

DGO 8.03 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 4/09/24

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/ Closed
R1	The working group discussed whether there should be delineation between "Crowd Control" and "Crowd Management" captured in the DGO 8.03.	1	12/12/23	Recommendation has been completely included in draft DGO	Both the Crowd Control Manual (Page 7) and Learning Domain 24 (Chapter 5 Page 3-7) the definition of crowd control and crowd management. This will be discussed at the 1/11/2024 DGO 8.03 Working Group Meeting. See response to R#18 for resolution of this reccomendation.	Closed
R2	A working group member requested clarification between lawful assembly and unlawful assembly.	1	12/12/23	Recommendation has been completely included in draft DGO	Penal Codes defines the difference between a lawful and unlawful assembly. This will be discussed at the 1/11/2024 DGO 8.03 Working Group Meeting. See response to R#18 for resolution of this reccomendation.	Closed
R3	A working group member asked whether the DGO 8.03 should reference the use of Surveillance tools.	N/A	12/12/23	Recommendation will not be included in Draft DGO	Department is open to including language to reference the compliance with local, state or federal regulations relating to surveillance tools in the Crowd Control policy. This will be discussed at a future working group meeting.  <b>Update 3/14/2024:</b> The Department can not policy the use of Surveillance tools through this DGO. However, with the passage of Prop E, the Department is allowed to use drones and pilot other surveillance tools which will still require their own respective policies.	Closed
R4	The working group requested to receive a copy of Crowd Control Manual and Learning Domain (LD) 24 of Peace Officers Standards and Training (POST) in order to be better prepared for future discussions.	N/A	12/12/23	Administrative Question and Answer-not for inclusion in DGO	While the Crowd Control Manual will not be updated through this working group process, the Executive Sponsor agreed to the importance of working group members having access to related manuals and training documents. A copy of the redacted Manual and Learning Domain 24 of Peace Officers Standards and Training (POST) was provided to working group members on December 27th, 2023, and will be posted on public website 72 hours in advance of the 1/11/2024, working group meeting.	Closed
R5	During the Officer Panel Q&A, officers stated that there are several principal issues that officers deal with during event planning that could be cited throughout the DGO, including unlawful assembly, mass arrests, dispersal orders, and use of barricades.	1	1/11/24	Recommendation has been partially included in draft DGO	The working group will discuss the policy updates regarding unlawful assembly, mass arrests, dispersal orders, and use of barricades in future working group meetings when respective sections of the policy are discussed.  <b>Update 3/14/2024:</b> The Department stated that the definitions for "Unlawful Assembly" and "Riot" were pulled directly from the POST LD-24 and added to DGO Section 8.03.02 (Defintions) during the working group meeting held on 1/23/2024. In addition, the Department stated that DGO Sections 8.03.03 C and D (Dispersal and Dispersal Orders) and 8.03.03 E (Arrests) were updated on 2/20/2024 and 2/27/2024 respectively to add more meaningful details based on recommendations that were provided by working group members in working groups held after 1/11/2024. Furthermore, the Department stated that policy on the use of barricades during crowd control situations will remain within the SFPD Crowd Control Manual and be considered for an update, if needed, when the manual is updated later this year.	Closed
R6	During the officer panel Q&A, an officer mentioned a Department Bulletin that was issued two years ago relating to CA Penal Code 409.7. The officer noted that it may be important to clarify what a "duly authorized representative of the media" is and whether it is the burden of the press or an officer to prove if a person is claiming to be a "duly authorized representative of the media".	2	1/11/24	Recommendation has been completely included in draft DGO	The working group will discuss adding a clarification on "Duly Authorized Media", types of identifications to be used for verification in future, and burden of proof issues in future working group meeting when the "Media" section of the policy is discussed.  <b>Update 3/14/2024:</b> The defintion for "Duly Authorized Representative of the Media" was added to the "Definitions" section of DGO 8.03 which includes the information on valid credentials for identification for persons claiming to be "Duly Authorized Representative of the Media". In addition, the "Media" section of DGO 8.03 was updated to include the reference for California Penal Code 409.7 and clarification on the staging area for "Duly Authorized Representative of the Media". Furthermore, the Department decided that the burden of proof to identify as Duly Authorized Representative of the Media falls on the person claiming to be one so they could be permitted to an appropriate staging area as per California Penal Code 409.7.	Closed
R7	A working group member suggested to review the San Jose Police Department's Crowd Control Policy to address clarification on what constitutes as "Duly Authorized Representative of the Media".	2	1/11/24	Recommendation has been completely included in draft DGO	The working group will refer to San Jose Police Department's Crowd Control policy for clarification on "Duly Authorized Media" in future working group when the "Media" section of the policy is discussed.  <b>Update 3/14/2024:</b> The defintion for "Duly Authorized Representative of the Media" was added to DGO Section 8.03.02 (Definitions) and it includes the information on valid credentials that could be used for identification.	Closed
R8	During the Officer Panel Q&A, officers stated that it could be beneficial to add the definitions for crowd control and crowd management to the policy and added that clarification on when crowd management transitions into crowd control could also be added to the policy.	1	1/11/24	Recommendation has been completely included in draft DGO	A new section 8.03.02, "Definitions" was created and the definition of "Crowd Control - DGO 8.03.02 A". - added to the policy. The working group will discuss the definition of Crowd Management and the language referencing when Crowd Management turns into Crowd Control in future working group meetings.  <b>Update 3/14/2024:</b> The Department stated that the definition for "Crowd Management" was added to DGO Section 8.03.02 (Definitions) during the working group meeting held on 1/23/2024 and newly added definitions for Crowd Management and Crowd Control already covers the nexus between Crowd Management and Crowd Control.	Closed
R9	The working group worked together to change the language for the "Purpose" section of the DGO 8.03 Crowd Control.	1	1/11/24	Recommendation has been completely included in draft DGO	Previous language: The purpose of this order is to establish general policies and procedures regarding the Department’s response to demonstrations and other First Amendment activities and specifies acceptable crowd control techniques and levels of force.  New language as proposed by the Working Group: The purpose of this order is to establish general policies and procedures regarding the Department’s response to public assemblies and specifies acceptable crowd control techniques and levels of force to ensure the protection of the First Amendment rights of the crowd and the safety of the entire community.	Closed
R10	The working group decided to include the definition of "crowd control" pulled directly from the POST LD-24	1	1/11/24	Recommendation has been completely included in draft DGO	"Crowd Control. Crowd control is the law enforcement response to a protest or gathering that has become unlawful and/ or violent. It may also require arrest and/ or deployment of dispersal tactics or even use of force." Also see response to R8.	Closed



DGO 8.03 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 4/09/24

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/ Closed
R11	A working group member suggested to find another departmental policy such as DGO 8.09 (Media Services) where clarification on the definition of the "Duly Authorized Representative of the Media" can be provided and a reference of the said policy can be added to DGO 8.03.	2	1/23/24	Recommendation will be modified and included in the draft DGO	<p>The Department is open to potentially adding the definition of "Duly Authorized Representative of the Media" in DGO 8.09 (Media Relations) which is slated for an update in the Calendar Year 2024, and adding it as a reference within DGO 8.03. This recommendation has been forwarded to the Executive Sponsor of DGO 8.09 revision.</p> <p><b>Update 2/27/2024:</b> The working group decided to add the definition of "Duly Authorized Representative of the Media" to DGO 8.03.02 (Defintions) and amend DGO Section 8.03.03 H (Media) to add more clarity on issues listed out in R# 44, as opposed to finding another departmental policy such as DGO 8.09 (Media Services) to provide clarification on them.</p>	Closed
R12	A working group member suggested to also add a reference to the rights of onlookers (non-members of media) in DGO 8.03.	2	1/23/24	Recommendation has been partially included in draft DGO	The rights of onlookers are already addressed in DGO 5.07, which was last updated in September 2023. DGO 8.03 is addressing violations of the law and rights of onlookers focuses on lawful activities. At this time, the Department is open to adding a reference to DGO 5.07 in DGO 8.03.	Closed
R13	DPA shared the concern that the draft for DGO 8.03 as currently written does not include the "best practices" research they shared during Stage I Development. DPA recommended to pause the working group for a month and start with a brand new draft.	N/A	1/23/24	Recommendation will not be included in Draft DGO	This recommendation violates DGO 3.01.03 D (1) and 3.01.04 C (1) that mandate the draft be provided in advance of a community working group. Moreover, the Stage I Draft that was shared with all working group members before the first working group meeting included DPA recommendations and included relevant "best practices" research. Furthermore, all working group members were reminded of the original goal of convening a community group, which is to discuss best practices or proposed changes, develop a recommendation grid, and propose new language in the draft based on WG recommendations that are accepted by the Department. DPA provided previously shared research materials to the Policy Development Division which were posted on the SFPD Policy Working Group Webpage. Specific procedural information will be included in the Crowd Control Manual, not in DGO, and the Department has already agreed to update the Crowd Control Manual once DGO 8.03 has been approved by the Police Commission.	Closed
R14	A working group member asked for a clarification on the scope of the "Department General Order" and how much details are required to put into an order that's supposed to be general.	N/A	1/23/24	Administrative Question and Answer-not for inclusion in DGO	The Department provided an answer during the working group meeting to clarify that a Department General Order is meant to include general policy guidelines for a given departmental policy and specific details such as operational details are meant to be included in the manual. The Department also reiterated its intention to update the Crowd Control Manual once DGO 8.03 Crowd Control is updated with final changes as approved by the Police Commission.	Closed
R15	The working group discussed whether there is a need for a separate DGO for Crowd Management in addition to the one for Crowd Control.	1	1/23/24	Recommendation has been completely included in draft DGO	<p>The Working Group agreed to keep the focus of DGO 8.03 on Crowd Control as long as the definition of Crowd Management and nexus between Crowd Management and Crowd Control is included in this DGO. In response, the definition of Crowd Control was already added to DGO 8.03 during the working group meeting held on 1/11/24 and the definition for Crowd Management was added to DGO 8.03 on 1/23/2024. In addition, the language regarding nexus between Crowd Control and Crowd Management will be discussed in the future working groups.</p> <p><b>Update 3/14/2024:</b> The Department stated that the definitions for Crowd Control and Crowd Management that were added to DGO Section 8.03.02 (Definitions) during the working group meeting held on 1/11/2024 and 1/23/2024 respectively already covers the nexus between Crowd Management and Crowd Control.</p>	Closed
R16	A working group member suggested to add language from the POST LD-24 Page 4-17, "It is the responsibility of all law enforcement officers to protect and uphold each individual’s rights to free speech and assembly while also protecting the lives and property of all people" to DGO 8.03", to ensure that the policy conveys the balance between the free speech rights and protection of life and property.	1	1/23/24	Recommendation has been completely included in draft DGO	This recommendation is addressed in two parts. First, the purpose statement of DGO 8.03 was changed in the previous working group meeeting held on 1/11/24 and the new proposed language already states "ensuring the protection of the First Amendment Rights and the safety of the community" as the purpose of the crowd control techniques and levels of force during Department's response to public assemblies. In addition, the working group decided to add "Law Enforcement Objective" as the new proposed section 8.03.03 A. which states, "The law enforcement objective during crowd control is to control the situation, provide intervention, prevent violations of the law, and reasonably enforce observed violations of the law while balancing the groups’ First Amendment rights of free speech and assembly". Thus, a balance between the free speech rights and protection of life and property are conveyed in two different sections of DGO 8.03.	Closed
R17	A working group member suggested to add language from the POST LD-24 Page 5-7 stating "Law Enforcement Objective" as DGO Section 8.03.03 A. and that can potentially replace the previous DGO Sections 8.03.02 A, B, and C.	1	1/23/24	Recommendation has been partially included in draft DGO	<p>1. The previous DGO Section "8.03.02 A. Protection of Rights" was replaced with proposed new DGO Section "8.03.03 A. Law Enforcement Objective". The proposed new language for the "Law Enforcement Objective" was pulled directly from the POST LD-24 Page 5-7 as recommended and as follows, "The law enforcement objective during crowd control is to control the situation, provide intervention, prevent violations of the law, and reasonably enforce observed violations of the law while balancing the groups’ First Amendment rights of free speech and assembly".</p> <p>2. The previous DGO Section "8.03.02 B Restrictions" was not removed but re-numbered to a proposed new DGO Section "8.03.03 B Restrictions". However, the subsections 1 and 2 for the "Restrictions" section were modified to add a proposed new language which is as follows, "1. Limits. Members shall not attempt to limit the size, location, time or activity at any demonstration, march, protest, or picket unless there are articulable facts or circumstances causing reasonable concern for public safety, public health, or the safe movement of persons in the area. 2. Restrictions/Control. Members shall not be affected by the content of the opinions being expressed nor by the race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or political affiliation of anyone exercising their lawful First Amendment rights".</p> <p>3. The previous DGO Section "8.03.02 Crowd Control Tactics" was removed as recommended.</p>	Closed



DGO 8.03 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 4/09/24

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/ Closed
R18	The working group decided to include the definitions of Crowd Management, Unlawful Assembly, and Riot pulled directly from the POST LD-24 and requested them to be listed in the order of escalation within the new DGO Section 8.03.02 (Definitions) along with previously added definition of Crowd Control.	1	1/23/24	Recommendation has been completely included in draft DGO	The proposed new language of DGO Section 8.03.02 "Definitions" is as follows: A. Crowd Management. Crowd management refers to the techniques used by peace officers in response to a known event, activity, or occurrence. In situations involving crowd management, law enforcement agencies have the ability to assist in the planning, coordination, and management of the event. B. Crowd Control. Crowd control is the law enforcement response to a protest or gathering that has become unlawful and/ or violent. It may also require arrest and/ or deployment of dispersal tactics or even use of force. C. Unlawful Assembly. Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly. The terms “boisterous” and “tumultuous” have been interpreted as conduct that poses a clear and present danger of imminent violence [In re Brown (1973) 9 Cal. 3d 612, 623.]. D. Riot. Any use of force or violence disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.	Closed
R19	The working group decided to replace the previous DGO Section 8.03.02 A "Protection of Rights" with new DGO Section 8.03.03 A "Law Enforcement Objective".	1	1/23/24	Recommendation has been completely included in draft DGO	Previous language: 8.03.02 Policy: A. Protection of Rights. It is the policy of the San Francisco Police Department to ensure that rights guaranteed by the constitutions of the United States and the State of California are protected for all individuals. A primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly.  Proposed New Language: 8.03.03 Policy : A. Law Enforcement Objective. The law enforcement objective during crowd control is to control the situation, provide intervention, prevent violations of the law, and reasonably enforce observed violations of the law while balancing the groups’ First Amendment rights of free speech and assembly.	Closed
R20	The working group decided to change the verbiage, "The San Francisco Police Department" to "Members" in the proposed new DGO Sections 8.03.03 B 1 and 2.	2	1/23/24	Recommendation has been completely included in draft DGO	"The San Francisco Police Department" was replaced with "Members" as the proposed new language within DGO Sections 8.03.03 B 1 and 2.	Closed
R21	The working group decided to take out the previous DGO Section 8.03.02 C, Crowd Control Tactics" to avoid redundancy with the language of the proposed new DGO Section 8.03.03 B 2, "Restrictions/Control".	2	1/23/24	Recommendation has been completely included in draft DGO	The previous DGO Section "8.03.02 Crowd Control Tactics" was removed as recommended. Also, please see response to the Recommendation # 17.	Closed
R22	The working group decided to modify the language of new DGO Section 8.03.03 B 2, "Restrictions/Control", directly pulled from the 2022 CA POST Guidelines: Crowd Management, Intervention, and Control.	2	1/23/24	Recommendation has been completely included in draft DGO	Previous Language: Restrictions/Control. The San Francisco Police Department will not seek to restrict or control the content of opinions being expressed, nor shall members let their own personal, political, or religious views affect their actions.  Proposed New Language: Restrictions/Control. Members shall not be affected by the content of the opinions being expressed nor by the race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or political affiliation of anyone exercising their lawful First Amendment rights.	Closed
R23	A working group member suggested to add language that clarifies when the dispersal orders should be given.	2	1/23/24	Recommendation will not be included in Draft DGO	DGO 8.03 currently states that "Crowds shall not be dispersed or ordered to move unless there are reasonable and articulable factors justifying the order in accordance with law", thus implying when the dispersal orders are given. In addition, officers are guided by SFPD Crowd Control Manual, specifically "Orders to Disperse".	Closed
R24	A working group member suggested to add language regarding the use of de-escalation techniques before the crowd is dispersed.	2	1/23/24	Recommendation has been completely included in draft DGO	This recommendation will be discussed during the future working group sessions when the section of "Dispersal Orders" is discussed. See response to R #26 and 27 for resolution of this recommendation.	Closed
R25	The working group discussed regarding whether mentioning kinetic energy projectiles is appropriate in the "Dispersal Orders" section or just within the "Use of Kinetic Energy Projectiles and Chemical Agents" section of DGO 8.03.	2 and 3	1/23/24	Recommendation will not be included in Draft DGO	This recommendation will be discussed during the future working group sessions when the section of "Dispersal Orders" and "Use of Kinetic Energy Projectiles and Chemical Agents" are discussed.  <b>Update 3/14/2024:</b> The Department stated that it would keep the language regarding the "Use of Kinetic Energy Projectiles and Chemical Agents" within the "Dispersal Orders" section because the way it is written clearly states that they are only used during dangerous and unlawful situations where their use is warranted.	Closed
R26	A working group member suggested that if "use of de-escalation" is added to DGO 8.03, that it be defined and placed in the "Dispersal" section. The member also suggested to potentially use the language from the IACP 2019 Crowd Management Model Policy, "Crowd Dispersal" Section F(1)(a) as a reference for de-escalation.	2	2/20/24	Recommendation has been partially included in draft DGO	The Department explained that the term "de-escalation" ties to use of force and that dispersal orders themselves are a form of de-escalation. Adding this term may confuse officers so it is preferred to use different terminology that allows officers to use "less intrusive" options before dispersal of a crowd.	Closed
R27	Regarding less intrusive options in Dispersal SEC: The working group decided to add language directly pulled from the Chicago Police Department General Order G02-02 "First Amendment Rights", Section IX A to DGO Section 8.03.03 C (Dispersal), with slight modifications in the language as suggested by the Department.	2	2/20/24	Recommendation has been completely included in draft DGO	Chicago PD GO Section IX A Language: "Before issuing a crowd dispersal order, the field commander must consider if there are and attempt any available less intrusive options to stop the unlawful behavior necessitating the issuance of the crowd dispersal order. In considering whether a less intrusive option is available, the field commander will consider whether attempting such option would result in an immediate risk of physical harm to a person or property or would be clearly ineffective under the circumstances at the time."  Proposed New Language: "Before issuing a crowd dispersal order, the event commander should consider any available less intrusive options to stop the unlawful behavior necessitating the issuance of the crowd dispersal order. In considering whether a less intrusive option is available, the event commander will consider whether attempting such option would result in an immediate risk of physical harm to a person or property or would be clearly ineffective under the circumstances at the time."	Closed



DGO 8.03 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 4/09/24

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/ Closed
R28	<p>Dispersal SEC: Regarding newly added lanuage "Before issuing a crowd dispersal order, the event commander should consider any available less intrusive options to stop the unlawful behavior.."</p> <p>Working group members suggested to mandate the consideration of less intrusive options by using the word "shall" instead of "should" and suggested an additional mandate for documentation of that consideration.</p>	2	2/20/24	Recommendation will not be included in Draft DGO	Mandating the consideration of less intrusive options doesn't allow Police Officers to act immediately in dispersing a crowd during situations that escalate quickly and/or are dangerous. In addition, the authority to disperse unlawful assemblies and riots is the only legal mandate established in California Penal Code 726.	Closed
R29	Dispersal SEC: A working group member suggested to to use more affirmative language regarding when crowds are dispersed. In addition, it was suggested to add language regarding California Penal Code 726 in this section.	2	2/20/24	Recommendation has been completely included in draft DGO	<p>The Department made the following change in DGO Section 8.03.03 C (Dispersal):</p> <p>Previous Language: "Crowds shall not be dispersed or ordered to move unless there are reasonable and articulable factors justifying the order in accordance with law".</p> <p>Proposed New Language: "Crowds may only be dispersed when there are reasonable and articulable factors justifying the order in accordance with law".</p> <p>In addition, the following language was added to DGO Section 8.03.03 C (Dispersal): "California Penal Code 726 establishes the authority to disperse unlawful assemblies and riots in the name of the people of the state" directly pulled from SFPD Crowd Control Manual.</p>	Closed
R31	Dispersal SEC: A working group member suggested to remove redundant language from this section.	2	2/20/24	Recommendation has been completely included in draft DGO	In response to this recommendation, the Department removed the following language in DGO Section 8.03.03 C (Dispersal): "Before giving the order to disperse, the event commander must consider whether a dispersal endagers the public or participants in the crowd".	Closed
R32	A working group member suggested to write out the "Dispersal Orders" section of DGO 8.03 in a bullet list instead of a paragraph, the way they are listed within the Page 5-16 of the POST LD-24 and in Section F under "Crowd Control Procedures" of SFPD Crowd Control Manual .	2	2/20/24	Recommendation has been completely included in draft DGO	The Department created a bulleted list for elements of an effective dispersal order in the "Dispersal Orders" section of DGO 8.03.	Closed
R33	A working group member suggested that the script that officers use to provide dispersal orders should include a legal justification for dispersing a crowd and be added to DGO Section 8.03.03 D (Dispersal Orders).	2	2/20/24	Recommendation has been partially included in draft DGO	<p>The Department will meet internally before providing a response to this recommendation.</p> <p><b>Update 3/14/2024:</b> The Department stated it would keep the script used by officers to disperse a crowd in the Crowd Control Manual as opposed to adding it in this DGO and will consider adding a legal and/or factual justification for dispersing a crowd within the script when updating the SFPD Crowd Control Manual later this year.</p>	Closed
R34	A working group member suggested to add the language regarding prohibition on the use of chemicles or kinetic energy projectiles on certain vulnerable populations such elderly or pregnant individuals.	2	2/20/24	Recommendation included in training, Department Manual, or other procedural or guidance document	This prohibition is already included in the Tactile Unit/Specialist Team Unit Order 23-02 that was issued on 10/23/2023.	Closed
R35	A working group member suggested to keep the granular details as recommended in Recommendation #35 and 36 in SFPD Crowd Control Manual instead of Department General Order.	2	2/20/24	Administrative Question and Answer-not for inclusion in DGO	The Department agrees that procedural details are more appropriately housed in a manual and training materials instead of a general order.	Closed
R36	DGO Section 8.03.03 E (Arrests): The working group decided to change the words "proper" and "free speech activity" to "appropriate" and "assembly" respectively in the first sentence of this section.	2	2/20/24	Recommendation has been completely included in draft DGO	<p>Previous Language: A proper response to criminal conduct during a free speech activity is to cite or book those individuals engaged in criminal conduct (see DGO 5.06, Citation Release).</p> <p>Proposed New Language: An appropriate response to criminal conduct during an assembly is to cite or book those individuals engaged in criminal conduct (see DGO 5.06, Citation Release).</p>	Closed
R37	DGO Section 8.03.03 E (Arrests): The working group discussed whether there is a need to keep this section since it doesn't add any value the way it is currently written or add more meaningful details to it. In response to this recommendation, a working group member suggested to add the sections of "Response to Violent Conduct" and "Response to Other Illegal Conduct" from the San Jose Police Department's Crowd Control Policy to this section. In addition, to avoid adding procedural details in DGO, the Department suggested that language of this section be changed as follows: "If arrests are an appropriate response to criminal conduct during an assembly, then defer to the SFPD Crowd Control Manual".	2	2/20/24	Recommendation has been partially included in draft DGO	<p>This recommendation will be discussed during the future working group sessions when the section of "Arrests" is further discussed. Also, see response to R# 40.</p> <p><b>Update 2/27/2024:</b> The Department suggested to replace the current language of this section (that was updated in the last working group) with the language from the Sacramento Police Department First Amendment Assembly Manual (Page 3, Section D4). Also, see R# 40.</p>	Closed
R38	A working group member suggested to add language regarding what triggers "mass arrests" in DGO 8.03 within the "Arrests" section.	2	2/20/24	Recommendation has been completely included in draft DGO	<p>This recommendation will be discussed during the future working group sessions when the section of "Arrests" is further discussed.</p> <p><b>Update 2/27/2024:</b> The Department stated that the newly proposed language from the Sacramento Police Department First Amendment Assembly Manual already covers considerations for arrests, including mass arrests. In addition, the Department advised working group members that the current terminology adopted by the Department for "Mass Arrests" is "Multiple Arrests". Also, see R# 41.</p>	Closed



DGO 8.03 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 4/09/24

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/ Closed
R39	A working group member suggested to add the following language from the manual to DGO: "Arrests shall be made at Event Commander's direction".	2	2/20/24	Recommendation has been completely included in draft DGO	This recommendation will be discussed during the future working group sessions when the section of "Arrests" is further discussed.  <b>Update 2/27/2024:</b> The Department added the following language in the "Arrests" section of DGO: "The event commander shall be in charge of any event that will result in multiple arrests (mass arrests)" Also, see R# 41.	Closed
R40	DGO Section 8.03.03 E (Arrests): Regarding department's suggestion to replace the current language of this section with the language from Sacramento Police Department First Amendment Assembly Manual, a working group member recommended to use the newly proposed language as an addition rather than replacement since it aids the current language. As a result, the working group decided to keep the current language and place the languague from Sacramento Police Department First Amendment Assembly Manual after the current language. In addition, the working group decided to remove "appropriate" and replace "is cite or book" to "may cite or book" in the current language.	2	2/27/24	Recommendation has been completely included in draft DGO	Previously Updated Language (as of 2/20/24): An appropriate response to criminal conduct during a free speech activity is to cite or book those individuals engaged in criminal conduct (see DGO 5.06, Citation Release).  Proposed New Language (on 2/27/24): A response to criminal conduct during an assembly free speech activity maybe to cite or book those individuals engaged in criminal conduct (see DGO 5.06, Citation Release). There may be small groups within a larger assembly who are engaged in civil disobedience or illegal acts and, when possible, efforts should be made to identify and/or detain and arrest the specific individuals involved in the unlawful activity. However, there will be situations where, based on the totality of circumstances, the entire assembly must be declared unlawful in order to effectively prevent violent and disorderly activity or where enforcement action is not reasonable or feasible against the specific subjects committing illegal acts.	Closed
R41	DGO Section 8.03.03 E (Arrests): The working group members discussed listing out additional details regarding "mass arrests" such as mentioning who has authority to make a determination when mass arrests should occur and adding some language in this section that refers Police Officers to a section of the Crowd Control Manual containing procedural details regarding mass arrests.	2	2/27/24	Recommendation has been completely included in draft DGO	The Department added the following language in the "Arrests" section of DGO 8.03: "The event commander shall be in charge of any event that will result in multiple arrests (mass arrests). If multiple arrests occur, follow the Crowd Control Manual for “Multiple Arrest Procedures”.	Closed
R42	DGO Section 8.03.03 F 2 (Use of Kinetic Energy Projectiles and Chemical Agents): The working group decided to replace the current language of this section with the languague from POST LD 24 Page 5-16, to ensure that this section includes a reference to the California Penal Code § 13652 which guides the use of kinetic energy projectiles and chemical agents by law enforcement agency during an assembly, protest, or demonstration.	3	2/27/24	Recommendation has been completely included in draft DGO	Previous Language: Kinetic Energy Projectiles and Chemical Agents shall not be used to disperse any assembly, protest, or demonstration except under specific circumstances (see Crowd Control Manual, SFPD).  Proposed New Language: Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the requirements stated in California Penal Code Section 13652(b).	Closed
R43	DGO Section 8.03.03 G (Use of Non-Uniformed Officers): The working group decided to add the language from DGO 5.08 (Non-Uniformed Officers) in this section to provide guidance to non-uniformed officers in situations where crowd management has transitioned into crowd control.	3	2/27/24	Recommendation has been completely included in draft DGO	Previous Language: See DGO 5.08, Non-Uniformed Officers.  Proposed New Languague: Non-uniformed officers shall not be used to make arrests in crowd control situations unless there is reasonable cause to believe there is a danger to life or the possibility of great bodily injury (see DGO 8.10, Guidelines for First Amendment Activities and SFPD Crowd Control Manual).	Closed
R44	A working group member recommended to add hyperlinks for anything referenced in DGO 8.03, so officers can directly and quickly access the referenced document for further guidance.	N/A	2/27/24	Recommendation has been completely included in draft DGO	The Department will consider adding hyperlinks for all references that are used in DGO 8.03 and must create a process to ensure that hyperlinks are always upto date.	Closed
R45	DGO Section 8.03.03 H (Media): The working group members recommended to research the policies of other police departments to provide clarification on the following issues: 1. Definition of the "Duly Authorized Representative of Media". 2. Identifications to qualify as "duly authorized representative of media". 3. Burden of responsibilty on identifying "duly authorized respresentative of media". 4. Staging area where "duly authorized representative of media" is permitted.	3 and 4	2/27/24	Recommendation has been completely included in draft DGO	The Department will conduct more research on policies of other police departments and will come prepared in the next working group meeting with an updated draft of DGO that has a definition of "Duly Authorized Representative of the Media" and details to address other issues mentioned in this recommendation.  <b>Update on 3/14/2024:</b> The Department added the following definition in DGO Section 8.03.02 (Definitions) for "Duly Authorized Representative of the Media" derived from the San Jose Police Department Duty Manual, Section L 2306.1, with slight modifications: <i>"A person in possession of current, valid credentials issued by the Department or other law enforcement agency, or other identification establishing duly authorized representation of news media affiliation or employment, whether print, television, or Internet media. A personal blogger with no credentials and no supporting third-party news service identification does not meet the criteria of duly authorized"</i> . The newly added definition also covers the credentials that are needed to qualify as duly authorized representative of the media. In addition, the Department stated that the burden of proof to identify as "Duly Authorized Representative of the Media" falls on journalists by showing valid credentials and officers on the field have responsibility to work with them to check those credentials, so they could be allowed to remain or be permitted in closed areas as per 409.7 PC. Furthermore, the following language was added to DGO Section 8.03.03 H (Media) from the San Diego Police Department Procedures for First Amendment Activity and Facilitation and Management, Section XII. C. 1, <i>"If access is granted to closed areas, members of the media are not permitted entry into a command post or allowed to move through police lines and interfere with police actions. These violations may be the cause for removing a journalist from a closed area or charging an offense not precluded by 409.7 PC"</i> which provides clarification on where duly authorized representative of the media is not permitted.	Closed
R46	DGO Section 8.03.03 H (Media): The working group discussed the issues around ability of media personnel to go back and forth between police lines and an appropriate response for media personnel engaged in any activity that's unlawful and not covered under 409 PC, and decided to revise the language that was added in this section from the San Diego Police Department Procedures for First Amendment Activity and Facilitation and Management to add more clarity on the discussed issues.	4	3/14/24	Recommendation has been completely included in draft DGO	Previously Proposed Languague from the San Diego Police Department Procedures for First Amendment Activity and Facilitation and Management, Section XII. C. 1: "If access is granted to closed areas, members of the media are not permitted entry into a command post or allowed to move through police lines and interfere with police actions. These violations may be the cause for removing a journalist from a closed area or charging an offense not precluded by 409.7 PC.  "New Proposed Languague: "If access is granted to closed areas, members of the media are not permitted entry into a command post or interfere with police actions."	Closed



DGO 8.03 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 4/09/24

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/ Closed
R47	DGO Section 8.03.03 H (Media): The working group decided to change the starting language of this section to add a reference for the California Penal Code Section 409.7, so it is easier for anyone reading the policy to go directly to the language as written in 409.7 PC.	3	3/14/24	Recommendation has been completely included in draft DGO	Previously Proposed Language: "If officers close the immediate area surrounding any emergency field command post or any other command post....."  New Proposed Languague: " <b>California Penal Code Section 409.7 establishes that</b> if officers close the immediate area surrounding any emergency field command post....."	Closed
R48	DGO Section 8.03.03 H (Media): The working group decided to reorganize a few sentences in this section so the language in this section is written out as closely as possible to the language found within California Penal Code Section 409.7.	3 and 4	3/14/24	Recommendation has been completely included in draft DGO	The following sentence was moved from the last paragraph of DGO Section 8.03.03 H (Media) and added to bullet #3 within the same section: " <i>If the duly authorized representative is detained by an officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so</i> ".  In addition, the following sentence was moved from the last paragraph of DGO Section 8.03.03 H (Media) and added as bullet #4 within the same section: " <i>This section does not prevent officers from enforcing other applicable laws if the person is engaged in activity that is unlawful</i> ".	Closed
R49	DGO Section 8.03.03 H (Media): While citing Sacramento Police Department's First Amendment Assembly Manual, a working group member asked a question regarding the meaning of Legal Observers and Crowd Monitors, and if there is a need to add clarification in this section stating that 409.7 PC does not apply to them.	3 and 4	3/14/24	Administrative Question and Answer-not for inclusion in DGO	The Department explained that Legal Observers and Crowd Monitors are usually attorneys from organizations such as National Lawyers Guild or other civil rights organizations who wear bright colored hats to stand out from the crowd and their role is to observe any civil rights violations during crowd control situations. In addition, the Department stated that since they are not protected under Shield's Law (409.7 PC) which specifies how to address members of the media, there is no need to add a reference regarding them in this section.	Closed
R50	DGO Section 8.03.02 E (Definitions - Duly Authorized Representative of the Media): A working group member shared a concern regarding the language for "personal blogger" within the definition of a "Duly Authorized Representative of the Media" that was added in this section and stated that the news medium doesn't define whether it's journalism or not.	1	3/14/24	Recommendation has been completely included in draft DGO	The Department stated that a personal blogger could be "duly authorized" as long as they have credentials and supporting third party news service identification; however, to avoid any confusion, the definition of "Duly Authorized Representative of the Media" was revised to read as follows: " <i>A person in possession of current, valid credentials issued by the Department or other law enforcement agency, or other identification establishing duly authorized representation of news media affiliation or employment, whether print, television, or Internet media. "Freelance" media personnel, including reporters, photographers, videographers, bloggers, or vloggers without valid media credentials, but possessing other identification establishing affiliation and employment with a third-party news service, should be considered duly authorized representatives of the media</i> ".	Closed
R51	DGO Section 8.03.02 B (Definitions - Crowd Control): A working group member recommended to replace the phrase, "also require" with "warrant" within the definition for Crowd Control to ensure consistency with CA POST Guidelines for Crowd Management, Intervention, and Control released in 2022.	1	3/14/24	Recommendation has been completely included in draft DGO	Previously Proposed Language: "Crowd control is the law enforcement response to a protest or gathering that has become unlawful and/ or violent. It may also require arrest and/ or deployment of dispersal tactics or even use of force".  New Proposed Languague: "Crowd control is the law enforcement response to a protest or gathering that has become unlawful and/ or violent. It may warrent arrest and/ or deployment of dispersal tactics or even use of force".	Closed
R52	A working group member recommended to add a reference regarding the use of Body Worn Cameras (BWCs) to this policy so officers can quickly access DGO 10.11, Body Worn Cameras, and know when to activate BWCs during First Amendment Activities. In addition, a working group member suggested to add the following language from the Department Notice 20-175 (Activation of Body Worn Cameras) in DGO 8.03 that could be used as a reference point for the use of BWCs: " <i>Members shall not activate the BWC in a manner that is specifically prohibited by DGO 2.0 1, General Rules of Conduct, and DGO 8. 10, Guidelines for First Amendment Activities ."</i>	N/A	3/14/24	Recommendation has been partially included in draft DGO	The Department added a reference to DGO 10.11 (Body Worn Cameras) under the "References" section of DGO 8.03. The details on the use of body worn cameras during First Amendment Activities, when needed, will be considered to be added when updating the SFPD Crowd Control Manual.	Closed