



Joint Response to Public Comment Pursuant to DGO 3.01.04(D)

DGO 5.18 Persons in Custody and Transportation

July 26, 2024

SFPD Department General Order (DGO) 3.01 requires that all policies under development be posted publicly to provide members of the public thirty (30) business days to submit policy recommendations.

Pursuant to DGO 3.01.04 (D), the Department and the Department of Police Accountability (DPA) jointly prepare a public response, which shall be posted on the Department's website, outlining the recommendations included and not included in the DGO draft submitted to the Police Commission.

Joint responses are captured in the following recommendation grid which captures the original recommendation, whether the recommendation was included or not included in the draft DGO, and the explanation relating to the decision to include or not include the recommendation into the draft DGO.

The Department reserves the right to remove or not respond to comments if they are:

- Unrelated to the subject of the DGO
- Include private personal information (whether the commenter's or someone else's), including home address, home or cell phone number, personal e-mail address, or personal identification.
- Include profanity or obscene language.

The Department received eleven (11) recommendations for *DGO 5.18 Persons in Custody and Transportation* from the public and reached a consensus with the DPA on each of the responses.

The Department and DPA extend gratitude to all who took the time to contribute recommendations to this policy.

DGO 5.18 Public Comment
 SFPD - DPA Joint Response

#	Public Comment	DGO SEC	Date Received	Required Response	SFPD Explanation	DPA Explanation
R1	It is redundant to have officers broadcast their mileage. This section is outdated and does not account for BWC which capture the event. It is creating extra and unnecessary work for the officers. The whole transportation is on BWC already.	5.18.09a1 and a2	12/6/23	Recommendation has been included in draft DGO	The Department agrees that transportations of all individuals in a police vehicle are captured on Body Worn Camera footage, therefore it is redundant to broadcast starting and ending mileage and locations over the police radio. The section, 5.18.09(A)(2) Transporting Females and Transgender Individuals has been removed from the draft DGO to reflect this change.	DPA agrees with commenter and SFPD.
R2	Since this is a General Order, can we simply state GENERALLY that, "Custodies should be restrained per approved procedures as outlined in the referenced Dept. Manuals." No need to list the specific procedures again.	5.18.06 Control and Restraint	12/7/23	Recommendation will not be included in Draft DGO	The Arrest and Control Manual is over 170 pages long. The Department thought it would be helpful to members if critical elements of the Manual were included in the DGO for ease of reference.	DPA disagrees with the commenter and agrees with SFPD.
R3	Section is superfluous. How about GENERALLY (as in General Order) directing Members to have any injured/ill Custodies medically assessed? No need for specifics here.	5.18.07 A	12/7/23	Recommendation has been included in draft DGO	Based on this comment, the department re-evaluated this section and agrees that the removal of one paragraph can result in a more concise section that focuses on <u>extenuating circumstances</u> .	DPA concurs with commenter and SFPD.
R4	Can we remove this section from public view? Why would we publish this and let people know there's a "concealed security lock" for the rear doors... they'll know to look the next time they want to lynch a prisoner. This wasn't well considered.	5.18.04 B	12/7/23	Recommendation has been included in draft DGO	The Department understands the commenter's concern and has edited the section as follows: "During transport of a person in custody in a vehicle equipped with a prisoner compartment, members shall ensure locking mechanisms are engaged."	DPA agrees with the commenter and SFPD.
R5	Is starting mileage even necessary in the age of BWC? Everything is recorded via BWC anyway.	5.18.09 A 2	12/7/23	Recommendation has been included in draft DGO	The Department agrees that transportations of all individuals in a police vehicle are captured on Body Worn Camera footage, therefore it is redundant to broadcast starting and ending mileage and locations over the police radio. The section, 5.18.09(A)(2) Transporting Females and Transgender Individuals has been removed from the draft DGO to reflect this change.	DPA agrees with commenter and SFPD.
R6	This declarative sentence is poorly worded and needs an appropriate edit.	5.18.11 Transportation of Persons in Custody	12/7/23	Recommendation has been included in draft DGO	The sentence in section, 5.18.11 has been edited as follows: "Members shall transport persons in custody in a manner consistent with law"	DPA agrees with the commenter and concurs with the SFPD edit.
R7	Just keep #1, #2, #3, and #4. without the subsections. The subsections are procedural in nature and taught in the Academy. There's no need to list them in the DGO to this level of specificity.	5.18.11 A	12/7/23	Recommendation will be modified and included in draft DGO	Section 5.18.11 (A) has been modified as subsection a and b have been deleted. 5.18.11(A)(3) has been deleted as it is redundant.	DPA concurs with SFPD's modification.
R8	Remove the specific subsections. "GENERALLY, individuals under arrest should be transported from the place of arrest to the booking location as soon as practical." DONE.	5.18.11 B	12/7/23	Recommendation has been included in draft DGO	5.18.11 (B) is specifically describing "prompt transport" while the subsections relate to safety precautions. The subsections have been removed and will be applied to a new section titled "Safety Precautions".	DPA concurs with commenter and SFPD.
R9	"Members should take reasonable steps to minimize the possibility of escape by a person in custody who is under their control." NOTHING FURTHER NEEDS TO BE STATED. This is a DGO for Members, not unsworn, untrained academics.	5.18.12 PRISONER SECURITY A. Preventing Escape	12/7/23	Recommendation will not be included in Draft DGO	The content will remain as-is in draft DGO.	DPA concurs with SFPD.
R10	The "policy" paragraph is sufficient (along with "d"). The procedural subsections are unnecessary. I can think of a scenario when 1 officer can watch two or more seriously injured Custodies. Would that be a policy failure in todays staffing crisis?	5.18.12 PRISONER SECURITY B. Hospital Custodies and Escorts	12/7/23	Recommendation has been included in draft DGO	The language has been updated to the proposed: "It is preferred to have one officer for each person in custody while at a medical facility."	DPA agrees with SFPD.
R11	The pregnant section needs specificity and not to be left so ambiguous. This opens the officer and department up for a lot liability by simply saying "least restrictive manner"!	5.18.08.A	12/18/23	Recommendation has been included in draft DGO	A subsection has been added to 5.18.09 "Vulnerable Populations" and the following verbiage has been proposed: "2. Pregnant Persons - Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by handcuffs behind the body. No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others. (Pen. Code, §§ 3407)"	DPA agrees with the SFPD's edit.