

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response
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
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
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
R5	<p>Section D.6. "Fiscal Impact": Is the Ford E-350 Van, 1992 still in use?</p>	7	11/4/22	Peskin	Yes

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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	11/4/22	Peskin	Included/Accepted redline
R7	Section E.5. "Authorized Use": include "Each deployment/use shall be logged with all deployment details and reported to the Assistant Chief of Operations or designee to fulfill annual reporting requirements."	9	11/4/22	Peskin	Revised and accepted
R8	Section F.2. "Quantity": Request for model names	10	11/4/22	Peskin	Included/Accepted redline
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
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
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
R12	Section G.1: "Description": needs model name	11	11/4/22	Peskin	Included/Accepted redline
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
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

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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
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
R18	Section H. Specialized Firearms: Delete in its entirety	12, 13, 14	11/4/22	SFPD	Accepted
R19	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
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
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

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response
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
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
R24	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	11/4/22	Peskin	Revised and accepted
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
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

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response
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
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
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
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

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response
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
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
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
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

#	AB 481 Recommended Edits	pg. number	Date	Supervisor	SFPD Response
R38	Section F7- Flash bang/Pepperball Legal and Procedural Rules: include CA Penal Code Section 13652 (AB 48).	18	11/9/22	Peskin	Accepted
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
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
R41	Section 4- Compliance & Sanctions: Include which independent persons or entities have oversight authority.	19	11/9/22	Peskin	Accepted
R42	Align AB 481 annual report with budget process.	20	11/14/22	American Friends Service Committee	Declined
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

### SFPD Explanation

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"

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. Law enforcement agencies (LEAs) 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. The Department has had robots in its inventory since 2010 and robots have never been involved in a fatal encounter in SF. If ever used for that purpose, it would be a rare instance where all other options had been exhausted and where the threat to the public or to officers was substantial. The Department plans to continue using robots in the manner we have since acquiring them.

SFPD has revised to read: "To protect and safely transport SFPD personnel to active scenes.

Used only by Tactical and Specialist Teams when authorized by commissioned officers:

- mobile physical cover in incidents involving actual or threatened violence or when reasonable suspicion, based on articulable facts, exists that violence will occur using firearms or explosives; or any other deadly weapon;
- Vehicle blocking for incidents involving armed and unresponsive persons in vehicles;
- Medical emergencies and disaster responses, when the armored vehicle's capabilities are necessary to prevent loss of life."

Changing "command staff" to "commissioned officers" which are rank of Lieutenant and above as time wasted with too much bureaucracy may result in lives lost. SFPD TAC requires 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)

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"

**SFPD Explanation**

Moved this to the Annual Report section of the us policy so it applies to all items.

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.

Moved this to the Annual Report section of the use policy so it applies to all items.

confirmed that this cost is associated with a bundle.

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.

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".

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."

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.

**SFPD Explanation**

Moved to the Annual Report section of the use policy so it applies to all items.

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 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. \*UPDATE\*\* see R39 for updated response.

See response to R18

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.

Moved this to the Annual Report section of the us policy so it applies to all items.

### SFPD Explanation

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.

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.

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.

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.

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."

### SFPD Explanation

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).

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."

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.

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.

### SFPD Explanation

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).

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.

The proposed AB 481 use policy does not allow SFPD to purchase *all* equipment subject to the provisions of AB 481 without BOS approval. This section applies to items listed in the proposed policy itself and are already in SFPD's current inventory and once approved subject to annual review by the BOS. Pursuant to AB 481, the annual report requires SFPD to include the "total annual cost for each type of equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the equipment in the calendar year following submission of the annual equipment report." 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.

The Department agrees with this recommendation and has included a definition of high-risk tactical situations which includes information relating to high-risk warrants.

### SFPD Explanation

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.

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.

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.

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.

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.

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.