

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.

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

File Number: 220641	File Type: Ordinance	Status: 30 Day Rule
Enacted:	Effective:	
Version: 1	In Control: Rules Committee	
File Name: Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment	Date Introduced: 05/24/2022	
Requester:	Cost:	Final Action:
Comment:	Title: 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.	
Sponsor: 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	

[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.

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 ~~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 the funding, acquisition, and
4 use of covered equipment only if it determines that the equipment meets all of the following:

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

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

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

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

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

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

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

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

3 **CHAPTER 96G: POLICE DEPARTMENT EQUIPMENT**

4 **SEC. 96G. FUNDING, ACQUISITION, AND USE OF CERTAIN POLICE EQUIPMENT.**

5 (a) Pursuant to California Government Code Section 7070 et. seq, the Police Department is
6 required to obtain Board of Supervisors' approval prior to seeking funding, acquisition, and use of
7 certain law enforcement equipment.

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

16 (c) The Board of Supervisors may only approve the funding, acquisition, and use of certain law
17 enforcement equipment consistent with the criteria set forth in state law, referenced in subsection (a).

18 (d) A copy of the Police Department's Use of Equipment Policy is on file with the Clerk of the
19 Board of Supervisors in File No. _____, the file for the ordinance establishing this Chapter
20 96G.

21 Section 3. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. 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

[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.

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 the funding, acquisition, and use of certain law enforcement equipment. AB 481 requires the Police Department to obtain Board of Supervisors approval for 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. Thereafter, the Police Department is required to review the approved Law Enforcement Use of Equipment Policy and submit a report regarding the covered equipment within one year of receiving Board of Supervisors approval, and annually thereafter for as long as the covered equipment is available for use. 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 review any ordinance approving the funding, acquisition, or use of covered equipment, annually, 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

This legislation requires the Police Department to comply with the requirements of AB 481 to obtain approval from the Board of Supervisors for the funding, acquisition, and use of certain law enforcement equipment.

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LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD 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>&</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>

Government Code 7070 Equipment	SFPD Inventory
(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



Law Enforcement Use of 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.

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.

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	
1. Description	Product Name/Description: REMOTEC F5A: (2) 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>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. (2).</p> <p>REMOTEC RONS: (2 functioning, 2 out of service) 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. Quantity: 1 functioning, 1 out of service.</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. Quantity 2</p> <p>iRobot FirstLook: (3 functioning and one out of service) 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 place and self-rights when flipped over.</p> <p>Recon Robotics Recon Scout ThrowBot: (1 out of service) Throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments.</p> <p>Expected lifespan: All robots, 8-10 years.</p>
2. Purpose of Use	<p>A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers. 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> <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.</p>
3. Fiscal Impact	<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> <p>Recon Robotics Recon Scout ThrowBot: \$9,840</p> <p>Estimated annual cost to maintain the equipment: \$1,445</p>
4. Legal and Procedural Rules	<p>DGO 8.01 Critical Incident Evaluation and Notification</p> <p>DGO 8.07 Hazardous Material Incidents</p> <p>DGO 8.08 Bomb Threats, Clandestine Laboratories, Destructive Devices, Explosions, and Fireworks</p> <p>SF Administrative Code 19B</p>
5. Training	<p>All robot operators must complete the FBI's 6-week hazardous device school prior to</p>

operating the robots.

B. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.

1. Description	<p>Product Name/Description: 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 is needed.</p> <p>Expected lifespan: 25 years</p>
2. Purpose of Use	<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.</p>
3. Fiscal Impact	<p>Initial Cost: \$335,782.14</p> <p>Estimated annual cost to maintain the equipment: \$1,040</p>
4. Legal and Procedural Rules	<p>DGO 8.01 Critical Incident Evaluation and Notification</p>
5. Training	<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>

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.

1. Description	<p>Product Name/Description Lenco BearCat with a Patriot 3 Liberator ramp system (entry apparatus) and battering ram attachment.</p> <p>See Section B1.</p> <p>Expected lifespan: 25 years</p>
2. Purpose of Use	<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>

3. Fiscal Impact	See Section B3.
4. Legal and Procedural Rules	The use of the battering ram on the BearCat during a search/arrest warrant service require the prior approval of a magistrate and at the time of entry determines there are exigent circumstances amounting to an immediate threat of injury to officers executing the warrant or grounds to suspect that evidence is being destroyed (Langford v. Gates).
5. Training	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.

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

1. Description	<p>Product Name/Description: Ford Eagle MH, 2001 (1) Ford Eagle MH, 2002 (1) Ford E-350 Van, 1992 (1) Freightliner MT-55, 2012 (1) Freightliner Sprinter Van, 2011 (1)</p> <p>Expected lifespan: 20 years</p>
2. Purpose of Use	<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>The Homeland Security Unit (HSU) maintains a fleet of five command vans for use 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. The on-scene Incident commander determines the need for a command vehicle.</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>
3. Fiscal Impact	<p>Initial Cost: Five command van total \$3,500,000</p> <p>Estimated annual cost to maintain the equipment: ~\$50,000</p>
4. Legal and Procedural Rules	SFPD Department Notice 21-128 Command Van Requests SFPD DGO 8.01 Critical Incident Evaluation and Notification SFPD Crowd Control Manual
5. Training	Freightliner: Class B license Remaining Command Vehicles require Class C license. The National Incident Management System Training Program: ICS 100-800 ICS 300 & 400 Emergency Vehicle Operator Course (EVOC)

E. Battering rams, slugs, and breaching apparatuses that are explosive in nature

1. Description	Product Name/Description:
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	<p>Energetic Breaching Tool Kinetic Breaching Tool Ballistic Breacher Rounds Pan Disrupter (attached to a robot)</p> <p>Expected lifespan: 5 years</p>
2. Purpose of Use	<p>Battering rams and breaching apparatus are used to defeat locked, barricaded, or fortified locations allowing 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.</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 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- this is fired remotely so the bomb tech does not have to be anywhere near the package as it is breached.</p> <p>The breaching devices 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.</p>
3. Fiscal Impact	<p>Initial Cost: n/a</p> <p>Estimated annual cost to maintain the equipment: \$8,476</p>
4. Legal and Procedural Rules	<p>SFPD DGO 5.01 Use of Force DGO 5.16 Obtaining Search Warrants SFPD DGO 8.02 Hostage and Barricaded Suspect Incident</p>
5. Training	<p>CAL-OSHA Blaster's License Firearm Instructor Training IDC Instructor Training California Association of Tactical Officers (CATO): Critical Incident Leadership POST: Ballistic Breacher Certification All Pan Disrupter operators must complete the FBI's 6-week hazardous device school prior to operating the robots</p>

F. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray

1. Description	<p>Product Name/Description: 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> <p>Expected lifespan: 5 years</p>
2. Purpose of Use	<p>Flash bangs are used as a distraction device to disorient or divert the suspect’(s) attention away from officers. This can allow officers to gain safer access to a high-risk situation, giving extra time to assess and analyze existing threats. This can prevent injury to officers and citizens. These devices can often lead to a safer resolution and allow officers to take a citizen into custody without force. There is no known alternative to a flash bang when it is necessary.</p> <p>It is the policy of the San Francisco Police Department that Pepperball systems may be used in criminal apprehensions, barricaded suspect, for self-defense or the defense of others, and in other situations that may require the use of force to protect persons, property, or public safety. These weapons may also be used in crowd control situations when a significant risk of harm to persons or property exists.</p> <p>It is the policy of the San Francisco Police Department that Chemical Agents may be used in criminal apprehensions and control situations (in critical incidents and other circumstances that require the use of chemical agents to protect life and public safety and as a dispersal agent in crowd control situations.)</p> <p>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: Commanding Officer of the Special Operation Group (SOG) Lieutenant assigned to the Tactical Unit SOG or Team Leader Commander, Deputy Chief, Assistant Chief or Chief of Police</p>
3. Fiscal Impact	<p>Initial Cost: Flash bang: \$4,681.99 (\$35.95/per unit) Pepperball: \$9,999.03</p> <p>Estimated annual cost to maintain the equipment: \$5,104.45</p>
4. Legal and Procedural Rules	<p>SFPD DGO 5.01 Use of Force SFPD DGO 8.01 Critical Incident Evaluation and Notification DGO 8.03 Crowd Control DGO 8.10 Guideline for First Amendment Activities Tactical Unit Order 11-02: Use of Chemical Agent Tactical Unit Order 21-02: Pepperball Systems SFPD Crowd Control Manual</p>
5. Training	<p>Tactical Unit / Specialist Team flashbang instructors must complete and pass a 24 hour less-lethal instructor course. Once completed, the instructors teach and certify members of their perspective</p>

	<p>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>Tactical Unit / Specialist Team Chemical Agent Instructors must complete and pass a 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> <p>Tactical Unit / Specialist Team Chemical Agent Instructors must complete and pass a 16-hour course taught by Pepperball to train other officers in the operation and use of the Pepperball. The Pepperball instructors will then certify the officers in their perspective units with a 10-hour class to carry and deploy the Pepperball system. Each officer must re-certify every 6 months with the Pepperball system.</p> <p>CA POST: Chemical Agent Instructor Course</p>
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G. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD)	
1. Description	<p>Product Name/Description: LRAD-A device that can be used as a specialized loudspeaker system that produces sound at a high power for communicating at a distance and can put out a highly directional “beam” of incredibly loud sound up to 152 decibels.</p> <p>Expected lifespan: 20 years</p>
2. Purpose of Use	<p>The LRAD is used in situations necessary to address the public. It can also be used as a safe deterrent against hostile crowds or individuals committing violent acts. This device is only used when standard sound amplification equipment is not sufficient to provide adequate range or capability needed. LRAD is used as an alternative to bullhorns and loudspeakers designed to warn people and then cause discomfort. The Tactical Unit S.W.A.T team members are responsible for the deployment of the LRAD. As a Public Address System, the LRAD is used under the following circumstances: To issue dispersal orders during crowd riot control; civil emergencies; natural disasters, evacuations, trained SWAT Hostage Negotiation (HNT) personnel during SWAT operations and hostage negotiations.</p> <p>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 must be authorized 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. When authorized to be used as a Warning/Deterrent Tone the LRAD shall not be deployed at distances less than fifty (50) feet.</p> <p>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 deploy the LRAD. The deployment of the LRAD requires the approval of at least one of the following: Incident Commander Commanding Officer of the Tactical Company Lieutenant assigned to the Tactical Company SWAT team Commander, Deputy Chief, Assistant Chief or Chief of Police</p>
3. Fiscal Impact	Initial Cost: \$8,252.83

	Estimated annual cost to maintain the equipment: \$0
4. Legal and Procedural Rules	Tactical Unit Order-Deployment and Use of the Long-Range Acoustical Device
5. Training	Tactical Unit officers are given a 2-hour block in the use and operation of the LRAD system.

H. Projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons	
1. Description	<p>Product Name/Description:</p> <p>40mm Launcher 12 Gauge Pump-Action 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</p> <p>Expected lifespan: 5 years</p>
2. Purpose of Use	<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 and are considered a less-lethal weapon. The use allows officers to address a threat from a greater distance and provides an alternative option for deadly force when reasonable. 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. The alternative is the use of a department issued firearm.</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 properly 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> <p>Only trained member assigned to the Tactical Unit SWAT Team and Specialist Team members who is 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: Incident Commander The Commanding Officer of the Tactical Company The Lieutenant assigned to the Tactical Unit SWAT Team A Commander, Deputy Chief or Chief of Police</p> <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.</p>

3. Fiscal Impact	<p>Initial Cost: 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: \$9,9976.69 CTS 5230 Baffled Canister: \$52.60</p> <p>Estimated annual cost to maintain the equipment: ~\$50,000</p>
4. Legal and Procedural Rules	<p>SFPD DGO 5.01 Use of Force SFPD DGO 8.01 Critical Incident Evaluation and Notification DGO 8.03 Crowd Control Tactical Unit Order 21-01: Use of Extended Range Impact Weapons During Crowd Control Tactical Unit Order 04-03 Use of Chemical Agents</p>
5. Training	<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 or evidence that requires the immediate use of equipment subject to the provisions of AB 481.
Critical Incidents	As defined in 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.
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.
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 stock of equipment listed in this Use Policy has reached significantly low levels, has been exhausted, needs maintenance or replacing, the Department may purchase new stock without Board of Supervisors approval to maintain essential availability for the Department's 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 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 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.

Complaints of Officer Misconduct: Members of the public can register complaints about SFPD activities with the Department of Police Accountability (DPA), 1 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. DPA manages, acknowledges, and responds to complaints from members of the public.

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. 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

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.

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 and the purpose of its use.
- (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.

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.

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 engagement meeting with 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.

From: [Conine-Nakano, Susanna \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#); [CABRERA, ALICIA \(CAT\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Lee, Ivy \(MYR\)](#)
Subject: Mayor -- Ordinance -- Police Equipment
Date: Tuesday, May 24, 2022 4:53:32 PM
Attachments: [Mayor -- Ordinance -- Police Equipment.zip](#)

Hello Clerks,

Attached for introduction to the Board of Supervisors is an 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.

@CABRERA, ALICIA (CAT), can you please reply-all to confirm your approval? Thanks!

Please let me know if you have any questions.

Best,
Susanna

Susanna Conine-Nakano
Office of Mayor London N. Breed
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102
415-554-6147

From: [Cabrera, Alicia \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Conine-Nakano, Susanna \(MYR\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Lee, Ivy \(MYR\)](#)
Subject: RE: Mayor -- Ordinance -- Police Equipment
Date: Wednesday, May 25, 2022 12:20:44 PM

Yes, that is my signature. I approve. Sorry for the delay.

Alicia Cabrera
Deputy City Attorney
Office of the San Francisco City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Pronouns: she/her/ella
Tel: (415) 554-4673* *While I am working remotely, the best way to reach me is by e-mail.*
Email: alicia.cabrera@sfcityatty.org

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of this email or received this email inadvertently, please notify the sender and delete it.

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Wednesday, May 25, 2022 12:19 PM
To: Conine-Nakano, Susanna (MYR) <susanna.conine-nakano@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Cabrera, Alicia (CAT) <Alicia.Cabrera@sfcityatty.org>
Cc: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Lee, Ivy (MYR) <ivy.lee@sfgov.org>
Subject: Re: Mayor -- Ordinance -- Police Equipment

Good afternoon Susanna,

Reiterating the request for Deputy City Attorney Alicia Cabrera's signature approval for the legislation by response to this e-mail.

Thank you,
Brittney Harrell

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Phone: (415) 554-4447 | Fax: (415) 554-5163

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft

Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Conine-Nakano, Susanna (MYR) <susanna.conine-nakano@sfgov.org>
Sent: Tuesday, May 24, 2022 4:53 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; CABRERA, ALICIA (CAT) <Alicia.Cabrera@sfcityatty.org>
Cc: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Lee, Ivy (MYR) <ivy.lee@sfgov.org>
Subject: Mayor -- Ordinance -- Police Equipment

Hello Clerks,

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Susanna

Susanna Conine-Nakano
Office of Mayor London N. Breed
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102
415-554-6147

[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.

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 ~~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 the funding, acquisition, and
4 use of covered equipment only if it determines that the equipment meets all of the following:

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

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

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

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

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

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

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

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

3 **CHAPTER 96G: POLICE DEPARTMENT EQUIPMENT**

4 **SEC. 96G. FUNDING, ACQUISITION, AND USE OF CERTAIN POLICE EQUIPMENT.**

5 (a) Pursuant to California Government Code Section 7070 et. seq, the Police Department is
6 required to obtain Board of Supervisors' approval prior to seeking funding, acquisition, and use of
7 certain law enforcement equipment.

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

16 (c) The Board of Supervisors may only approve the funding, acquisition, and use of certain law
17 enforcement equipment consistent with the criteria set forth in state law, referenced in subsection (a).

18 (d) A copy of the Police Department's Use of Equipment Policy is on file with the Clerk of the
19 Board of Supervisors in File No. _____, the file for the ordinance establishing this Chapter
20 96G.

21 Section 3. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 4. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/
9 ALICIA CABRERA
 Deputy City Attorney

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