li> </ul> <p><u>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.</u></p>
<b>6. Fiscal Impact</b>	<p>Flash bang: \$4,681.99 (\$35.95/per unit) Year first obtained: Prior to 2000</p> <p>Pepperball: \$9,999.03 (<u>bundle</u>) Year first obtained: 2021</p>
<b>7. Legal and Procedural Rules</b>	<p><u>DOGO 5.01 Use of Force</u></p> <p><u>DOGO 8.01 Critical Incident Evaluation and Notification</u></p> <p><u>DOGO 8.03 Crowd Control</u></p> <p><u>DOGO 8.10 Guideline for First Amendment Activities</u></p> <p><u>CA Penal Code Section 13652</u></p> <p>Tactical Unit Order <del>11-02</del>: Use of Chemical Agent <u>where is this public?</u></p> <p>Tactical Unit Order <del>21-02</del>: Pepperball Systems <u>where is this public?</u></p> <p>SFPD Crowd Control Manual</p>





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<b>8. Training</b>	<p>24 hour less-lethal instructor course. Once completed, the instructors teach and certify members of their perspective units in the use and deployment of the flashbang. This is a 10-hour certification. Once certified, each officer must get re-certified every 6 months.</p> <p>40-hour POST approved chemical agent instructor course. The chemical agent instructors will then certify the officers in their perspective units with a 10-hour class to carry and deploy chemical agents. Each officer must re-certify once a year.</p>
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<b>G. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD)</b>	
<b>1. Description</b>	<p><del>LRAD-LRAD -Model 100X:</del> A device that can be used as a specialized loudspeaker system that produces sound at a high power for <u>directional communication communicating</u> at a distance. <u>LRAD sound is directionally focused toward the intended individual person or groups.</u> <del>and can put out a highly directional "beam" of incredibly loud sound up to 152 decibels</del>  <u>Needs model name</u></p>
<b>2. Quantity</b>	One
<b>3. Expected Lifespan</b>	20 years
<b>4. Purpose</b>	<p><u>LRAD is an amplified communication device used by law enforcement agencies to communicate to the public, suspect(s), hostile crowds, or during disaster management.</u></p> <p><del>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</del></p>
<b>5. Authorized Use</b>	<p><u>LRADs may only be utilized as a public address system only for-commercial purposes (1) Disaster or city-wide emergency management or (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).</u> <u>If we use this not authorized language here than we have to use it in other places. Also this conflicts with stated purpose</u></p> <p><del>As a Warning/Deterrent Tone, the LRAD is used as an alternative to less-lethal options such as pepper spray or less lethal munitions. The use of Warning/Deterrent Tone</del> <u>The LRAD use must be authorized by a commissioned officer from the Tactical Unit, by one of the following persons: A commander, Deputy Chief or Chief of Police; An Incident Commander; The Commanding Officer of the Tactical Company; The Lieutenant assigned to the Tactical Company SWAT.</u></p>





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	<p>When authorized to be used as a <u>public address system</u> <del>Warning/Deterrent Tone</del> the LRAD shall not be deployed at distances less than fifty (50) feet.</p> <p>Only trained member assigned to the Tactical Unit, or the Specialist Team who is working an assignment under the direction of the Tactical Company, may deploy the LRAD. <del>The deployment of the LRAD requires the approval of at least one of the following:</del></p> <p><del>Incident Commander</del>  <del>Commanding Officer of the Tactical Company</del>  <del>Lieutenant assigned to the Tactical Company SWAT team</del>  <del>Commander, Deputy Chief, Assistant Chief or Chief of Police</del></p> <p><del>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.</del></p>
<b>6. Fiscal Impact</b>	<p>Initial cost: \$8,252.83</p> <p>Estimated annual cost to maintain the equipment: \$0</p> <p>Year obtained: 2013</p>
<b>7. Legal and Procedural Rules</b>	<p><del>DGO 5.01 Use of Force</del>  <a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a>  <a href="#">DGO 8.03 Crowd Control</a></p> <p>Tactical Unit Order <del>21-01</del>: Use of Extended Range Impact Weapons During Crowd Control <u>Not publicly available</u></p> <p>Tactical Unit Order <del>04-03</del> Use of Chemical Agents <u>? Not publicly available</u></p>
<b>8. Training</b>	<p>Tactical Unit officers are given a 2-hour block in the use and operation of the LRAD system.</p>

<p>H. 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.</p>	
<b>1. Description</b>	<p>SUB MACHINE GUNS</p> <p>Description: Heckler &amp; Koch (H&amp;K) MP-5, 40 caliber</p> <p>Lightweight, air-cooled weapon with a calculated roller-delayed bolt and uses handgun ammunition. While these weapons use the same ammunition as handguns, they have capabilities of holding more ammunition and are equipped with lasers and optics specifically designed for use and more accuracy. Sub-machine guns are generally used as defensive weapons and aren't designed for long-range accuracy.</p>



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	<p>SEMI AUTO RIFLES</p> <p>Description:</p> <p><del>LAR 15, Colt M4 Carbine, 5.56 NATO/.223 REM caliber</del></p> <p>AR-15A3 Tactical, Colt M4 Carbine, 5.56 NATO/.223 REM caliber</p> <p>LWRCI REPR 7.62 NATO caliber</p> <p>Lightweight, magazine- fed, gas-operated rifle intended to be fired from the shoulder. Some of the rifles have select fire triggers. Some of the rifles have longer barrels and are designed for longer, more precise shots.</p> <p>FULL AUTO TEC SHORT BARREL RIFLE (SBR) MACHINE GUN</p> <p>Description:</p> <p>M4 Carbine/Commando/EPR, 5.56 NATO/.223 REM caliber</p> <p>A weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.</p>
<b>2. Quantity</b>	<p>SUB MACHINE GUNS: 15</p> <p>SEMI AUTO RIFLES: <del>608</del> <u>233</u></p> <p>FULL AUTO TAC SBR: 64</p>
<b>3. Expected Lifespan</b>	<p>SUB MACHINE GUNS: 20 years</p> <p>SEMI AUTO RIFLES: 5-25 years</p> <p>FULL AUTO TAC SBR: 20 years</p>
<b>4. Purpose</b>	<p>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. Long guns outperform handguns as handguns need to be reloaded during confrontations with armed felons in possession of high-velocity rifles. Long guns offer increased accuracy and capacity to stop threats of great bodily injury or death at close and intermediate ranges. These firearms are capable of firing more accurately and quicker than a pistol and decrease the likelihood of errant rounds traveling beyond the intended target.</p>
<b>5. Authorized Use</b>	<p>During large critical incidents, <del>active</del> 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.</p>



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	<del>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.</del>
<b>6. Fiscal Impact</b>	<p>Initial cost:  SUB MACHINE GUNS: n/a  SEMI AUTO RIFLES: approx. \$1,000 each  FULL AUTO TAC SHORT BARREL RIFLE (SBR) MACHINE GUN: approx. \$1,000, not incl. accessories</p> <p>Years obtained:  SUB MACHINE GUNS: varies (2010-2019)  SEMI AUTO RIFLES: varies (2010-2019)  FULL AUTO TAC SHORT BARREL RIFLE (SBR) MACHINE GUN: varies (2010-2019)</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 5.01 Use of Force</a>  <del>Various Department Bulletins, Notices and Manuals.</del>  <del>Adjustments to the sights and weapon light are prohibited. If the accuracy of the weapon is in question, the rifle shall be taken out of service until the accuracy can be confirmed by range staff. When not in actual use, the Patrol Rifle shall be carried with safety mechanism on, (1) at port arms, (2) slung muzzle up, (3) slung muzzle down.</del></p>
<b>8. Training</b>	<p>POST Tactical Rifle Operator, POST SBR Operator Training <del>&amp; SFPD Patrol Rifle Course and bi-annual patrol rifle qualification required in order to deploy department issued service weapons.</del></p>

<b>I. Projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons</b>	
<b>1. Description</b>	<p>40mm Launcher  12 Gauge Pump-Action Shotgun/Remington 870 Ballistic breaching shotgun  12GA Super-Sock Bean Bag Model 2581  CTS 4556 OC Impact  CTS 4340 OC Liquid Barricade  CTS 4441 OC Powder Barricade  CTS 4530 CS Impact  CTS 4330 Liquid Barricade  CTS 4431 Powder Barricade  CTS 4557 Foam Baton  CTS 5230 Baffled Canister</p>



# Law Enforcement Use of Equipment Policy

## Inventory Acquired Prior to January 2022

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	CTS 6210 White Smoke Canister
<b>2. Quantity</b>	40mm Launcher: 90 Units 12GA Super-Sock Bean Bag Model 2581 round: over 2000 rounds CTS 4556 OC Impact: 114 Units CTS 4340 OC Liquid Barricade: 148 Units CTS 4441 OC Powder Barricade: 135 Units CTS 4530 CS Impact: 118 Units CTS 4330 Liquid Barricade: 179 Units CTS 4431 Powder Barricade: 159 Units CTS 4557 Foam Baton: 226 Units CTS 5230 Baffled Canister :66 Units CTS 5210 White Smoke Canister :79 Units
<b>3. Expected Lifespan</b>	5 years
<b>4. Purpose</b>	<p>The 40mm launcher affords the ability to use less lethal chemical agents and impact munitions. This is designed to fire a projectile to temporarily incapacitate a subject <del>and are considered a less-lethal weapon</del>. The use allows officers to address a threat from a greater distance and provides a <u>less-lethal force option, when appropriate per DGO 5.01. n alternative option for deadly force when reasonable</u>. The bean bag shotgun <u>is a less-lethal weapon that</u> also allows officers to confront <u>a an armed or</u> dangerous suspect at a longer distance <u>when used in accordance with DGO 5.01</u>. <del>This can potentially prevent a deadly force encounter. The alternative is the use of a department issued firearm if de-escalation or negotiation is unsuccessful.</del></p> <p>Chemical agents are specifically formulated smokes, liquids, and powders designed to temporarily disable a person by causing irritation of the mucous membrane, eyes, and skin. When deployed, they provide a less lethal force option and significantly reduce the risk of injury to citizens, suspects, and police officers. <u>Not a purpose</u>. These agents may be used in criminal apprehensions, critical incidents, and as a dispersal agent during crowd control situations. <u>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 they be used against children, elderly persons or persons only engaged in passive resistance.</u></p> <p><del>Only trained members assigned to the Tactical Unit SWAT Team and Specialist Team members who are working an assignment under the</del></p>



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	<p><del>direction of the Tactical Company, may deploy chemical agents. The deployment during crowd control must be authorized by any of the following:</del></p> <p><del>Incident Commander</del>  <del>The Commanding Officer of the Tactical Company</del>  <del>The Lieutenant assigned to the Tactical Unit SWAT Team</del>  <del>A Commander, Deputy Chief or Chief of Police</del></p> <p><del>When engaged in an evolving critical incident, not related to crowd control, a tactical leader may authorize immediate use of chemical agents to protect life or public safety.</del></p>
<b>5. Authorized Use</b>	<p><del>De-escalation tool not likely to inflict serious injury. Not a purpose</del>  <u>Only trained members assigned to the Tactical Unit SWAT Team and Specialist Team members who are working an assignment under the direction of the Tactical Company, may deploy chemical agents. The deployment during crowd control must be authorized by any of the following:</u></p> <ul style="list-style-type: none"> <li><u>• Incident Commander</u></li> <li><u>• The Commanding Officer of the Tactical Company</u></li> <li><u>• The Lieutenant assigned to the Tactical Unit SWAT Team</u></li> <li><u>• A Commander, Deputy Chief, Assistant Chief or Chief of Police</u></li> </ul> <p><u>When engaged in an evolving critical incident, not related to crowd control, a tactical leader may authorize immediate use of chemical agents to protect life or public safety. Chemical agents shall not be used to disperse any assembly, protest, or demonstration, except as permitted under California Penal Code Section 13652(b). Chemical agents and projectile launch platforms and their munitions shall be used in accordance with DGO 5.01.</u></p>
<b>6. Fiscal Impact</b>	<p>40mm Launcher: \$1,090.00 per unit  12GA Super-Sock Bean Bag Model 2581: \$9,979.83 (\$4.20/per unit)  CTS 4556 OC Impact: \$1,244.50  CTS 4340 OC Liquid Barricade: \$1,119.72  CTS 4441 OC Powder Barricade: \$868  CTS 4530 CS Impact: \$1,244.50  CTS 4330 Liquid Barricade: \$1,097  CTS 4431 Powder Barricade: \$868  CTS 4557 Foam Baton: \$9,997.69  CTS 5230 Baffled Canister: \$52.60</p> <p>Estimated annual cost to maintain the equipment: ~\$50,000</p>



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	Year obtained: n/a
<b>7. Legal and Procedural Rules</b>	<a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a> <a href="#">DGO 5.01 Use of Force</a> <a href="#">CA Penal Code Section 13652</a>
<b>8. Training</b>	Tactical Unit / Specialist Team Less-Lethal Instructors must complete and pass 16-hour POST approved course to train other officers in the operation and use of the 40mm less-lethal launcher. The less-lethal instructors will then certify the officers in their perspective units with a 10-hour class to carry and deploy the 40mm launcher. Each officer must re-certify every 6 months

## SECTION 2. DEFINITIONS

Exigent Circumstances	An emergency involving imminent danger of death or serious physical injury to any person or destruction of property <del>or evidence</del> that requires the immediate use of equipment subject to the provisions of AB 481. <u>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).</u>
Critical Incidents	As defined in <a href="#">SFPD</a> General Order 8.01, the following situations constitute critical incidents: Hostage/barricaded suspect; sniper; citizen shot by an officer; officer shot or critically injured while on duty; riots, insurrection or potentially violent demonstrations; prison break; explosion of destructive devise; airplane crash; officer arrested on or off duty; major fire (five alarms or greater); hazardous material incident; earthquake or any natural calamity involving multiple casualties or significant destruction of property or the likelihood of either; accidents (explosions, traffic, construction, etc.) involving multiple casualties.
<u>De-escalation</u>	<u>A range of verbal and non-verbal skills used to slow down the sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making, to reduce the likelihood of a situation escalating into a physical confrontation or injury. De-escalation tactics prioritize reducing the number of use of force incidents and front-line personnel safety.</u>
Department General Order (DGO)	The Department's most authoritative and permanent directives, established, revised, and adopted by the Police Commission after a public hearing for the overall administration and management of the Department and the general conduct of all members. These policies go through a rigorous drafting period that includes consideration of Department of Police Accountability and other stakeholder policy recommendations.





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<u>High-Risk Tactical Situation</u>	<u>Patrol officers encounter high-risk situations (felony stops, hot prowls calls, shootings, armed subject calls, etc.) routinely and address them using their training and readily available resources. However, high-risk tactical situations are instances that occur where the potential of death or serious injury is elevated or requires a response from a Tactical/Special Operations unit that have training, resources and supplies that exceed the capabilities and resources available to patrol units. This can include "high-risk warrant service" where law enforcement agencies may use a matrix and award points for certain aspects of the warrant (e.g., weapons, criminal history, potential for violent resistance), and where the point total determines whether a Tactical/Special Operations detail is required.</u>
POST	California Commission on Police Officer Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. Participating agencies agree to abide by the standards established by POST. More than 600 agencies participate in the POST Program and are eligible to receive the Commission's services and benefits.
Less Lethal	Non-lethal or less-lethal weapons are used on a subject who is armed with and used or threatened to use a weapon, other than a firearm, that could cause serious injury or death. The less lethal is intended to be less likely to kill a living target or are designed to deescalate or restrain a living target as an alternative to the use of Department issued firearms.
Explosive Ordnance Disposal (EOD)	Explosive Ordnance Disposal (EOD)- tactical and technical explosives experts under the Tactical Unit and Special Operations. EOD receives advanced training and critical skills needed to disable and defeat explosive devices and weapons of mass destruction.

### SECTION 3. ACQUIRING OR SEEKING FUNDS FOR EQUIPMENT SUBJECT TO THE PROVISIONS OF AB 481

When ~~Should existing~~ 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 existing stock may reach significantly low levels, the Department shall immediately notify the ~~may purchase new stock without additional~~ Board of Supervisors when new stock, maintenance or replacements of existing equipment listed in this Use Policy has been acquired or procured by the Department. ~~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 a designated emergency when approved by the Chief of Police or designee. The procurement process shall meet the requirements of the Office of Contract Administration ("OCA") who promulgates rules and regulations pursuant to Chapter 21 of the San Francisco Administrative Code. The SFPD Contracting Department shall comply with the requirements of Chapter 21 and cooperate to the fullest extent ~~fully cooperate~~ with OCA in the Acquisition of Commodities and Services.



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#### SECTION 4. COMPLIANCE & SANCTIONS

~~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 with this policy.~~

Department shall assign the following personnel to oversee Policy compliance by the Department:  
Assistant Chief of Operations or designee.

Each member of the Department belongs to a chain of command. The Officer in Charge (OIC) of that chain of command is responsible for overseeing compliance with all SFPD written directives and the Law Enforcement Use of Equipment Policy. If allegations arise that a member is not in compliance, the OIC will initiate an investigation and will take the appropriate action which could include an investigation of misconduct by Internal Affairs.

Sanctions for violations of this Policy include the following: San Francisco Police Department will conduct an internal investigation through the Chief of Staff/Internal Affairs (IA) Unit. The results of the investigation will be reported to the Chief of Police, who will determine the penalty for instances of misconduct.

Under San Francisco Charter section A8.343, the Chief may impose discipline of up to a 10-day suspension on allegations brought by the Internal Affairs Division or the DPA. Depending on the severity of the allegation of misconduct, the Chief or the DPA may elect to file charges with the Police Commission for any penalty greater than the 10-day suspension. Any discipline sought must be consistent with principles of just cause and progressive discipline and in accordance with the SFPD Disciplinary Guidelines.

#### Independent Entities with Oversight Authority:

Pursuant to the San Francisco Charter section 4109, the Police Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under section 4109.

Under San Francisco Charter section 4.136(k), the Department of Police Accountability shall conduct a performance audit or review of police officer use of force and how the Police Department has handled claims of officer misconduct. DPA shall also have the authority to conduct performance audits or reviews of whether Police Department personnel and management have complied with federal and state law, City ordinances and policies, and Police Department policies.

Complaints of Officer Misconduct: Members of the public can register complaints about SFPD activities with the Department of Police Accountability (DPA), 1 South Van Ness Ave, 8th Floor, San Francisco, CA 94103, (415) 241-7711, <https://sf.gov/departments/departments-police-accountability>. DPA, by Charter authority, receives and manages all citizen complaints relating to SFPD use of force, misconduct, or allegations that a member has not properly performed a duty. DPA manages, acknowledges, and responds to complaints from members of the public.

Complaints [required by law], Concerns and Inquiries: Department shall acknowledge and respond to concerns in a timely and manner. To do so, the Department has included a Law Enforcement Use of Equipment Policy





# Law Enforcement Use of Equipment Policy

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page on its public website. This page includes an email address for public inquiries: [SFPDChief@sfgov.org](mailto:SFPDChief@sfgov.org). This email is assigned to multiple staff members in the Chief's Office who will respond to inquiries within 48 hours.

#### SECTION 5: COLLABORATION WITH OUTSIDE LAW ENFORCEMENT AGENCIES

~~Military~~ Equipment ~~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, SFPD members have made the law enforcement agency aware of this Use Policy or the equipment subject to the provisions of AB 481 is approved for use in accordance with this policy.

#### SECTION 6: ANNUAL REPORTING

Pursuant to Ca. Gov Code Section 7072, the San Francisco Police Department shall submit an annual Law Enforcement Use of Equipment report to the Board of Supervisors. The annual submission shall report on each type of equipment approved by the Board of Supervisors within one year of approval, and annually thereafter for as long as the equipment is available for use. The annual Law Enforcement Use of Equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of equipment subject to the provisions of AB 481.

- (1) A summary of how the equipment was used, 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. and the date, time and location(s) of such use together with report and incident numbers.
- (2) A summary of any complaints or concerns received concerning the equipment.
- (3) The results of any internal audits, any information about violations of the equipment use policy, and any actions taken in response.
- (4) 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.
- (5) The quantity possessed for each type of equipment subject to the provisions of AB 481.
- (6) If SFPD intends to acquire additional equipment subject to the provisions of AB 481 in the next year, the quantity sought for each type of equipment.

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.

~~The annual Law Enforcement Use of Equipment report shall be made publicly available on SFPD's website for as long as the equipment subject to the provisions of AB 481 is available for use.~~

~~Prior to the public release of~~ I think the withing 30 days language is state law and needs to be kept Within 30 days of submitting and publicly releasing an annual Law Enforcement Use of Equipment report, SFPD shall hold at least one well-publicized and conveniently located community meeting through the Police Commission at which the general public may discuss and ask questions regarding the annual Law Enforcement Use of Equipment report and SFPD's funding, acquisition, or use of equipment listed in the report.

The Board of Supervisors shall determine, based on review of the annual report, whether each type of equipment identified in this use policy complied with the standards set forth in Government Code 7071(d). If the



# **Law Enforcement Use of Equipment Policy**

## **Inventory Acquired Prior to January 2022**

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Board of Supervisors determines that SFPD has not complied with Government Code 7071(d) standards, they may vote to disapprove a renewal or require modifications to this use policy in a manner that will resolve the lack of SFPD's compliance with Government Code 7071(d).

The annual Law Enforcement Use of Equipment report shall be made publicly available on SFPD's website for as long as the equipment subject to the provisions of AB 481 is available for use.

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## Law Enforcement Equipment Policy

Inventory Acquired Prior to January 2022  
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The City and County of San Francisco values safeguards, including transparency, oversight, and accountability measures, to protect the public's welfare, safety, civil rights, and civil liberties. As required by California Assembly Bill 481, Government Code Section 7070 -7075, the Law Enforcement Use of Equipment Policy Ordinance aims to ensure the responsible use of the Police Department's current inventory (equipment acquired prior to January 1, 2022), and the protection of City and County of San Francisco residents' safety, civil rights, and liberties.

### PURPOSE AND SCOPE

Pursuant to the San Francisco Charter, the Police Department is required to preserve the public peace, prevent, and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California, and the City and County. The Department's mission is to protect life and property, prevent crime and reduce the fear of crime by providing service with understanding, response with compassion, performance with integrity and law enforcement with vision.

Assembly Bill 481 (AB 481), codified at Government Code sections 7070-7075 requires law enforcement agencies in California to obtain approval from the applicable governing body, via adoption of a Law Enforcement Use of Equipment Policy through an ordinance, prior to the law enforcement agency seeking funds, permanently or temporarily acquiring, using new or existing equipment subject to the provisions of AB 481 or collaborating with another law enforcement agency in the deployment of equipment subject to the provisions of AB 481 within the territorial authority of the governing body.

Equipment subject to the provisions of AB 481 do not necessarily indicate equipment that has been provided by the federal government and include, but are not limited to, command and control vehicles and less lethal bean bag projectile launchers. AB 481 identifies 14 categories of equipment. The Department's inventory meets nine of those categories that are listed in this policy.

The Department does not have the following equipment, and as such, have not included in this policy:

- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Firearms of .50 caliber or greater. However, standard-issue shotguns are specifically excluded from this subdivision.
- Ammunition of .50 caliber or greater. However, standard-issue shotgun ammunition is specifically excluded from this subdivision.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.

The Law Enforcement Use of Equipment Policy defines the way the equipment subject to the provisions of AB 481 acquired by the Police Department prior to January 2022 will be used to support the Department's mission, by describing the intended purpose, authorized uses, and training requirements.

This Use of Equipment Policy applies to all to Department personnel that use, plan to use, procure or share equipment subject to the provisions of AB 481.



# Law Enforcement Use of Equipment Policy

## Inventory Acquired Prior to January 2022

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#### POLICY STATEMENT

The authorized use of current equipment, defined under Government Code 7070-7075, for the Department is limited to the authorized uses outlined in this document and is subject to the requirements categorized in this Use Policy Ordinance.

On an annual basis, the Board of Supervisors will evaluate the annual report required by this Use Policy and if determined necessary, may vote on whether to renew the associated Law Enforcement Use of Equipment Policy.

This Use of Equipment Policy contains authorized uses relating to the current inventory.

#### SECTION 1: CURRENT INVENTORY POLICY ORDINANCE REQUIREMENTS

A. Unmanned, remotely piloted, powered ground vehicle (ground)	
1. Description	<p>REMOTEC F5A: The Remotec F5A is a heavy-duty robot. It has stair climbing ability and an arm capable of lifting over 85lbs. The F5A can carry/tow a variety of large tools and accessories that smaller robot platforms cannot.</p> <p>REMOTEC F6A: The Remotec F6A is a heavy-duty robot. It has stair climbing ability, an arm capable of lifting 65lbs, a Hazmat probe, and offers multiple communications options, a chassis and manipulator that allow for accessories and tool combinations, and quick-release pneumatic wheels for rapid width reduction.</p> <p>REMOTEC RONS: Remote ordnance neutralization systems otherwise known as explosive ordnance disposal robots.</p> <p>QinetiQ TALON: TALONs are widely deployed for improvised explosive device (IED) and explosive ordnance disposal (EOD), reconnaissance, communications, CBRN (Chemical, Biological, Radiological, Nuclear), HAZMAT, security, heavy lift, defense, and rescue missions.</p> <p>QinetiQ DRAGON RUNNER: Dragon Runners can be hand carried or transported inside a rucksack, and both can be remotely operated from many hundreds of meters away, providing protection and safety to their operators.</p> <p>IRobot FirstLook: FirstLook is a throwable, rugged, and expandable robot that provides immediate situational awareness, performs persistent observation, and investigates dangerous and hazardous material while keeping its operator out of harm's way. FirstLook allows operations where other robots can't fit or maneuver. This rugged, lightweight robot can be inserted into structures and provides operators with visual, audio, and sensor feedback before entry. The robot climbs small obstacles, overcomes curbs, turns in</p>



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

	<p>place and self-rights when flipped over.</p> <p>Recon Robotics Recon Scout ThrowBot: Throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments.</p>
<b>2. Quantity</b>	<p>17 total. The following five are not functioning:</p> <p>IRobot FirstLook (1)</p> <p>Recon Robotics Recon Scout ThrowBot (1)</p> <p>QinetiQ TALON (1)</p> <p>REMOTEC RONS (2)</p>
<b>3. Expected Lifespan</b>	<p>All robots, 8-10 years.</p>
<b>4. Purpose</b>	<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. Only assigned operators who have completed the required training shall be permitted to operate the robots. The Tactical Unit/EOD Special Operations Bureau establish use.</p>
<b>5. Authorized Use</b>	<p>. 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 is imminent and outweighs any other force option available to SFPD.</p> <p>Use of any robots with audio or video functionality shall comply with authorized uses and prohibitions approved pursuant to Section 19B.2 of the San Francisco Administrative Code.</p> <p>Only assigned operators who have completed the required training shall be permitted to operate the robots. The Tactical Unit/EOD Special Operations Bureau establish use. 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>
<b>6. Fiscal Impact</b>	<p>Initial Cost:</p> <p>REMOTEC F5A: \$267,955.95</p> <p>REMOTEC F6A: n/a</p> <p>REMOTEC RONS: \$147,703.50</p> <p>QinetiQ Talon: \$208,068.30,</p> <p>QinetiQ Dragon Runner: \$121,730.49,</p> <p>IRobot FirstLook: \$106,551.41,</p>



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	Recon Robotics Recon Scout ThrowBot: \$9,840, 2012 Estimated annual cost to maintain the equipment: \$1,445 Year obtained: REMOTEC F5A: 2012 REMOTEC F6A: Prior to 2010 REMOTEC RONS: 2017 QinetiQ TALON: 2011 QinetiQ DRAGON RUNNER: 2013 IRobot FirstLook: 2017 Recon Robotics Recon Scout ThrowBot: 2012
<b>7. Legal and Procedural Rules</b>	<a href="#">DGO 5.01 Use of Force</a> <a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a> <a href="#">DGO 8.07 Hazardous Material Incidents</a> <a href="#">DGO 8.08 Bomb Threats, Clandestine Laboratories, Destructive Devices, Explosions, and Fireworks</a> <a href="#">SF Administrative Code 19B</a>
<b>8. Training</b>	All robot operators must complete the FBI's 6-week hazardous device school prior to operate the robots

<b>B. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.</b>	
<b>1. Description</b>	Lenco BearCat with a Patriot 3 Liberator ramp system. The Lenco Bearcat is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor. A battering ram attachment can be attached to the Lenco Bearcat for breaching purpose. The battering ram attachment is an 11 foot by 2 inch tubing with an octagon shaped strike plate on one end. The battering ram can be attached to the front or rear of the BearCat so it can be used to breach a door or structure without exposing an officer to any potential gunfire. The Patriot 3 Liberator ramp system is a hydraulic ramp that can extend to a second story level so officers can enter a structure through a window, or an airplane if needed.
<b>2. Quantity</b>	One
<b>3. Expected Lifespan</b>	25 years
<b>4. Purpose</b>	Provides armored vehicle response to critical incidents to protect and safely transport SFPD personnel to active scenes. The BearCat is used to provide ballistic protection to officers and citizens during rescue, critical incidents, and other hazardous situations. These vehicles allow officers closer access to high-risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

	commercial vehicles. As such, there are no reasonable alternatives to providing the same level of ballistic protection.
<b>5. Authorized Use</b>	<p>To protect and safely transport SFPD personnel to active scenes. Used only by Tactical and Specialist Teams when authorized by commissioned officers for:</p> <ul style="list-style-type: none"> <li>• 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 deadly weapon;</li> <li>• Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;</li> <li>• Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life.</li> </ul>
<b>6. Fiscal Impact</b>	<p>Initial Cost: \$335,782.14  Estimated annual cost to maintain the equipment: \$1,040    Year obtained: 2010</p>
<b>7. Legal and Procedural Rules</b>	<a href="#"><u>DGO 8.01 Critical Incident Evaluation and Notification</u></a>
<b>8. Training</b>	<p>Class C California Driver's License</p> <p>Tactical Officer and Specialist Team Officer is trained in a 10-hour block to drive and operate the BearCat and ramp system and then trained annually, thereafter</p>

<b>C. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.</b>	
<b>1. Description</b>	<p>Lenco BearCat with a Patriot 3 Liberator ramp system (entry apparatus) and battering ram attachment.  See Section B1 for description.</p>
<b>2. Quantity</b>	One (listed in section B)
<b>3. Expected Lifespan</b>	25 years
<b>4. Purpose</b>	<p>Provides armored vehicle response to critical incidents.  The BearCat is used to provide ballistic protection to officers and citizens during rescue, critical incidents, and other hazardous situations. These vehicles allow officers closer access to high-risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian commercial vehicles. As such, there are no reasonable alternatives to</p>



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	providing the same level of ballistic protection. The battering ram attachment is an 11 foot by 2-inch tubing with an octagon shaped strike plate on one end. The battering ram can be attached to the front or rear of the BearCat so it can be used to breach a door or structure without exposing an officer to any potential gunfire.
<b>5. Authorized Use</b>	<p>Entry apparatus on the BearCat may be used to allow personnel to enter or extract victims or suspects.</p> <p>Authorized to be used in high-risk tactical situations where de-escalation methods were unsuccessful, have been exhausted or where other force options would jeopardize the safety of the public and officers. Used by Tactical and Specialist Teams</p> <p>See comments in Bear Cat, above.</p>
<b>6. Fiscal Impact</b>	<p>Initial Cost: \$335,782.14</p> <p>Estimated annual cost to maintain the equipment: \$1,040</p> <p>Year obtained: 2010</p>
<b>7. Legal and Procedural Rules</b>	<a href="#"><u>DGO 8.01 Critical Incident Evaluation and Notification</u></a>
<b>8. Training</b>	<p>Class C California Driver's License</p> <p>Tactical Officer and Specialist Team Officer is trained in a 10-hour block to drive and operate the BearCat and ramp system and then trained annually, thereafter</p>

<b>D. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.</b>	
<b>1. Description</b>	<p>Ford Eagle Motor Home (MH)</p> <p>Ford Eagle Motor Home (MH)</p> <p>Ford E-350 Van</p> <p>Freightliner MT55 Cargo Van</p> <p>Freightliner Sprinter Van</p>
<b>2. Quantity</b>	5 total
<b>3. Expected Lifespan</b>	20 years
<b>4. Purpose</b>	The mobile incident command vehicle is an unarmored vehicle equivalent to a commercial recreational vehicle. It is equipped with specific communication and audio-visual devices to assist in command and control of a critical incident. This vehicle allows for mobile incident command and use of the Incident Command Systems facilitating the best possible on scene





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	<p>decision-making by key leaders. It provides for mobility, sheltering, and logistical support, restroom facilities and power.</p> <p>There is no known alternative for the Mobile Incident Command Vehicles which provide the same amount of mobility and support at one location in a quick deploying package.</p>
<b>5. Authorized Use</b>	<p>To be used at both planned and unplanned events including critical incidents, large demonstrations, or prolonged incidents where an on-scene command post would help the outcome of the incident.</p> <p>The Homeland Security Unit (HSU) maintains a fleet of five command vans. The on-scene Incident commander determines the need for a command vehicle.</p>
<b>6. Fiscal Impact</b>	<p>Initial Cost: \$3,500,000  Estimated annual cost to maintain the equipment: ~\$50,000</p> <p>Year obtained:  Ford Eagle MH, 2001  Ford Eagle MH, 2002  Ford E-350 Van, 1992  Freightliner MT-55, 2012  Freightliner Sprinter Van, 2011</p>
<b>7. Legal and Procedural Rules</b>	<p>Department Notice 21-128 Command Van Requests  <a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a>  SFPD Crowd Control Manual</p>
<b>8. Training</b>	<p>Freightliner: Class B license  Remaining Command Vehicles require Class C license.  The National Incident Management System Training Program:  Incident Command System (ICS) 100-800  ICS 300 &amp; 400  Emergency Vehicle Operator Course (EVOC)</p>

<b>E. Battering rams, slugs, and breaching apparatuses that are explosive in nature</b>	
<b>1. Description</b>	<p>Energetic Breaching Tool  Kinetic Breaching Tool  Ballistic Breacher Rounds  Pan Disrupter (attached to a robot)</p>
<b>2. Quantity</b>	<p>Energetic Breaching Tool: Detonating Cord: 18 grain per foot - 2.3 lbs., 25 grain per foot - 12.1 lbs., 50 grain per foot - 6.2 lbs., 100 grain per foot - 0.4</p>



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

	<p>lbs., and 200 grain per foot – 1.4 lbs.; Blasting Caps: 17 Units; Materials: UTK Rubber Strips – 33 pieces, UTK Pucks – 11 pieces, FETT Rubber Rolls – 5 rolls, Fett Water Bladders – 40 pieces, Hydro Gel Rolls – 20 rolls, and Breacher Tape – 20 rolls.</p> <p>Kinetic Breaching Tool: 3</p> <p>Ballistic Breacher Rounds: 200 rounds</p> <p>Pan Disrupter (attached to a robot): 2 Units</p>
<b>3. Expected Lifespan</b>	5 years
<b>4. Purpose</b>	<p>Used to safely breach doors or devices.</p> <p>This allows officers to conduct rescues or high-risk forceable entries during high risk and critical incidents. These items allow peace officers to quickly and safely enter a structure when time is of the essence and where it is not feasible to delay access to the structure. The alternative to these items may involve mechanical breaching which requires officers to stand in front of the door utilizing hydraulic tools, rams, sledgehammers, the jaws of life or other handheld battering rams. This increases the likelihood of the use of Department issued firearms if suspects fire upon officers that are in a doorway utilizing a handheld battering ram. As such there is no reasonable alternative to these items listed in this category if negotiation, or de-escalation or other alternatives to entry are not possible.</p> <p>Law enforcement agencies receive calls for suspicious packages every day. SFPD's Explosive Ordnance Detail (EOD) AKA bomb squad, is responsible for performing the threat assessment of these suspicious packages. These packages can be an improvised explosive device (IED) which has no standard application, meaning there is no one standard way to address these devices. IEDs are homemade and are becoming more sophisticated as web/internet resources are more readily available. SFPD has tools that minimize the time on target (the amount of time an officer is next to a suspicious package/device) and provide more protection for our bomb techs, which in turn provides increased safety for the public. One of these tools is a “pan disruptor” and can be attached to a wheeled robot. The pan disruptor is a percussion actuated non-electrically fired device. It is a steel tube filled with water, plugged off on one side while the other side is capped by a shotgun shell. A breach is used which has a firing pin that is projected forward by an explosively driven shock wave from a shock tube- this is fired remotely so the bomb tech does not have to be anywhere near the package as it is breached.</p>
<b>5. Authorized Use</b>	For use during high-risk warrant service on fortified locations, encounters with barricaded suspects, active shooter, and hostage rescue.



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

<b>6. Fiscal Impact</b>	<p>Initial cost:</p> <p>Energetic Breaching Kit: \$5,000</p> <p>Kinetic Breaching Tool: \$9,500 per unit</p> <p>Ballistic Breacher Rounds: \$150 for 25 rounds</p> <p>Pan Disrupter (attached to a robot): Attachments with procurement of the EOD robots.</p> <p>Year obtained:</p> <p>Energetic Breaching Kit: 2020</p> <p>Kinetic Breaching Tool: 2018</p> <p>Ballistic Breacher Rounds: 2008</p> <p>Pan Disrupter (attached to a robot): 2000</p> <p>Estimated annual cost to maintain the equipment: \$8,476</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 5.01 Use of Force</a></p> <p><a href="#">DGO 5.16 Obtaining Search Warrants</a></p> <p><a href="#">DGO 8.02 Hostage and Barricaded Suspect Incident</a></p>
<b>8. Training</b>	<p>CAL-OSHA Blaster's License</p> <p>Firearm Instructor Training</p> <p>IDC Instructor Training</p> <p>California Association of Tactical Officers (CATO): Critical Incident Leadership</p> <p>POST: Ballistic Breacher Certification</p> <p>All Pan Disrupter operators must complete the FBI's 6-week hazardous device school prior to operating the robots</p>

<b>F. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray</b>	
<b>1. Description</b>	<p>Flash-Bang is an explosive device that produces a blinding flash of light and a sudden, loud noise intended to temporarily stun, distract, and disperse people and it is thrown by hand or projected.</p> <p>Pepperball Systems utilize either round ball projectiles or round tipped projectiles, which are ultrasonically welded and designed to disperse the chemical agent contained inside upon Impact.</p>
<b>2. Quantity</b>	Combined Tactical Systems Flash-Bang quantity: 227 units



# Law Enforcement Use of Equipment Policy

## Inventory Acquired Prior to January 2022

### Police Department

	PepperBall VKS™: 8 PepperBall Rounds: 6,740 rounds
<b>3. Expected Lifespan</b>	5 years
<b>4. Purpose</b>	De-escalation tool not likely to inflict serious injury of involved parties or front-line personnel during tactical or high-risk operations.
<b>5. Authorized Use</b>	<p>To safely resolve critical situations during high-risk tactical operations. Only trained member assigned to the Tactical Unit, or Specialist Team member who is working an assignment under the direction of the Tactical Company, may carry and deploy such weapons. The deployment of Flashbangs requires the approval of at least one of the following:</p> <ul style="list-style-type: none"> <li>• Commanding Officer of the Special Operation Group (SOG)</li> <li>• Lieutenant assigned to the Tactical Unit</li> <li>• SOG or Team Leader</li> <li>• Commander, Deputy Chief, Assistant Chief or Chief of Police</li> </ul>
<b>6. Fiscal Impact</b>	<p>Flash bang: \$4,681.99 (\$35.95/per unit) Year first obtained: Prior to 2000</p> <p>Pepperball: \$9,999.03 (bundle) Year first obtained: 2021</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 5.01 Use of Force</a>  <a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a>  <a href="#">DGO 8.03 Crowd Control</a>  <a href="#">DGO 8.10 Guideline for First Amendment Activities</a>  <a href="#">CA Penal Code Section 13652</a></p> <p>Tactical Unit Order Use of Chemical Agent  Tactical Unit Order: Pepperball Systems SFPD Crowd Control Manual</p>
<b>8. Training</b>	<p>24 hour less-lethal instructor course. Once completed, the instructors teach and certify members of their perspective units in the use and deployment of the flashbang. This is a 10-hour certification. Once certified, each officer must get re-certified every 6 months.</p> <p>40-hour POST approved chemical agent instructor course. The chemical agent instructors will then certify the officers in their perspective units with a 10-hour class to carry and deploy chemical agents. Each officer must re-certify once a year.</p>



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

<b>G. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD)</b>	
<b>1. Description</b>	LRAD -Model 100X: A device that can be used as a specialized loudspeaker system that produces sound at a high power for directional communication at a distance. LRAD sound is directionally focused toward the intended individual person or groups.
<b>2. Quantity</b>	One
<b>3. Expected Lifespan</b>	20 years
<b>4. Purpose</b>	LRAD is an amplified communication device used by law enforcement agencies to communicate to the public, suspect(s), hostile crowds, or during disaster management.
<b>5. Authorized Use</b>	<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(3) Dispersal Orders or (4) During Critical Incident to communicate to suspect(s).</p> <p>The LRAD use must be authorized by a commissioned officer from the Tactical Unit.</p> <p>When authorized to be used as a public address system the LRAD shall not be deployed at distances less than fifty (50) feet.</p> <p>Only trained member assigned to the Tactical Unit, or the Specialist Team who is working an assignment under the direction of the Tactical Company, may deploy the LRAD.</p>
<b>6. Fiscal Impact</b>	<p>Initial cost: \$8,252.83</p> <p>Estimated annual cost to maintain the equipment: \$0</p> <p>Year obtained: 2013</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a></p> <p><a href="#">DGO 8.03 Crowd Control</a></p> <p>Tactical Unit Order: Use of Extended Range Impact Weapons During Crowd Control</p> <p>Tactical Unit Order:Use of Chemical Agents</p>
<b>8. Training</b>	Tactical Unit officers are given a 2-hour block in the use and operation of the LRAD system.
<b>1. Description</b>	<p>SUB MACHINE GUNS</p> <p>Description: Heckler &amp; Koch (H&amp;K) MP-5, 40 caliber</p>



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

	<p>Lightweight, air-cooled weapon with a calculated roller-delayed bolt and uses handgun ammunition. While these weapons use the same ammunition as handguns, they have capabilities of holding more ammunition and are equipped with lasers and optics specifically designed for use and more accuracy. Sub-machine guns are generally used as defensive weapons and aren't designed for long-range accuracy.</p> <p><b>SEMI AUTO RIFLES</b>  <b>Description:</b>  AR-15A3 Tactical, Colt M4 Carbine, 5.56 NATO/.223 REM caliber  LWRCI REPR 7.62 NATO caliber  Lightweight, magazine- fed, gas-operated rifle intended to be fired from the shoulder. Some of the rifles have select fire triggers. Some of the rifles have longer barrels and are designed for longer, more precise shots.</p> <p><b>FULL AUTO TEC SHORT BARREL RIFLE (SBR) MACHINE GUN</b>  <b>Description:</b>  M4 Carbine/Commando/EPR, 5.56 NATO/.223 REM caliber  A weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.</p>
<b>2. Quantity</b>	<p>SUB MACHINE GUNS: 15  SEMI AUTO RIFLES: 233  FULL AUTO TAC SBR: 64</p>
<b>3. Expected Lifespan</b>	<p>SUB MACHINE GUNS: 20 years  SEMI AUTO RIFLES: 5-25 years  FULL AUTO TAC SBR: 20 years</p>
<b>4. Purpose</b>	<p>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. Long guns outperform handguns as handguns need to be reloaded during confrontations with armed felons in possession of high-velocity rifles. Long guns offer increased accuracy and capacity to stop threats of great bodily injury or death at close and intermediate ranges. These firearms are capable of firing more accurately and quicker than a pistol and decrease the likelihood of errant rounds traveling beyond the intended target.</p>
<b>5. Authorized Use</b>	<p>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</p>



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

	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.
<b>6. Fiscal Impact</b>	Initial cost: SUB MACHINE GUNS: n/a SEMI AUTO RIFLES: approx. \$1,000 each FULL AUTO TAC SHORT BARREL RIFLE (SBR) MACHINE GUN: approx. \$1,000, not incl. accessories Years obtained: SUB MACHINE GUNS: varies (2010-2019) SEMI AUTO RIFLES: varies (2010-2019) FULL AUTO TAC SHORT BARREL RIFLE (SBR) MACHINE GUN: varies (2010-2019)
<b>7. Legal and Procedural Rules</b>	<a href="#">DGO 5.01 Use of Force</a> .
<b>8. Training</b>	POST Tactical Rifle Operator, POST SBR Operator Training

<b>I. Projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons</b>	
<b>1. Description</b>	40mm Launcher 12 Gauge Pump-Action Shotgun/Remington 870 Ballistic breaching shotgun 12GA Super-Sock Bean Bag Model 2581 CTS 4556 OC Impact CTS 4340 OC Liquid Barricade CTS 4441 OC Powder Barricade CTS 4530 CS Impact CTS 4330 Liquid Barricade CTS 4431 Powder Barricade CTS 4557 Foam Baton CTS 5230 Baffled Canister CTS 6210 White Smoke Canister
<b>2. Quantity</b>	40mm Launcher: 90 Units 12GA Super-Sock Bean Bag Model 2581 round: over 2000 rounds CTS 4556 OC Impact: 114 Units CTS 4340 OC Liquid Barricade: 148 Units CTS 4441 OC Powder Barricade: 135 Units CTS 4530 CS Impact: 118 Units CTS 4330 Liquid Barricade: 179 Units



# **Law Enforcement Use of Equipment Policy** **Inventory Acquired Prior to January 2022** **Police Department**

	<p>CTS 4431 Powder Barricade: 159 Units  CTS 4557 Foam Baton: 226 Units  CTS 5230 Baffled Canister :66 Units  CTS 5210 White Smoke Canister :79 Units</p>
<b>3. Expected Lifespan</b>	5 years
<b>4. Purpose</b>	<p>The 40mm launcher affords the ability to use less lethal chemical agents and impact munitions. This is designed to fire a projectile to temporarily incapacitate a subject. The use allows officers to address a threat from a greater distance and provides a less-lethal force option, when appropriate per DGO 5.01. The bean bag shotgun is a less-lethal weapon that also allows officers to confront a dangerous suspect at a longer distance when used in accordance with DGO 5.01.</p> <p>Chemical agents are specifically formulated smokes, liquids, and powders designed to temporarily disable a person by causing irritation of the mucous membrane, eyes, and skin. When deployed, they provide a less lethal force option and significantly reduce the risk of injury to citizens, suspects, and police officers. These agents may be used in criminal apprehensions, critical incidents, and as a dispersal agent during crowd control situations.</p>
<b>5. Authorized Use</b>	<p>Only trained members assigned to the Tactical Unit SWAT Team and Specialist Team members who are working an assignment under the direction of the Tactical Company, may deploy chemical agents. The deployment during crowd control must be authorized by any of the following:</p> <ul style="list-style-type: none"> <li>• Incident Commander</li> <li>• The Commanding Officer of the Tactical Company</li> <li>• The Lieutenant assigned to the Tactical Unit SWAT Team</li> <li>• A Commander, Deputy Chief, Assistant Chief or Chief of Police</li> </ul> <p>When engaged in an evolving critical incident, not related to crowd control, a tactical leader may authorize immediate use of chemical agents to protect life or public safety. Chemical agents shall not be used to disperse any assembly, protest, or demonstration, except as permitted under California Penal Code Section 13652(b). Chemical agents and projectile launch platforms and their munitions shall be used in accordance with DGO 5.01.</p>
<b>6. Fiscal Impact</b>	<p>40mm Launcher: \$1,090.00 per unit  12GA Super-Sock Bean Bag Model 2581: \$9,979.83 (\$4.20/per unit)  CTS 4556 OC Impact: \$1,244.50  CTS 4340 OC Liquid Barricade: \$1,119.72  CTS 4441 OC Powder Barricade: \$868</p>





# Law Enforcement Use of Equipment Policy

## Inventory Acquired Prior to January 2022

### Police Department

	<p>CTS 4530 CS Impact: \$1,244.50  CTS 4330 Liquid Barricade: \$1,097  CTS 4431 Powder Barricade: \$868  CTS 4557 Foam Baton: \$9,9976.69  CTS 5230 Baffled Canister: \$52.60</p> <p>Estimated annual cost to maintain the equipment: ~\$50,000</p> <p>Year obtained: n/a</p>
<b>7. Legal and Procedural Rules</b>	<p><a href="#">DGO 8.01 Critical Incident Evaluation and Notification</a>  <a href="#">DGO 5.01 Use of Force</a>  CA Penal Code Section 13652</p>
<b>8. Training</b>	<p>Tactical Unit / Specialist Team Less-Lethal Instructors must complete and pass 16-hour POST approved course to train other officers in the operation and use of the 40mm less-lethal launcher. The less-lethal instructors will then certify the officers in their perspective units with a 10-hour class to carry and deploy the 40mm launcher. Each officer must re-certify every 6 months</p>

## SECTION 2. DEFINITIONS

Exigent Circumstances	An emergency involving imminent danger of death or serious physical injury to any person or destruction of property that requires the immediate use of equipment subject to the provisions of AB 481. 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).
Critical Incidents	As defined in SFPD General Order 8.01, the following situations constitute critical incidents: Hostage/barricaded suspect; sniper; citizen shot by an officer; officer shot or critically injured while on duty; riots, insurrection or potentially violent demonstrations; prison break; explosion of destructive devise; airplane crash; officer arrested on or off duty; major fire (five alarms or greater); hazardous material incident; earthquake or any natural calamity involving multiple casualties or significant destruction of property or the likelihood of either; accidents (explosions, traffic, construction, etc.) involving multiple casualties.
De-escalation	A range of verbal and non-verbal skills used to slow down the sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making, to reduce the likelihood of a situation escalating into a physical confrontation or injury. De-escalation tactics prioritize reducing the number of use of force incidents and front-line personnel safety.



## Law Enforcement Use of Equipment Policy

### Inventory Acquired Prior to January 2022

#### Police Department

Department General Order (DGO)	The Department's most authoritative and permanent directives, established, revised, and adopted by the Police Commission after a public hearing for the overall administration and management of the Department and the general conduct of all members. These policies go through a rigorous drafting period that includes consideration of Department of Police Accountability and other stakeholder policy recommendations.
High-Risk Tactical Situation	Patrol officers encounter high-risk situations (felony stops, hot prowls, calls, shootings, armed subject calls, etc.) routinely and address them using their training and readily available resources. However, high-risk tactical situations are instances that occur where the potential of death or serious injury is elevated or requires a response from a Tactical/Special Operations unit that have training, resources and supplies that exceed the capabilities and resources available to patrol units. This can include "high-risk warrant service" where law enforcement agencies may use a matrix and award points for certain aspects of the warrant (e.g., weapons, criminal history, potential for violent resistance), and where the point total determines whether a Tactical/Special Operations detail is required.
POST	California Commission on Police Officer Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. Participating agencies agree to abide by the standards established by POST. More than 600 agencies participate in the POST Program and are eligible to receive the Commission's services and benefits.
Less Lethal	Non-lethal or less-lethal weapons are used on a subject who is armed with and used or threatened to use a weapon, other than a firearm, that could cause serious injury or death. The less lethal is intended to be less likely to kill a living target or are designed to deescalate or restrain a living target as an alternative to the use of Department issued firearms.
Explosive Ordnance Disposal (EOD)	Explosive Ordnance Disposal (EOD)- tactical and technical explosives experts under the Tactical Unit and Special Operations. EOD receives advanced training and critical skills needed to disable and defeat explosive devices and weapons of mass destruction.

### SECTION 3. ACQUIRING OR SEEKING FUNDS FOR EQUIPMENT SUBJECT TO THE PROVISIONS OF AB 481

When existing 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 existing stock may reach significantly low levels, the Department shall immediately notify the Board of Supervisors when new stock, maintenance or replacements of existing equipment listed in this Use Policy has been acquired or procured by the Department. 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 a designated emergency when approved by the Chief of Police or designee. The procurement process shall meet the requirements of the Office of Contract Administration ("OCA") who promulgates rules and regulations pursuant to Chapter 21 of the San Francisco Administrative Code. The SFPD Contracting



# **Law Enforcement Use of Equipment Policy**

## **Inventory Acquired Prior to January 2022**

### **Police Department**

Department shall comply with the requirements of Chapter 21 and fully cooperate with OCA in the Acquisition of Commodities and Services.

#### **SECTION 4. COMPLIANCE & SANCTIONS**

Department shall assign the following personnel to oversee Policy compliance by the Department:  
Assistant Chief of Operations or designee.

Each member of the Department belongs to a chain of command. The Officer in Charge (OIC) of that chain of command is responsible for overseeing compliance with all SFPD written directives and the Law Enforcement Use of Equipment Policy. If allegations arise that a member is not in compliance, the OIC will initiate an investigation and will take the appropriate action which could include an investigation of misconduct by Internal Affairs.

Sanctions for violations of this Policy include the following: San Francisco Police Department will conduct an internal investigation through the Chief of Staff/Internal Affairs (IA) Unit. The results of the investigation will be reported to the Chief of Police, who will determine the penalty for instances of misconduct.

Under San Francisco Charter section A8.343, the Chief may impose discipline of up to a 10-day suspension on allegations brought by the Internal Affairs Division or the DPA. Depending on the severity of the allegation of misconduct, the Chief or the DPA may elect to file charges with the Police Commission for any penalty greater than the 10-day suspension. Any discipline sought must be consistent with principles of just cause and progressive discipline and in accordance with the SFPD Disciplinary Guidelines.

#### **Independent Entities with Oversight Authority:**

Pursuant to the San Francisco Charter section 4109, the Police Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under section 4109.

Under San Francisco Charter section 4.136(k), the Department of Police Accountability shall conduct a performance audit or review of police officer use of force and how the Police Department has handled claims of officer misconduct. DPA shall also have the authority to conduct performance audits or reviews of whether Police Department personnel and management have complied with federal and state law, City ordinances and policies, and Police Department policies.

**Complaints of Officer Misconduct:** Members of the public can register complaints about SFPD activities with the Department of Police Accountability (DPA), 1 South Van Ness Ave, 8th Floor, San Francisco, CA 94103, (415) 241-7711, <https://sf.gov/departments/departments-police-accountability>. DPA, by Charter authority, receives and manages all citizen complaints relating to SFPD use of force, misconduct, or allegations that a member has not properly performed a duty. DPA manages, acknowledges, and responds to complaints from members of the public.

**Complaints, Concerns, and Inquiries:** Department shall acknowledge and respond to concerns in a timely and manner. To do so, the Department has included a Law Enforcement Use of Equipment Policy page on its public website. This page includes an email address for public inquiries: [SFPDChief@sfgov.org](mailto:SFPDChief@sfgov.org). This email is assigned to multiple staff members in the Chief's Office who will respond to inquiries within 48 hours.



## **Law Enforcement Use of Equipment Policy**

### **Inventory Acquired Prior to January 2022**

### **Police Department**

#### **SECTION 5: COLLABORATION WITH OUTSIDE LAW ENFORCEMENT AGENCIES**

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, SFPD members have made the law enforcement agency aware of this Use Policy or the equipment subject to the provisions of AB 481 is approved for use in accordance with this policy.

#### **SECTION 6: ANNUAL REPORTING**

Pursuant to Ca. Gov Code Section 7072, the San Francisco Police Department shall submit an annual Law Enforcement Use of Equipment report to the Board of Supervisors. The annual submission shall report on each type of equipment approved by the Board of Supervisors within one year of approval, and annually thereafter for as long as the equipment is available for use. The annual Law Enforcement Use of Equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of equipment subject to the provisions of AB 481.

- (1) A summary of how the equipment was used, which equipment was used, the frequency of use, the purpose of its use, and the outcome of the incident, including whether injuries were sustained.
- (2) A summary of any complaints or concerns received concerning the equipment.
- (3) The results of any internal audits, any information about violations of the equipment use policy, and any actions taken in response.
- (4) 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.
- (5) The quantity possessed for each type of equipment subject to the provisions of AB 481.
- (6) If SFPD intends to acquire additional equipment subject to the provisions of AB 481 in the next year, the quantity sought for each type of equipment.

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.

Within 30 days of submitting and publicly releasing an annual Law Enforcement Use of Equipment report, SFPD shall hold at least one well-publicized and conveniently located community meeting through the Police Commission at which the general public may discuss and ask questions regarding the annual Law Enforcement Use of Equipment report and SFPD's funding, acquisition, or use of equipment listed in the report.

The Board of Supervisors shall determine, based on review of the annual report, whether each type of equipment identified in this use policy complied with the standards set forth in Government Code 7071(d). If the Board of Supervisors determines that SFPD has not complied with Government Code 7071(d) standards, they may vote to disapprove a renewal or require modifications to this use policy in a manner that will resolve the lack of SFPD's compliance with Government Code 7071(d).

The annual Law Enforcement Use of Equipment report shall be made publicly available on SFPD's website for as long as the equipment subject to the provisions of AB 481 is available for use.

# Law Enforcement Equipment Use Policy

## California Assembly Bill 481



**CITY & COUNTY OF SAN FRANCISCO**

Police Department

July 11, 2022



California Assembly Bill 481, codified at Government Code sections 7070-7075, requires law enforcement agencies in California to obtain approval from the applicable governing body, of a Law Enforcement Use of Equipment Policy as specified, by ordinance.

Defines 15 categories of equipment typically used by Law Enforcement Agencies.
Requires public posting and BOS hearings considering Department’s equipment use policy for equipment acquired prior January 2022.
BOS review of any AB 481 equipment acquired after January 2022 prior to SFPD procurement, acquisition or use.
SFPD Annual Reporting & Public Hearing.
BOS annual review of the approved use policy and may decide whether SFPD can continue use of equipment.

# USE POLICY

The proposed law enforcement equipment must include the following:

Department's inventory of equipment subject to the provisions of AB 481
Description of authorized uses
Fiscal impact
Legal/procedural rules
Training requirements



# SFPD Inventory Acquired Prior to January 2022

<p>(1) Unmanned, remotely piloted, powered aerial or ground vehicles.</p> <p>*Note – all systems in SFPD inventory are ground vehicles</p>	<p>REMOTEC F5A REMOTEC F6 REMOTEC RONS QinetiQ TALON QinetiQ DRAGON RUNNER IROBOT FirstLook Recon Robotics Recon Scout ThrowBot (All items also governed by SF Admin Code 19B)</p>
<p>(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.</p> <p>&amp;</p> <p>(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.</p>	<p>Lenco BearCat with a Patriot 3 Liberator Ramp System</p>
<p>(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.</p>	<p>Ford Eagle MH, 2001 Ford Eagle MH, 2002 Ford E-350 Van, 1992 Freightliner MT-55, 2012 Freightliner Sprinter Van, 2011</p>

<p>(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.</p>	<p>Energetic Breaching Tool Kinetic Breaching Tool Pan Disrupter (attached to a robot) Ballistic Breacher Rounds</p>
<p>(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.</p>	<p>Flash Bangs Pepperball Systems</p>
<p>(13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).</p>	<p>LRAD</p>
<p>(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.</p>	<p>40mm Launcher 12 Gauge (GA) Pump-Action Shotgun 12GA Super-Sock Bean Bag Model 2581 CTS 4556 OC Impact CTS 4556 OC Impact CTS 4340 OC Liquid Barricade CTS 4441 OC Powder Barricade CTS 4530 CS Impact CTS 4330 Liquid Barricade CTS 4431 Powder Barricade CTS 4557 Foam Baton CTS 5230 Baffled Canister CTS 6210 White Smoke Canister</p>





Department General Orders (DGOs) are the Department's most authoritative and permanent directives, established, revised, and adopted by the Police Commission after a public hearing for the overall administration and management of the Department and the general conduct of all members. These policies go through a rigorous drafting period that includes consideration of Department of Police Accountability and other stakeholder policy recommendations.

DGO 5.01 Use of Force

DGO 5.16 Obtaining Search Warrants

DGO 5.17 Bias Free Policing

DGO 8.01 Critical Incident Evaluation and Notification

DGO 8.02 Hostage and Barricaded Suspect Incident

DGO 8.07 Hazardous Material Incidents

DGO 8.08 Bomb Threats, Clandestine Laboratories, Destructive Devices, Explosions, and Fireworks

SFPD Department Notice 21-128 Command Van Requests

SFPD Crowd Control Manual

# Uses

**Command vans** are used during Safe Shopper Operations or other operations where police presence and visibility acts as a deterrent to crime as well as during critical incidents where an incident command post is necessary.

**Robots (remotely controlled unmanned machine that operates on the ground)** are used as bomb assessment and situational awareness tools that allow for distance between an officer and a subject or an officer and an explosive device. The robots are equipped with cameras and can approach dangerous situations allowing time and distance between subjects and law enforcement. The alternative is deploying multiple officers to confront a subject without knowing the specific layout elevating the risk to officers and subjects. Regarding explosive device assessments, the robots eliminate need for officers to approach and destinate the device, minimizing the time on target (the amount of time an officer is next to a suspicious package/device) and provides more protection for bomb techs.

**Extended Range Impact Weapon (ERIWs)** are the Department's less lethal option (bean bag guns). ERIWs allows officers to address a threat from a greater distance and provides an alternative option for deadly force when reasonable. The bean bag shotgun allows officers to confront an armed or dangerous suspect at a longer distance. This can potentially prevent a deadly force encounter. The alternative is the use of a department issued firearm.

# Uses

**Breaching tools** like pan disrupter can be attached to robots and is used by the Explosive Ordnance Detail (EOD) to breach a potential improvised explosive device (IED). The pan disrupter is a percussion actuated non-electrically fired device. It is a steel tube filled with water, plugged off on one side while the other side is capped by a shotgun shell. A breach is used which has a firing pin that is projected forward by an explosively driven shock wave from a shock tube. The pan disrupter is fired remotely so the bomb tech does not have to be anywhere near the package as it is breached.

**Chemical agents** like pepper spray are specifically formulated smokes, liquids, and powders designed to temporarily disable a person by causing irritation of the mucous membrane, eyes, and skin. When deployed, they provide a less lethal force option and significantly reduce the risk of injury to citizens, suspects, and police officers. These agents may be used in criminal apprehensions, critical incidents, or as a dispersal agent during crowd control situations (pepper ball). The alternative is placing officers in the middle of a disruptive or hostile crowd incident where physical force or restraint methods may be used against subjects. The use of these agents makes the environment inhospitable enough for subjects to stop violent activity on their own accord without need for physical interactions with law enforcement.

# Public Website

<https://www.sanfranciscopolice.org/your-sfpd/policies/law-enforcement-equipment-use-policy>



Questions?

SAN FRANCISCO  
POLICE DEPARTMENT



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: William Scott, Police Chief, Police Department

FROM: Victor Young, Assistant Clerk

A handwritten signature in cursive script that reads "Victor Young".

DATE: May 31, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

**File No. 220641 Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment**

**Ordinance amending the Administrative Code to require Board of Supervisors approval for the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [victor.young@sfgov.org](mailto:victor.young@sfgov.org).

cc: Lisa Ortiz, Police Department  
Lili Gamero, Police Department  
Diana Oliva-Aroche, Police Department  
Sgt Stacy Youngblood, Police Department/Commission



# City and County of San Francisco

## Master Report

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

<b>File Number:</b> 220641	<b>File Type:</b> Ordinance	<b>Status:</b> 30 Day Rule
<b>Enacted:</b>	<b>Effective:</b>	
<b>Version:</b> 1	<b>In Control:</b> Rules Committee	
<b>File Name:</b> Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment	<b>Date Introduced:</b> 05/24/2022	
<b>Requester:</b>	<b>Cost:</b>	<b>Final Action:</b>
<b>Comment:</b>	<b>Title:</b> Ordinance amending the Administrative Code to require Board of Supervisors approval for the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law.	
<b>Sponsor:</b> Mayor		

### History of Legislative File 220641

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	05/24/2022	ASSIGNED UNDER 30 DAY RULE	Rules Committee	06/23/2022	

**From:** [Betty Traynor](#)  
**To:** [Peskin, Aaron \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Chan, Connie \(BOS\)](#)  
**Cc:** [Young, Victor \(BOS\)](#)  
**Subject:** SFPD NOT in Compliance with AB481 - Item 2 on 7/11/22 Rules Comm. Agenda  
**Date:** Sunday, July 10, 2022 7:11:53 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear members of the Rules Committee,

**I am writing to urge you to NOT recommend to the full Board of Supervisors the SFPD's proposed policy related to AB 481 until the policy fully complies with AB481's requirements.**

AB 481 is a new law that requires California law enforcement agencies to publish information about a range of militarized gear used in policing and jails, and to obtain approval of policies about the use of this military equipment.

SFPD's proposal for military equipment has several problems, including points of non-compliance with AB 481.

Examples include:

- The proposed policy excludes both an inventory and policy for assault rifles that SFPD possesses.
- The proposed policy is missing independent oversight required by AB 481.
- The proposed policy doesn't define authorized uses, and grants limitless authorization.
- The proposed policy fails to comply with AB481's ban on chemical and impact weapons (tear gas and rubber bullets) for crowd control.

Also, the proposed policy doesn't limit use on persons experiencing mental health crises - including those indicating self-harm.

The policy for deploying armored vehicles is ambiguous and vague, with no limits on authorized uses.

Important Question: Does the use policy exclude or prohibit use of military equipment for public relations purposes or activities, such as bringing an armored vehicle to a fair or school? It should--We do not want children thinking armored vehicles or other military equipment are toys to play with and thus harmless.

**Please take time to thoroughly consider the proposed policy.**



The Board of Supervisors has until mid-November to take action before the use of equipment would be affected. ***This is a serious matter and the Board should not do this quickly.*** The law gives the Board time to listen and consider objections by community members, send the policy back to staff for amendments, consult with the department, city attorney, and others, before adopting a policy.

Thank you very much for your serious consideration of my concerns with the SFPD's compliance with AB 481.

Betty Traynor

S.F. Resident

Member of the Women's International League for Peace and Freedom (WILPF) - S.F. Branch

Oldest women's peace organization, began in 1915.

**From:** [regina.sneed](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Re: SFPD NOT in Compliance with AB481 - Item 2 on 7/11/22 Rules Comm. Agenda  
**Date:** Sunday, July 10, 2022 8:40:36 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear members of the Rules Committee of the San Francisco Board of Supervisors:

AB481 requires the City to provide information to the public annually on the range of military equipment the police and sheriff departments use in policing . The Board must approve the policy. To my knowledge the Sheriff's department has not submitted its proposed policy, having missed the statutory deadline.

I urge the Rules Committee to return the Police department policy for further development to address deficiencies in meeting the requirements of AB 481. It would make sense to review and approve both policies together and you have plenty of time to do so.

I want to provide just a few examples of things that need to be addressed:

I do not see any mention of the use of assault rifles. I believe Both Departments have them.

There is no independent oversight of the policy as required. If this ordinance is not done correctly now, there will be no adequate annual review and oversight.

As San Francisco is a city with many protests, I do not see references required by AB481 that ban chemical or impact weapons like rubber bullets and tear gas from being used for crowd control.

I do not see affirmative statements about how the city will use this equipment in situations involving people suffering mental breakdowns, or people with disabilities that could be harmed by equipment.

There are other issues which are not included in the draft that deserve a public hearing. I request that the appropriate Board Committee hold a hearing to get public input on this subject.

Thank you for the opportunity to express my concerns on the city's compliance with this important law.

Regina Sneed  
San Francisco resident  
And member of San Francisco Branch  
Women's International League for Peace and Freedom

**From:** [Arla Ertz](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** SFPD NOT in Compliance with AB481 - Item 2 on 7/11/22 Rules Comm. Agenda Inbox  
**Date:** Monday, July 11, 2022 7:44:53 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear members of the Rules Committee:

I am a San Francisco resident, taxpayer, and voter. I strongly urge you to **NOT** recommend to the full Board of Supervisors the SFPD's proposed policy related to AB481 until the policy fully complies with AB481's requirements, which it currently fails to do.

AB481 is a new law that requires California law enforcement agencies to publish information about militarized gear they use in policing and jails, and to obtain approval of policies about the use of this military equipment. SFPD's proposal for military equipment has several problems and key omissions, including points of noncompliance with AB481.

Please carefully consider each element of the proposal, including the following examples:

- ~ As proposed, SFPD's policy would exclude both an inventory and policy for assault rifles that SFPD possesses
- ~ As proposed, the policy omits independent oversight required under AB481.
- ~ As proposed, the policy fails to define authorized uses, and grants limitless authorization.
- ~ As proposed, the policy is out of compliance with AB481's ban on chemical and impact weapons (tear gas and rubber bullets) for crowd control.
- ~ As proposed, the policy neglects to limit use on persons experiencing mental health crises, including those indicating self-harm.
- ~ As proposed, the policy for deploying armored vehicles is ambiguous and vague, with no limits on authorized uses.

Having worked professionally for over a couple of decades as a social worker in the field of child mental and behavioral health (as program director of an expressive arts program for homeless and other at-risk children, as an early intervention mental health consultant for an agency serving homeless children and their families, etc.) I am further concerned about whether the use policy excludes or prohibits use of military equipment for public relations purposes or activities, such as bringing an armored vehicle to a fair or school. It must! It is unacceptable to allow use of such equipment in any way that could lead children to think of armored vehicles or other military equipment as fun! They must not be encouraged or even merely tempted to think of them as toys to play with and thus harmless. I'm sure that you can appreciate the myriad negative repercussions of such "training" at young, impressionable ages,

and recognize that it is imperative to ensure the policy clearly prevents risk of such outcomes.

***Please take ample time to thoroughly consider all elements of the proposed policy and their weaknesses--there is no requirement or need to rush to a decision!*** The Board of Supervisors has until mid-November to take action before the use of equipment would be affected. This is a serious matter and I implore you not to move too quickly, at the expense of meticulously diligent attention. The law gives the Board time to listen and consider objections from community members, send the policy back to staff for amendments, consult with the department, city attorney, and others, before adopting a policy.

Thank you for your conscientious consideration of my concerns with the SFPD's lack of compliance with AB481, and for your careful, detailed deliberation.

Sincerely,

Arla S. Ertz  
Member, San Francisco branch, Women's International League for Peace & Freedom  
1096 Fulton St., Apt. 7  
San Francisco, CA 94117

**From:** [Arla Ertz](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
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Member, San Francisco branch, Women's International League for Peace & Freedom  
1096 Fulton St., Apt. 7  
San Francisco, CA 94117

**From:** [regina.sneed](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Rules Committee Military Equipment Policy agenda item: File number 220641  
**Date:** Thursday, October 20, 2022 3:06:57 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members:

Please accept these comments on the revised draft ordinance scheduled to be heard in Committee on October 24, 2022, as I am not able to attend the hearing.

AB 481 is a public information and accountability tool. The law requires the Board of Supervisors to approve a use of military equipment ordinance only if the use policy will safeguard the public's welfare, safety, civil rights and civil liberties. I hope you will take the time to ensure that the ordinance does that from its inception and I hope you will include the requirements for the annual reporting to make sure you get all the information to perform your important oversight role.

San Francisco is a city of peace and does not favor the militarization of the police. With this ordinance, the Board has an obligation to review why we need the equipment and whether there are alternate means to accomplish policing policies and programs to protect the public.

Military equipment is more frequently deployed in low-income Black and Brown communities meaning that the impacts of misuse of military equipment is more acutely felt in these communities. Recent news reports indicate that the police and regulators of the police can not yet agree on a use of force policy. Will military equipment be misused if we do not have clear and specific descriptions for its usage that can be understood by citizens.

The ordinance lists all the equipment and its permitted use but does not adequately explain the actual operational costs which from a citizens perspective includes the purchase price, the storage costs, the maintenance cost, the cost of operation, the training of operators and any need for replacements. Will the annual report provide a cost benefit analysis to determine whether we need the item at all or whether there is a better less costly option. The citizens want better community policing and social services. Where should our limited funds go?

The ordinance relies on the Board of Supervisors to protect the public interest but that is not enough in this complex world. The ordinance should include a private right of action to allow citizens to file suits to insure compliance with the law. California has championed this concept of consumer protection for the public in many laws since the 1970's. The ordinance should include this provision.

There are a few specific concerns that I do not think have been sufficiently addressed in the ordinance. In the description of use for some equipment, it is not clear to me how different special populations such as people with developmental disabilities, people with language barriers and people who can not hear or see would be protected. The ban on use of equipment must be very clear for these populations.

I am not clear whether this draft contains the required ban against use of chemical weapons like tear gas and rubber bullets from being used to control crowds. San Franciscans enjoy their protected first amendment rights to protest peacefully. The ordinance should reflect these rights.

Please take the time to pass a ordinance that safeguards public safety and civil liberties. I would also note that the Sheriff's Department has failed to submit its ordinance to the Board. The public should have a chance to review these ordinances together.

Thank you for the opportunity to provide comments.

Regina Sneed  
District Two resident  
Life member Women's International League for Peace and Freedom  
San Francisco Branch



**From:** [regina.sneed](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Rules Committee Military Equipment Policy agenda item: File number 220641  
**Date:** Thursday, October 20, 2022 3:06:57 PM

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Regina Sneed  
District Two resident  
Life member Women's International League for Peace and Freedom  
San Francisco Branch

**From:** [regina.sneed](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Re: Rules Committee Military Equipment Policy agenda item: File number 220641  
**Date:** Friday, October 21, 2022 4:41:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members:

Please see the attached article about the use of armed robots by police in Oakland. I wish to add to my statement below that the San Francisco ordinance should ban arming robots for any police use in San Francisco.

Thank you.

Regina Sneed

<https://theintercept.com/2022/10/17/police-robot-gun-oakland/> Sent from my iPad

On Oct 20, 2022, at 3:06 PM, regina.sneed <[reginasneed@yahoo.com](mailto:reginasneed@yahoo.com)> wrote:

Dear Members:

Please accept these comments on the revised draft ordinance scheduled to be heard in Committee on October 24, 2022, as I am not able to attend the hearing.

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Thank you for the opportunity to provide comments.

Regina Sneed

District Two resident

Life member Women's International League for Peace and Freedom

San Francisco Branch

**From:** [Betty Traynor](#)  
**To:** [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Cc:** [Young, Victor \(BOS\)](#)  
**Subject:** Rules Committee 10/24/22: Military Equipment Policy agenda item: File number 220641  
**Date:** Monday, October 24, 2022 1:26:55 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear members of the SF Board of Supervisors Rules Committee,

I have just looked at the SFPD letter of compliance with AB 481 and its list of military weapons they possess--Unbelievable! See partial list of what SFPD has in its inventory for use (in bold):

- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers: **Lenco BearCat with a Patriot 3 Liberator Ramp System**
- Battering rams, slugs, and breaching apparatuses: **Energetic Breaching Tool, Kinetic Breaching Tool, Pan Disrupter (attached to a robot), Ballistic Breacher Rounds** -
- "Flashbang" grenades and explosive breaching tools, "tear gas" and "pepper balls": **Flash Banks, Pepperball System**
- Projectile launch platforms and their associated munitions: **40mm Launcher, 12 Gauge (GA) Pump-Action Shotgun, 12GA Super-Sock Bean Bag Model 2581, CTS 4556 OC Impact, and more...**

Does the SFPD really need these weapons of war in our city--against whom will they use them? For what purpose? Will they be publicly displayed to be "shown off" in our communities to intimidate us?

Please members of the Board of Supervisors seriously question the SFPD's reason for these weapons? When and why do they anticipate using them? Will their loss really "jeopardize the safety of visitors, residents, and peace officers" or make us less safe by their very presence.

We are not a City at war but one that should be striving for peaceful resolution of conflicts.

Thank you very much,

Betty Traynor  
District 5  
Women's International League for Peace and Freedom-SF Branch



**From:** [Adrienne Fong](#)  
**To:** [ChanStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [MandelmanStaff, \[BOS\]](#)  
**Cc:** [Young, Victor \(BOS\)](#)  
**Subject:** To Rules Committee RE - Item 6 220641 [Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]  
**Date:** Monday, October 24, 2022 9:00:50 AM  
**Importance:** High

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Supervisors Chan, Peskin and Mandelman,

From: Adrienne Fong ([afong@jps.net](mailto:afong@jps.net))

**RE: Item 6 on October 24, Rules Committee on the agenda**

**6. 220641 [Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]**

As resident of San Francisco in district 2.

I was shock to learn of the arsenal of military equipment that SFPD has at its disposal.

My first impression was WHY? And WHO is this most likely to be used against. Lastly is do I trust SFPD?

The amount of money used for the equipment is appalling, when we have an increase of homelessness in SF and other pressing issues in SF.

A concern is that this equipment will primarily be used against Black, Brown and poor communities in SF. – especially as the economic situation gets worse.

I ASK THAT YOU QUESTION DEEPLY! There is significant data and guide lines missing in the report by SFPD, that is dangerous.

DON'T BE COMPLIC/IT IN PUTTING OUR MOST VULERALBE COMMUNITIES IN DANGER!

The militarization of SFPD is frightening!

Thank you for your time.

Sincerely,

Adrienne Fong  
afong@jps.net



#	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"><li>• 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</li><li>• Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;</li><li>• Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life.</li></ul> <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"><li>• 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;</li><li>• Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;</li><li>• Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life."</li></ul> <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>

#	AB 481 Recommended Edits	pg. number	Supervisor	SFPD Response	SFPD Explanation
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."

#	AB 481 Recommended Edits	pg. number	Supervisor	SFPD Response	SFPD Explanation
<b>R15</b>	<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>
<b>R16</b>	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.
<b>R17</b>	<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.
<b>R18</b>	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.
<b>R19</b>	<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.
<b>R20</b>	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.

#	AB 481 Recommended Edits	pg. number	Supervisor	SFPD Response	SFPD Explanation
<b>R21</b>	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	<p>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."</p> <p>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.</p>
<b>R22</b>	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.
<b>R23</b>	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 <b>15</b> feet nor shall then be used against children, elderly persons or persons only engaged in passive resistance.
<b>R24</b>	Section 1.5 "Authorized use": Delete "De-escalation tool not likely to inflict serious injury."	16	Peskin	accepted	
<b>R25</b>	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.
<b>R26</b>	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	

**From:** [regina.sneed](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Re: Rules Committee Military Equipment Policy agenda item: File number 220641 testimony for October 31, 2022  
**Date:** Friday, October 28, 2022 2:18:08 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear members of the Rules Committee:

I have some additional comments and suggestions based on the latest formation obtained from the agenda materials for this meeting.

I do not see any written response from the Police Department to the questions raised by Supervisor Peskin in his annotated draft. Specifically, under F(7) and G (7), there are four tactical orders 11-02, 21-02, 21-01 and 04-03 which may or may not be public

It is important for the public to have some way to see the Police Department responses to these questions. These orders should be made public. They would explain how these weapons are used.

I note that the Sheriff's Department has not submitted its equipment ordinance yet. I stated before that it would be good to review and approve these two ordinances together.

I now want to turn to the most critical concerns I have about this ordinance.

Please look to other jurisdictions in the Bay Area that have better definitions defining authorized use. It needs to be clear and understandable for the public to know what is allowed and under what circumstances. The city has had a problem with use of force issues. Please make sure this policy contains specific language about use of force, what is lethal force.

I have written previously about a provision for private right of action to add another layer of accountability. I do not see this being discussed in the Committee. So, there is another way to approach this subject.

The Supervisors have a lot of oversight in the budget process. Please set up the annual report cycle under this ordinance with the Police Department budget cycle. San Francisco could establish this by setting the first report date to coincide with the budget deadline of March 1, 2023 for next fiscal year. The Police Department will have time to hold its required public hearing. The Board will be reviewing expenditures in the report at the same time as the Police Budget. It's a good time to make adjustments.

Berkeley and Oakland required early reports so they could make sure they were getting a good reporting system. Supervisor Chan had concerns about what would be included in the annual report. Getting the first report set up in the budget cycle provides an opportunity for early corrections of the content that may be desired by the Board and requested by the public.

The current draft anticipates automatic restocking of items if there was an unexpected reduction in stock. This provision does not appear to meet the requirements of the State law. One can imagine the types of situations that would deplete equipment stock. As a citizen, I want more scrutiny not less in such situations and the Board should want more scrutiny and transparency too.

Please take the time to pass the strongest and best ordinance to fulfill your oversight and accountability functions for us San Franciscans.

Thank you for the opportunity to provide these comments.

Regina Sneed  
District Two resident

**From:** [regina.sneed](#)  
**To:** [Peskin, Aaron \(BOS\)](#)  
**Cc:** [Young, Victor \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Military Equipment Policy: File Number 220641  
**Date:** Tuesday, November 1, 2022 12:22:49 PM

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Dear Supervisor Peskin:

It was disappointing at the last Rules Committee meeting not to have a complete response from the Police Department to the questions and comments on this ordinance. Can you please make their response and any revised ordinance available to the public as soon as these documents are in hand prior to the November 7 hearing. Those of us in the community who are following this are trying to ensure that the final ordinance meets the state law requirements and that it meets San Francisco standards for protecting the public's civil rights.

My previous emails have offered a number of proposals that could make this a better more accountable ordinance. I hope you will consider including them and will at least address them at the Rules Committee next Monday.

Thank you.

Regina Sneed  
District Two resident  
Sent from my iPad

**From:** [regina.sneed](#)  
**To:** [Young, Victor \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Subject:** Re: Rules Committee Military Equipment Policy agenda item: File number 220641 testimony for November 7, 2022  
**Date:** Sunday, November 6, 2022 9:55:59 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Rules Committee members:

I have reviewed the most recent draft policy that will be considered by the Rules Committee on November 7, 2022. Please call for further amendments to address the following issues that are needed to ensure the public has full knowledge of how military equipment is being used by the police.

Remember that San Francisco is a city of peace. This policy should protect peace by the Board adopting a policy that embodies the highest level of accountability and transparency to protect the public from the misuse of military equipment.

The policy still is lacking in specificity for defining authorized uses. It is not clear to me under what circumstances and exactly how these weapons will be used. Assault weapons need to be added back into the policy as citizens are concerned that their use has lead to unnecessary deaths. We need real accountability here.

The policy needs to be tied to the budget cycle. I strongly recommend that we have an initial report in March 2023. Supervisor Chan has raised concerns about the annual report. Having an initial smaller report will go a long way to seeing whether the reporting is meeting the requirements of the State law. It will let the Board of Supervisors budget process increase the transparency around the police budget for the public's benefit.

I also want to note that the State law requires the annual report to include personnel costs associated with the equipment items and that includes training and maintenance costs. It appears that the police department may not be maintaining the required records. If this is accurate, then it is another reason to call for a process aligned with the budget to correct these possible reporting deficiencies.

The final issue that needs further amendments relates to restocking of equipment. The current draft allows the police department to restock depleted items for up to 10 million dollars without Board approval. This appears to defeat one of the main purposes of this policy which is to provide more oversight and transparency for the public to know and have the information to monitor the funding, acquisition and use of military equipment as decisions are being made. 10 million dollars is an awful lot of equipment to be purchased without Board and public oversight.

Thank you for the opportunity to provide comments on this policy.

Regina Sneed  
District Two resident



**From:** [Arthur Koch](#)  
**To:** [Young, Victor \(BOS\)](#)  
**Subject:** AB 481. How should San Francisco PD use its militarized equipment?  
**Date:** Monday, November 7, 2022 12:16:29 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Victor,

I'm not sure who I should be sending this to, but I plan to give on site testimony in Monday's Rules Committee Meeting in room 250 at 10:00am. I understand I only have two minutes to speak so I would like this on the written record in case I don't get to it all. Please forward to whoever documents the written record, or needs to know.

Thanks!

Art Koch

415-385-4136

Hi, my name is Arthur Koch and I live in San Francisco District #9. I represent the SF Friends Meeting Just a couple blocks from here at 65 S. 9<sup>th</sup> street. I ask the Board of Supervisors to call for further amendment of the proposed military equipment policy to:

1. Fully define authorized use for all weapons, especially assault weapons.
2. Align receipt of annual report with budgets.
3. Require transparency and restocking – no blank checks for up to \$10 million.
  - As a Quaker pacifist, I don't think the SFPD should have so many weapons of War. We are a city not a military. I think the proposed policy is morally and ethically wrong.
  - This policy does not safeguard the public's welfare, safety, civil rights, or civil liberties (and AB 481 requires governing bodies to ONLY approve the use policy if it "will safeguard the public's welfare, safety, civil rights, and civil liberties.")

My personal story is: I visited a friend in Visitacion Valley a couple years ago (one of the poorest neighborhoods in San Francisco) and I witnessed a military style armored vehicle making a drug bust at his neighbor's house. It was shocking and seemed way out of proportion to me, like it was a different reality than other neighborhoods in SF. I was more afraid of the Police than all the poverty and crime that surrounded me. Breaching devices should not be deployed against a person, and should only be used on doors or similar entryways. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities." [AB 481]

If I get to it:

The proposed policy should not allow unrestricted restocking

The proposed policy allows SFPD to acquire equipment without prior BOS approval if it runs low on any of its stock, or simply wishes to replace any of its equipment. SFPD may do so for up to *ten million dollars*.

What could SF fund with ten million dollars? How might that go towards schools, housing, youth employment, or public infrastructure?

If stocks run low, 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.

**From:** [Arthur Koch](#)  
**To:** [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Young, Victor \(BOS\)](#)  
**Subject:** Rules Committee Military Equipment Policy agenda item: File number 220641 testimony for November 7, 2022  
**Date:** Monday, November 7, 2022 8:55:20 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

### To the Rules Committee Members,

My name is Arthur Koch and I live in San Francisco District #9. I represent the SF Friends Meeting Just a couple blocks from here at 65 S. 9<sup>th</sup> street. I ask the Board of Supervisors to call for further amendment of the proposed military equipment policy to:

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My personal story is: I visited a friend in Visitacion Valley a couple years ago (one of the poorest neighborhoods in San Francisco) and I witnessed a military style armored vehicle making a drug bust at his neighbor's house. It was shocking and seemed way out of proportion to me, like it was a different reality than other neighborhoods in SF. I was more afraid of the Police than all the poverty and crime that surrounded me. Breaching devices should not be deployed against a person, and should only be used on doors or similar entryways. *Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.* [AB 481]

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The proposed policy allows SFPD to acquire equipment without prior BOS approval if it runs low on any of its stock, or simply wishes to replace any of its equipment. SFPD may do so for up to *ten million dollars*.

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If stocks run low, 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.

My story: A couple years ago I visited a friend in Visitation Valley, one of the poorest neighborhoods in San Francisco, and I witnessed a military style armored vehicle making a drug bust at his neighbor's house. It was shocking and seemed way out of proportion to me, like I was in another reality that I don't see in other neighborhoods.

## The proposed policy cedes authority to other jurisdictions

The section on "Collaboration With Outside Law Enforcement Agencies" allows other jurisdictions to potentially deploy military weapons with fewer safeguards in place with no accountability to the people of San Francisco.

SFPD should instead adopt a policy that restricts equipment use to be the same as what the Board of Supervisors has approved. Sample language to use instead:

*Equipment not listed in this policy shall not be used by any other law enforcement agency or member in this jurisdiction. When collaborating with outside agencies within San Francisco's jurisdiction, SFPD shall ensure all outside agencies' weapon use shall comply with this policy.*

## Align receipt of annual report with budget process

- How many personnel devoted 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?

To support SFPD in meeting this requirement, 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](#).