

## DO 8.10, First Amendment Activities: Summary of Proposed Changes

Current policy (rev. 10/01/2008) compared with the proposed Stage I draft

| NEW: Added in the draft                                          |                                                                                                                                                                                                                       | CHANGED: In both, handled differently                                                                                                                                                                                                                                                           | REMOVED: In 2008 policy, not in the draft                                              | CARRIED OVER: Little or no change |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------|
| Area                                                             | Current Policy (2008)                                                                                                                                                                                                 | Proposed Draft (2026)                                                                                                                                                                                                                                                                           | Bottom Line                                                                            |                                   |
| <b>Purpose and overall standard</b><br>CHANGED                   | Police involvement is limited to investigating criminal activity.                                                                                                                                                     | Involvement must serve a legitimate law-enforcement or public-safety need, defined broadly to include event planning, facilitating lawful activity, training, and after-action review.                                                                                                          | <b>Broader purpose for the policy.</b>                                                 |                                   |
| <b>Speech, assemblies, and association</b><br>NEW                | No dedicated guidance.                                                                                                                                                                                                | New sections protect offensive speech, the right to record police, planned and spontaneous gatherings (with or without a permit), counter-protesters, and association. Department is shows neutrality, a proportionate response, and enforcement aimed at individuals rather than whole crowds. | <b>New written protections for people exercising First Amendment rights in public.</b> |                                   |
| <b>Planning for events</b><br>CHANGED                            | Information may be collected only openly and non-covertly, under the Event Commander. Contact with organizers is by phone, and officers do not attend meetings uninvited.                                             | Officers may gather information needed for planning, including public information and social media following Bureau Order 23-03. Cooperation is still voluntary.                                                                                                                                | <b>Social media is now addressed.</b>                                                  |                                   |
| <b>Recording at events</b><br>CHANGED                            | Requires written Event Commander approval. Allowed only for crowd-control training or evidence.                                                                                                                       | Governed by S.F. Admin. Code 19B or other policies. Generally limited to emergencies or for repositioning officers. Drones and body-worn cameras follow their own DOs.                                                                                                                          | <b>Updated to account for current technology and law.</b>                              |                                   |
| <b>Which investigations need special approval</b><br>CHANGED     | All criminal investigations related to First Amendment activity.                                                                                                                                                      | “First Amendment-focused investigations”: follow-up investigations prompted by protected activity to assess a public-safety or serious law-enforcement concern, and not part of a criminal investigation. Initial patrol work is exempt.                                                        | <b>Updated definition</b>                                                              |                                   |
| <b>Approval chain, time limits, and training</b><br>CARRIED OVER | Approval by the SID Commanding Officer, Deputy Chief of Investigations, and Chief. 120-day limit. Verbal approval in emergencies, written within 5 days. Training before starting at SID, with signed acknowledgment. | Same approval chain and 120-day limit. Emergency trigger broadened to any need for immediate action; written approval within 5 business days. Training before working these cases.                                                                                                              | <b>Core approval chain kept.</b>                                                       |                                   |

| Area                                                              | Current Policy (2008)                                                                                                                                                                                                               | Proposed Draft (2026)                                                                                           | Bottom Line                                                     |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>Investigative methods and undercover rules</b><br>REMOVED      | Least intrusive methods first. Undercover officers, infiltrators, informants, and electronic surveillance need separate approval and follow conduct rules (for example, no leadership roles and no seeking privileged information). | Not included as the department does not use undercover officers, infiltrators or informants for investigations. | <b>Removed outdated processes.</b>                              |
| <b>Police Commission review</b><br>CHANGED                        | A designated commissioner reviews monthly.                                                                                                                                                                                          | A designated commissioner reviews only if an investigation took place.                                          | <b>Review now occurs only if an investigation is happening.</b> |
| <b>Audit, violations, and discipline</b><br>REMOVED               | Annual DPA (formerly OCC) audit and public report. The Commission investigates violations, notifies affected people, and refers for discipline. Violations can lead to suspension or termination.                                   | <i>Not included. (The draft still mentions DPA access for an “annual audit.”)</i>                               | <b>Removed outdated processes.</b>                              |
| <b>Collection limits, public access, and retention</b><br>REMOVED | No collecting petition names, mailing lists, or memberships without an approved investigation. Public may request records and appeal denials. Files destroyed after two years.                                                      |                                                                                                                 | <b>Removed outdated processes.</b>                              |