

DGO 8.10 -SFPD Policy Working Group Recommendation Grid -as of 5/19/2023

#	Working Group Recommendations	pg. number	Meeting Date	SFPD response	SFPD explanation	Open/Closed
R1	Section 8.10.01 Purpose: Change "investigations directed at First Amendment rights" to "investigations implicating First Amendment rights". A WG member suggested that the word "directed" is too narrow.	1	5/19/23	Recommendation requires further discussion	The Department updated this statement as it reads "involving First Amendment rights" in the active DGO 8.10. Per internal discussions and as a result of the DPA DGO 8.10 audit (12/7/2021) the word "involving" was considered too broad. DPA's audit noted that "without specific, objective guidance on when the order applies, members may be hindered in the ability to comply". This encouraged the Department to narrow the terminology from "involving" to "directed". The new suggestion that the word "directed" may be too narrow may work in opposition of Department's goal to clarify the guidance.	open
R2	Section 8.10.01 Purpose: Change "First Amendment rights" to "First Amendment activities"	1	5/19/23	Recommendation has been included in draft DGO		closed
R3	Section 8.10.01 Purpose: include "illustrative examples (not exhaustive list)" in the purpose statement.	1	5/19/23	Recommendation has been included in draft DGO		closed
R4	Section 8.10.02 Policy: WG member suggest changing to an affirmative tone- instead of telling officers what they cannot do, the policy statement should tell them what they can do.	1	5/19/23	Recommendation has been included in draft DGO		closed
R5	Section 8.10.02 Policy: The WG worked together to revise the policy statement to the following: "It is the policy of the San Francisco Police Department to ensure that the First Amendment rights guaranteed by the United States Constitution are protected for all individuals. The First Amendment does allow law enforcement personnel to initiate investigations into alleged criminal conduct involving expressive activity, only if there is a legitimate law enforcement purpose for doing so. SFPD members may not investigate, prosecute, disrupt, interfere with, harass, or discriminate against any person engaged in First Amendment activity for the purpose of punishing, retaliating, preventing, or hindering the person from exercising their First Amendment rights. Members may conduct a criminal investigation directed at the First Amendment activities of persons, groups or organizations in accordance with the procedures of this policy as set forth below."	1	5/19/23	Recommendation has been included in draft DGO		closed
R6	The WG suggests the Department use the term "legitimate law enforcement purposes" instead of "reasonable law enforcement" throughout the DGO.	1, 2,5, 6	5/19/23	Recommendation requires further discussion		open