

Deputy Chief Lyn Tomloka *WT*  
Chief of Staff 2-26-14

**Memorandum of Understanding  
Between  
The San Francisco Police Department and  
The San Francisco Unified School District**

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The San Francisco Police Department (“SFPD”) and the San Francisco Unified School District (“SFUSD”) enter into this Memorandum of Understanding, made this 14th day of January in the year of 2014, in the City and County of San Francisco, State of California, in order to ensure safety and foster positive police/youth engagement within primary and secondary public schools in the City and County of San Francisco while also avoiding unnecessary criminalization of SFUSD students for whom arrest and juvenile court involvement creates serious potential long-term consequences. This memorandum will replace the previous Community Oriented Policing In Schools Memorandum of Understanding between SFPD and SFUSD, dated December 15, 2005, as well as any amendments thereto.

### **1. TERM OF THE AGREEMENT**

This MOU shall remain in effect for 5 years from the date of full execution. The terms of this memorandum may be modified or amended at any time by written agreement of both parties. Either party may terminate this agreement upon 90 days advance written notice.

### **2. EFFECTIVE DATE OF THE AGREEMENT**

This MOU shall become effective on the date that it is signed by both the San Francisco Chief of Police and the Superintendent of SFUSD, and is approved by the San Francisco Board of Education (“BOE”), whichever comes last.

### **3. PROGRAM AND PROGRAM COORDINATION**

SFPD will coordinate the Community Oriented Policing In Schools program with the SFUSD (hereinafter “SRO Program”). This program currently consists of SFPD School Resource Officers (“SRO”) who are assigned to and maintain a presence at police stations throughout the city and are also assigned to serve as the primary officers working with one or more schools in the SFUSD when the need for police support arises, as defined in this MOU.

SFPD will maintain a position for a School Resource Officer (“SRO”) Coordinator (Captain or equivalent) who will coordinate the planning, budgeting, management and agency leadership for the SRO program; provide program monitoring and assistance with problem solving; and will handle coordination between the SFPD Chief of Staff Office, District Station Captains, SFUSD, School Site Administrators and SROs. The SRO Coordinator will act as the liaison with the SFUSD to ensure coordination of other programs conducted by other divisions of the SFPD, avoid redundant services, ensure equitable distribution of such program services, and help maintain a line of communication between the schools and the SFPD. The SRO Coordinator will maintain a list of the SROs and their assignments by station and school and provide that list, as well as any updates, to the Associate Superintendent of the Student, Family and Community Support Department (SFCSD) of SFUSD on a quarterly basis, or more frequently if assignments of SROs are changed.

The SFUSD Associate Superintendent – SFCSD will work with the SRO Coordinator to coordinate the SRO Program, including but not limited to distributing this MOU to school sites and educating school sites regarding the provisions of this MOU and their responsibilities under

the MOU.

#### 4. REPORTS

SFPD will provide SFUSD staff with a monthly written report to be filed with the BOE regarding the:

- (A) School site crime incidents reported to, or observed by, SRO/SFPD disaggregated by school-site, offense, and student subgroup, including but not limited to age, race, ethnicity, and gender.
- (B) Number of times that SRO/SFPD was called to schools disaggregated by school site.
- (C) Number of arrests of students made:
  - (1) By SFPD on SFUSD school sites for school related offenses.
  - (2) By SFPD on SFUSD school sites for non-school related offenses.
  - (3) By SFPD off SFUSD school sites for school related offenses.

Such data shall be disaggregated by school-site, offense, and student subgroup, including but not limited to age, race, ethnicity, and gender, with information about the disposition of the matter.

Note: When making arrests of students on SFUSD school sites, SFPD shall consider the "Arrests on School Campuses" section of this MOU.

- (D) Truancy: (1) the number of home visits conducted by SROs, (2) a general description of the police action taken regarding the home visits, and (3) other relevant information concerning SRO action in "truancy abatement" efforts, including the number of students cited or referred to the Truancy Court, or other Juvenile Court that adjudicates truancy cases, if the Truancy Court is abolished, rather than being returned to school or referred to another diversion or support program.
- (E) Referrals: Number of referrals of students from school sites to wellness centers, medical facilities, tutors, mentors or other resources in lieu of arrest or citation.
- (F) Family and Children Services (Child Welfare): Number of referrals of students on school sites made to Child Protective Services.
- (G) Any other information the SFPD believes is relevant, including but not limited to information regarding the nature of any collaborative efforts between the parties.

For purposes of this section, school site is defined as the property upon which the school is located, including any sidewalks and entrances abutting or surrounding the school. It also includes any location where a school sponsored event is being held for the duration of such event.

Three times a year the SRO Coordinator and the Associate Superintendent for SFUSD or their designees shall provide a report to the SFUSD Board of Education regarding the information contained in the aforementioned monthly reports and be available to answer any questions posed by the community related to safety, disproportionate minority contact, if any, student arrest or citation rates, or any other issue. This report to the BOE shall specifically address any efforts to reduce disproportionate minority contact with police and the juvenile justice system and reduce the rate of school-based arrests and citations while maintaining a safe school climate.

## **5. HIRING AND ASSIGNMENT**

SFPD is responsible for the recruitment and assignment of officers to SRO positions and with the provision of necessary training and equipment. SFPD will prioritize the assignment of officers to SRO positions who have experience and training in community policing, youth development, and restorative practices.

## **6. SRO SELECTION**

The SRO Coordinator and Station Captain shall consult with the site principal prior to the assignment of a new SRO to identify any special needs or concerns to be taken into consideration during the selection process of the SRO.

The site principal shall take into consideration any concerns expressed by students or parents at that site, including those opinions expressed in the school site climate survey or other school questionnaires or surveys, regarding SRO or police officer interactions with students on the school site and provide such information to the SRO Coordinator and Station Captain. No confidential information shall be disclosed.

## **7. COORDINATION BETWEEN SRO COORDINATOR, SROs AND SCHOOLS**

### **a. SRO Coordinator**

The SRO Coordinator will meet at least once per school year with the SROs and site principals and shall be invited by the Associate Superintendent of SFUSD to one or more meetings for school site principals. If possible, a meeting shall occur before the school year or at the beginning of the school year for the SRO Coordinator to review school and SFPD expectations, requirements and operational procedures with SROs, principals and security staff.

During the second semester, another meeting should be held to address any issues or concerns that may have arisen since the last meeting.

### **b. SRO**

With a goal of improving school climate, SROs shall meet at least one time per semester with their assigned school principal and any members of the safety team to exchange information about current crime trends, problem areas, emerging youth gangs or other issues of concern which have potential for disruption in the school or within the community, and to strategize on

how to improve school safety. At such time, if SROs have engaged in proactive and preventative strategies with youth, such as connecting them with community based resources, mentors, or tutors, this should also be discussed.

#### **8. MUTUAL COOPERATION between SFPD AND SFUSD STAFF**

The SRO, like all other SFPD police officers, is a sworn member of the San Francisco Police Department assigned to provide law enforcement expertise and resources to assist school site staff in maintaining safety within their assigned school(s). Although the SRO and other police officers are supervised by SFPD, and not the SFUSD, the SRO and any other police officers working with or interacting with a school in SFUSD shall take reasonable steps to work cooperatively with school administrators, consistent with his/her responsibilities and perform the duties outlined in this MOU in accordance with the policies, rules and regulations of the SFUSD. In performing these duties, the SRO and any other police officers working with or interacting with a school in SFUSD shall comply with all SFPD General Orders and policies and all applicable local, state and federal laws. The SRO and any other police officers working with or interacting with a school in SFUSD will maintain familiarity with the SFUSD Student/Parent Handbook of rules and regulations.

Likewise, SFUSD staff, although not supervised by SFPD, will, at all times respect the authority of SFPD Officers and their responsibility to maintain safety for the citizens of San Francisco. It is expected of all SFUSD staff (administrators, teachers and support staff) that every effort will be made to establish and maintain a relationship of mutual respect and cooperation with all members of SFPD.

#### **9. COMMUNITY OUTREACH**

To the extent feasible, SROs will participate in positive student activities in the school community in order to build trusting and respectful relationships with students, families and staff. The SRO will collaborate with school based community organizations, parent teacher organizations, School Advisory Councils, student government and SFUSD staff to develop opportunities for positive activities, such as panel discussions, mentoring programs, community coalitions or task forces.

Based on the availability of additional resources, members of the SRO program may offer the following types of assistance to elementary and middle schools:

- (1) Attending school staff meetings;
- (2) Providing drug education/awareness training,
- (3) Providing sexual assault awareness training,
- (4) Providing gang awareness training, and
- (5) Providing internet safety and violence prevention education to site staff, parents, guardians and students.

## **10. CAMPUS SECURITY**

SROs will augment school site administrators, faculty, and security staff to keep schools safe from intruders. As practicable, the SRO will work with school security to identify security issues and to take reasonable steps to create a safer environment for students. However, the SRO is neither a member of the security staff nor a supervisor of security officers. SROs have primary responsibility for (1) handling all calls for police service at the assigned school site, and (2) coordinating the response of other police resources at the school.

## **11. REQUESTING POLICE ASSISTANCE**

Staff members and site administrators shall only request police assistance when (1) necessary to protect the physical safety of students and staff; (2) required by law; or (3) appropriate to address criminal behavior of persons other than students. Police involvement should not be requested in a situation that can be safely and appropriately handled by the District's internal disciplinary procedures. (BOE Res. No. 92-23A6, Adopted June 22, 1999). If it is unclear whether a particular situation meets the criteria above, contact the principal or Assistant Superintendent as soon as possible to make a determination.

## **12. PROCEDURE FOR SCHOOL STAFF TO REQUEST POLICE ASSISTANCE WHEN THE CRITERIA IN SECTION 11 ARE MET**

- (1) Call 911, SRO or any police officer in an emergency or crisis situation, and notify the site administrator as soon as possible;
- (2) If there is no immediate danger to students or others, a staff member should always contact a site administrator to make the decision about whether to request police assistance for an incident involving potentially criminal behavior by a student, based on criteria in the section supra for Requesting Police Assistance;
- (3) Site administrator shall notify the Assistant Superintendent and enter a written Incident Report the same day to detail police response to an incident involving a student and as required by District policy. Such written reports shall be logged into the SFUSD centralized data system (Synergy) and data regarding such incidents and calls for police assistance shall be provided in aggregate form. The data may be further disaggregated by criteria such as school-site, race, ethnicity, gender, and age of the student or students involved in the incident for which the police contact was initiated, as long as the disaggregation does not reveal individualized information to the general public or relevant school community. This data will be provided in a written report at the three times a year BOE meetings discussed in Section 4 of this MOU.

Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.

Officers should not be requested to interview students or collect evidence for expulsion hearings UNLESS the employee believes that such an investigation would pose a danger to themselves or others.

(BOE Resolution No. 92-23A6, Adopted June 22, 1999 and attached hereto as Attachment A)

### **13. REPORTING CRIMINAL ACTIVITY**

Criminal activity that must be reported pursuant to Education Code Section 48902 (this section is attached hereto as Attachment B) will be reported to the SRO, or to SFPD if the SRO is not available.

### **14. STUDENT DISCIPLINE**

SFUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. Neither the SRO nor any other SFPD police officer shall act as a school disciplinarian. Disciplining students is a school responsibility.

Pursuant to San Francisco Board of Education policy, SFUSD administrators shall prioritize alternatives to school removals and police involvement, such as the use of Restorative Practices (see BOE Resolution No. 96-23A1, "In Support of a Comprehensive School Climate, Restorative Justice and Alternatives to Suspensions and Expulsions")

### **15. OFFICER ENTRY ON SCHOOL CAMPUSES**

Absent exigent circumstances, SFPD officers should notify school officials (e.g., the principal, dean or head counselor) of their presence and/or purpose on SFUSD property. During the meeting between the SRO Coordinator and site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.

### **16. ARRESTS ON SCHOOL CAMPUSES**

In an effort to minimize disruption to the learning environment, SFPD officers should consider the reasonableness of making an arrest on campus or summoning a student from a classroom. When considering whether it is reasonable to arrest or summon a student on campus, the officer shall consider the following:

- Whether the arrest or summoning is in response to the commission of a school-related offense;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety;
- Federal, state and local requirements;
- Whether the officer is able to accomplish the arrest by other means.

If the arrest is not reasonable given the considerations listed above, the arrest or summons of the student should be made at another time/place.

**17. NOTIFICATION OF PARENT, OPPORTUNITY FOR PARENT TO BE PRESENT, AND OPTION FOR STUDENT TO HAVE AN ADULT OF HIS OR HER CHOICE PRESENT PRIOR TO ANY QUESTIONING OR INTERROGATION**

SFPD and SFUSD shall abide by Education Code Section 48906, which requires that a school official must make immediate parental/guardian notification upon police arrest of a student, excepting when the child is taken into protective custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code. SFUSD Board policy requires that a school official must call a parent/guardian and give such parent/guardian a reasonable opportunity to be present for any police interrogation, unless the child is a suspected victim of child abuse.

Efforts to contact parents by SFUSD school officials must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any numbers supplied by the student. (SFUSD BOE Resolution No. 92-23A6, Adopted June 22, 1999).

If a parent cannot be found, the school site should offer the student the option of having an adult of his or her choice from the school available during the interrogation. (SFUSD BOE Resolution No. 92-23A6, Adopted June 22, 1999).

Consistent with SFPD General Order 7.01, Section III, D.3.a., (“[i]mmediately prior to questioning a juvenile, [the SFPD officer] shall again advise the [student] of the Miranda admonishment. Such admonition shall be given in language appropriate to the age and the sophistication of the [student] and in accordance with General Order 5.20. In addition to the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation.”)

If, during an investigation, the student is currently being questioned as a victim or a witness, the same procedures shall apply to avoid any harm to a victim or witness who may later be considered a suspect.

**18. LOCATION OF ARREST, PRIVACY OF STUDENT, AND CONSIDERATIONS OF CAMPUS CLIMATE**

Absent exigent circumstances, officers should coordinate with the principal or designee if after taking into account the reasonableness of such an arrest as outlined in section 16, they determine it is necessary to make an arrest on campus. To the extent practicable, a private location out of sight and sound of other students shall be arranged for the arrest that will help avoid invasion of the student’s privacy, jeopardizing the safety and welfare of other students, and further disruption on the school campus. During the meeting between the SRO Coordinator and site principals before school starts or at the beginning of the year, the SRO Coordinator shall receive a list of school contacts to be used for this purpose.



## **19. GRADUATED RESPONSES TO LOW-LEVEL SCHOOL BASED OFFENSES**

Subject to the exception described below, when SFPD officers make a school based arrest they should use the graduated response system outlined below and they shall make every effort to not refer a student to San Francisco County Juvenile Probation's Community Assessment and Referral Center ("CARC") for the commission of a low-level school-based offense, defined as an offense involving battery, battery on school property, battery against a school employee, attempt to resist arrest, disturbing the peace, or possession of marijuana for personal use, unless the student has committed his or her third or subsequent similar offense during the school year.

- (A) First Offense: If a student commits a low-level school-based offense, an SFPD officer shall have the discretion to admonish and counsel or take no action.
- (B) Second Offense: Upon the commission of a subsequent, similar low-level school-based offense in the same school year, law enforcement shall have the discretion to admonish and counsel, or require the student to attend a SFUSD or other diversion program.
- (C) Third or subsequent offense. For a student who commits a third or subsequent offense, SFPD may refer the case to CARC/Juvenile Probation for filing with the Court or further diversion. If the student has attended a diversion program in that year or any previous school year and the student has committed a similar low-level school-based offense, the next similar minor school-based offense may result in a complaint being filed with the Court.

Notwithstanding this graduated response system, an SFPD officer has the discretion to refer the case to CARC.

## **20. TRAINING ON AND DISTRIBUTION OF MOU AND CROSS-AGENCY PROFESSIONAL DEVELOPMENT FOR PERSONNEL AND SCHOOL COMMUNITY**

SFPD shall ensure that this MOU is distributed to all of its police officers and SROs and that appropriate training regarding the provisions of this MOU and their responsibilities under the MOU is provided.

The SFUSD Associate Superintendent shall ensure that this MOU is distributed to all of its school sites and that appropriate training regarding the provisions of this MOU and staff responsibilities under the MOU is provided.

SROs and any police officers who may interact with SFUSD schools or school students will be encouraged to participate in at least one training per year provided by SFUSD regarding Restorative Practices, youth development and choices, relevant confidentiality laws, special education laws, and strategies for working and communicating effectively with students in the Special Education program. These trainings shall also include a significant youth-led component that focuses on building relationships with youth and understanding the perspective of youth. Youth-centered groups and commissions shall be consulted to develop the training and provided

with an opportunity to help lead the training.

SFPD and its SROs can provide professional development to SFUSD staff in the following areas: gang awareness and prevention; crisis response and personal safety, including sexual harassment. SFUSD security staff may avail themselves of SFPD trainings for their officers.

In an effort to establish and maintain a safe school environment, SROs can also provide expertise and training for the school community (students, staff, parents) with information regarding crime trends and current laws, including juvenile statutes and procedures relevant to schools.

SFUSD can invite and encourage SRO participation in professional development and training opportunities in the areas of Restorative Justice/Practices, Youth Development, teaching methodology and practice, and other educational reform initiatives to facilitate their understanding of the school culture. SFUSD can involve community based organizations to provide training for SROs.

The Associate Superintendent of Student, Family and Community Support for SFUSD shall inform the SRO Coordinator about relevant trainings that are appropriate for SROs.

## **21. LANGUAGE OF MUTUAL RESPECT**

The goal of this MOU with regard to language is to create an environment of mutual respect between SFPD members and the SFUSD's students, parents/guardians, teachers and administrators. All members of the school community shall treat each other with respect.

The SFPD's Rules of Conduct (SFPD General Order 2.01, Section 14 and attached hereto) demands that members of the SFPD treat all people with respect and SFPD will promptly take action to address the use of inappropriate language toward students or school staff. Such Rules of Conduct apply at all times, including during an arrest or investigation.

It is expected under this MOU that SFUSD students and personnel adopt the same respectful tone and conduct with each other and with SFPD officers on and about SFUSD campuses and that SFUSD staff and students will not use incendiary language or profanity toward SFPD officers. SFUSD staff will promptly take action to address the use of inappropriate language toward SFPD officers.

## **22. UNIFORM**

SROs shall wear the regulation SFPD uniform and operate a marked SFPD vehicle while on duty unless otherwise authorized by a SFPD supervisor.

## **23. FEEDBACK/DISPUTES RELATED TO SRO PROGRAM**

The SFUSD Restorative Practices Task Force, which shall include at least two youth members, shall hear feedback/disputes from parents/guardians, students, SROs and staff related to SRO, SFPD, or SFUSD staff compliance with this MOU. To the extent permitted by law, the Task

Force shall provide written findings to the person who filed the feedback/dispute within 21 calendar days after they are filed. The Task Force will provide findings and recommendations to the SFPD and SFUSD, related to the feedback/disputes within 21 calendar days after they are filed.

Additionally, parents/guardians, students and staff may file complaints with the Office of Citizens Complaints. In the event that the feedback/dispute involves SFUSD staff, the Taskforce may forward the information to SFUSD's Human Resource Department for appropriate action.

#### **24. SCHOOL SITE PRINCIPAL DUTIES REGARDING SRO PROGRAM**


It is the responsibility of the site principal to facilitate ongoing communication between the SRO and school staff. The site principal shall participate in meetings with the SRO Coordinator upon request of the Coordinator and/or the Associate Superintendent and with the SRO as discussed in section 7.

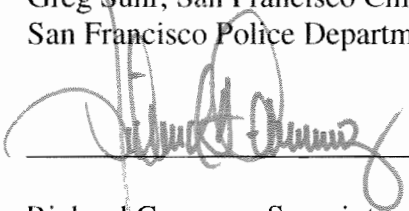
At least once each school year, the school site principal shall distribute a school climate survey to all students at the school to assess student safety and climate around student and police interactions and contact. The student climate survey shall be developed within 90 days of the effective date of this MOU in partnership with stakeholder groups and organizations that work with SFUSD students. Information from the school site survey shall be analyzed and aggregated at the school site and shared with the Associate Superintendent. The surveys shall be anonymous.

In the event that the site principal of the school to which the SRO is assigned feels that the particular SRO is not effectively performing his/her duties/responsibilities, or has a dispute or question regarding their SRO or concern that the terms of this MOU are not being followed, the site principal shall contact their Assistant Superintendent, the SRO Coordinator, and Station Captain as soon as it is practical to do so. The results of the school climate surveys shall be assessed to determine whether such a meeting should be initiated.

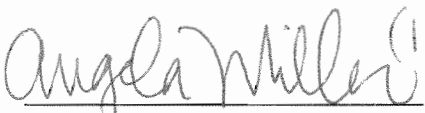
**25. STUDENT ADVISORY COUNCIL**

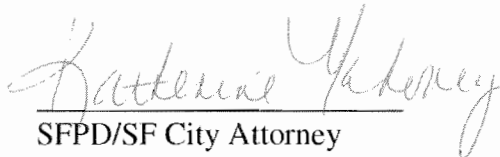
Representatives from the Student Advisory Council (SAC), including but not limited to the SAC Board Representatives, shall have the opportunity to comment on the report given by the SFPD and SFUSD to the Board of Education related to the SRO program as detailed in Section 4. Individual members of the SAC who attend schools with an SRO may participate in school site discussions about the SRO program.

  
\_\_\_\_\_  
Date 1/14/14  
Greg Suhr, San Francisco Chief of Police  
San Francisco Police Department

  
\_\_\_\_\_  
Date 1/14/14  
Richard Carranza, Superintendent of Schools  
San Francisco Unified School District

Approved as to form:

  
\_\_\_\_\_  
SFUSD Legal Office (1/14/14)

  
\_\_\_\_\_  
SFPD/SF City Attorney 1/14/14

**GENERAL RULES OF CONDUCT**

This order outlines the general rules of conduct for officers and non-sworn employees of the Department.

1. **ATTENTION TO DUTY.** The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments.
2. **OFF-DUTY RESPONSIBILITY.** While off duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action.
3. **MAINTAINING FIT CONDITION.** Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties.
4. **REPORTING FOR DUTY.** Members shall report for duty at the time and place required and be physically and mentally fit to perform their duties.
5. **PERFORMING DUTIES.** Members shall perform their duties promptly and according to Department policies and procedures.
6. **DRESS/APPEARANCE.** Members shall, while on duty, be dressed as prescribed for their assignment (see DGO 10.01, Uniform and Equipment Classes). Members shall be clean and neat in appearance, except when excused by a superior for a proper police purpose. When appearing before the Police Commission, members shall either wear their uniform or shall be dressed as prescribed for court appearances (see DGO 3.08, Court Appearances by Members.)
7. **MAINTAINING KNOWLEDGE.** Members shall maintain a working knowledge of all information required for the proper performance of their duties (see DGO 3.01, Written Communication System).

DGO 2.01  
08/11/05

8. **REQUESTING HEARINGS.** Whenever ten or more members want a hearing on a matter affecting the Department, they must submit a signed petition to the Chief describing their concerns and any recommendation they wish to make. The Chief shall note the petition and send it with any comments to the Police Commission for consideration. The Commission shall set the matter for hearing within 30 days. If the Commission declines to hear the matter, the members submitting the petition shall be advised of the reasons, in writing, within the same 30-day period.
9. **MISCONDUCT.** Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.
10. **WRITTEN ORDERS.** Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors. (see DGO 3.01, Written Communication System)
11. **CONFLICTING ORDERS.** If a member is given a lawful order that conflicts with a previous order or written directive, the member shall advise the superior of the conflict and proceed according to the superior's direction. The member may prepare a memorandum detailing the circumstances of the incident.
12. **ADDRESSING SUPERIOR OFFICERS.** Members shall, at all times, address superior officers by title of rank.
13. **RESPECTFULNESS.** Members shall be respectful to superiors at all times.
14. **PUBLIC COURTESY.** When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.
15. **TELEPHONE COURTESY.** When answering the telephone, members shall identify the station, bureau, or unit and give their rank and name. Members shall be courteous on the telephone.

16. CONTAGIOUS DISEASES. See Infectious Disease Control Manual, DM-04.
17. RESPONSIBILITY OF RANK. When assigned duties of a higher rank, officers shall assume the responsibilities that apply to the higher rank.
18. RESPONSIBILITY OF HIGHER RANK. Unless otherwise ordered, when two or more officers are on duty together, the highest ranking officer shall be in charge and is responsible for the proper completion of the assignment.
19. EQUAL RANK RESPONSIBILITY. Unless otherwise ordered, when two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.
20. INVESTIGATIVE RESPONSIBILITY. When an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation.
21. COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights).
22. CARE OF DEPARTMENT PROPERTY. Members shall take proper care of all Department property entrusted to them and shall be personally liable for its loss or damage due to negligence. (see DGO 10.02, Equipment)
23. USE OF DEPARTMENT PROPERTY. Members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer. (see DGO 10.02, Equipment)
24. LOSS OR DAMAGE TO DEPARTMENT PROPERTY. Members shall promptly report in writing any loss or damage to Department property entrusted to their use. Additionally, officers shall inspect their assigned vehicles and equipment and report any defect or damage, in writing, to their superiors. Failure to report defects or damage prior to use shall indicate that the officer assumes full responsibility for the damage. (see DGO 10.02, Equipment)

DGO 2.01  
08/11/05

25. ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention.
26. OFF-DUTY REPORTING. Officers shall, when off duty, report any serious crime or urgent police matter brought to their attention. Officers shall report any incident in which they become involved as a peace officer.
27. GIFTS, PRESENTS, COMPENSATION, REWARDS. Members shall not solicit or accept any gift, compensation or reward for the performance of their duties, except with the permission of the Police commission. When offered money or gifts for police services (other than monies received pursuant to Section 10 B.1 of the City Administrative Code), members who wish to accept the money or gift being offered shall submit a written report to their commanding officer. The report shall include a request for permission to accept the money or gifts, and include the date the offer was made, the name and address of the donor, and a brief description of the services rendered. Commanding officers shall forward these reports through channel to the Police Commission. The Commission may grant or deny the member permission to accept all or part of the money or gifts.
28. VEHICLE ACCIDENTS. See DGO 2.06, Vehicle Accidents Involving Members.
29. FILING SUIT. Members shall, prior to filing a suit for the collection of damages sustained in the performance of police duties, submit a written report to their commanding officer briefly describing the cause of action. Commanding officers shall forward these reports through channels to the Legal Division.
30. DEFENSE SUBPOENAS. See DGO 3.08, Court Appearances by Members.
31. FILING SUIT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO. Members shall, prior to filing a suit against the City or any of its departments, boards, tribunals or officers, submit a memorandum to their commanding officer briefly describing the cause of action. Commanding officers shall forward these memoranda through channels to the Legal Division. Also see DGO 3.15, Personal Property Claims.
32. ACCEPTING FEES. When offered a fee for testifying in any civil or criminal proceeding or deposition where the fee offered is greater than the fee set by law, members shall make a written application to the Police Commission to accept the fee. Members will be permitted to accept the fees only when all of the following are present:
  - a. The member has been legally subpoenaed.



- b. The member testifies during off-duty hours.
- c. The fee is in the form of a check made payable to the member.
- d. The fee does not exceed one day's pay.

Members who provide expert testimony on a regular basis (i.e., more than once a year), shall submit a secondary employment request and shall, if the request is approved, be governed by existing secondary employment regulations rather than by this rule (see DGO 11.02, Secondary Employment).

- 33. MEDIA. See DGO 8.09, Media Relations Policy.
- 34. MEMBERS RELIEVED OF DUTY. When relieved as unfit to exercise their duties, members shall submit to their commanding officer a handwritten report answering the accusation in detail. Members who are ordered to submit the report shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.
- 35. RESPONSIBILITIES OF MEMBERS WITH PRISONERS. Members shall be responsible for the custody, control, and safety of prisoners in their care until the prisoner has been formally remanded to the custody of another. Members shall treat prisoners with due respect and courtesy.
- 36. TRANSPORTING OF FEMALES. Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a Department vehicle, whether due to detention, arrest or any other reason, an officer shall notify Communications Division of the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the officer shall immediately notify Communications Division and provide the vehicle's ending mileage. Communications Division shall broadcast starting and ending times as an appropriate response, confirming the officer's broadcasts.
- 37. CONSUMING ALCOHOLIC BEVERAGES. See DGO 2.02, Alcohol Use By Members.
- 38. DRUG USE BY MEMBERS. See DGO 2.03, Drug Use By Members.
- 39. ALCOHOLIC BEVERAGES/CONTROLLED SUBSTANCES. Members shall not store or bring into any Department vehicle or facility alcoholic beverages or controlled substances, except in the performance of police duties.

40. **PERSONAL BUSINESS.** Members shall not, while on duty, engage in personal business or in any other activity that would cause them to be inattentive to duty.
41. **SICKNESS OR INJURY.** Members shall not falsely report themselves sick or injured.
42. **SLEEPING ON DUTY.** Members shall not sleep while on duty.
43. **BORROWING MONEY FROM BAIL BONDSMAN.** Members shall not borrow money or become indebted to a bail bond broker.
44. **LEAVING ASSIGNED POSTS.** Members shall not leave their assigned posts unless relieved, to take action in a serious matter, for personal necessity, or with a supervisor's permission.
45. **SECURING PERSONAL PRIVILEGES.** Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct.
46. **POLITICAL ACTIVITY.** Members shall not, while on duty or while acting as a representative of the Department, endorse political candidates or issues or participate in political campaigns. Members shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices.
47. **USE OF PRIVATE VEHICLES.** Members shall not use a private vehicle for police business, except with the specific approval of their commanding officer or officer-in-charge.
48. **COMPROMISING INVESTIGATIONS.** Except as required by law or by Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).
49. **DIVULGING CONFIDENTIAL INFORMATION.** Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

50. RECOMMENDING FOR PROFIT BUSINESSES. Members shall not recommend to non-city employees the name or employment of any attorney, bail bondsman or tow truck operator, or the name of a particular for-profit business when the member knows or should know that the member will directly or indirectly receive a benefit, service, or profit by such recommendation.
51. INDUCING RETIREMENTS. Members shall not offer to, or pay money, or provide any other consideration with the intent of inducing the retirement of any member of the Department, nor shall any member become a party to any such transaction.
52. SERVING SUBPOENAS, SUMMONS OR PAPERS IN CIVIL ACTIONS. Members shall not serve a subpoena, summons, or other paper in a civil action or render any assistance in such a case; however, when a crime is committed requiring an arrest, an arrest may be made even though the crime originated from a civil dispute (see DGO 6.09, Domestic Violence, DGO 8.05, Labor Disputes).
53. FURNISHING INFORMATION TO BAIL BONDSMAN OR ATTORNEYS. Except as required by law, members shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to bail bondsmen or attorneys or to persons working with or for bail bondsmen or attorneys.
54. LOANING MONEY TO PRISONERS. Members shall not loan or give money or anything of value to persons in custody, except with the permission of the station keeper.
55. TESTIMONIALS. Members shall not, in their official capacity, bestow testimonials or collect or receive money or anything of value from any person, except with the permission of the Police Commission.
56. SURREPTITIOUS RECORDINGS. Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video or audio) any other member who is on-duty without the express written approval of the Chief of Police.
57. CONFLICT OF INTEREST IN INVESTIGATIONS. If a member is assigned to an investigation in which the member knows or suspects, or should reasonable know or suspect, that the member has a personal or family interest the member shall immediately report the interest to the members immediate supervisor.

## Language Access Services for Limited English Proficient (LEP) Persons

The purpose of this order is to establish language access procedures, consistent with federal, state and local law, for San Francisco Police Department (SFPD) members to follow when encountering a limited English proficient (LEP) person. This order also defines the importance of effective and accurate communication between SFPD members and the community they serve. Language barriers can impede such effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

### I. POLICY

It shall be the policy of the San Francisco Police Department to take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the department's community policing and enforcement efforts.

### II. DEFINITIONS

- A. **PRIMARY LANGUAGE:** The language in which an individual is most effectively able to communicate.
- B. **LIMITED ENGLISH PROFICIENCY (LEP) PERSON:** Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English.
- C. **INTERPRETATION:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. **TRANSLATION:** The replacement of written text from one language (source language) into an equivalent written text into another language (target language).
- E. **QUALIFIED BILINGUAL MEMBER:** For purposes of this order, SFPD members who identify themselves as "bilingual" must demonstrate, through a formal procedure which has been established by the Department of Human Resources (DHR), competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning. The Department will provide all members with training in interpreting techniques, roles, and ethics so that they may understand and follow confidentiality and impartiality rules for interpreters as defined by DHR.

- F. **QUALIFIED CIVILIAN INTERPRETER:** A Qualified Civilian Interpreter is an individual who has been certified by the City or other designated qualifying agency. A Qualified Civilian Interpreter may be an employee of another city department or an outside agency contracted to provide language interpretation services to the Department. The Department will contract with outside agencies to provide in person as well as telephonic interpretation services.
- G. **EXIGENT CIRCUMSTANCES:** Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim.)

### III. PROCEDURES

SFPD members are to follow these procedures in all encounters absent exigent circumstances; however, exigent circumstances may require some deviation. In such situations, SFPD members shall use the most reliable, temporary interpreter available. Once the exigency has passed, members are expected to revert to the procedures set forth in this general order.

A. **GENERAL.** The following procedures shall apply to members who encounter LEP individuals while performing law enforcement functions.

#### B. IDENTIFICATION OF PRIMARY LANGUAGE.

1. All SFPD members will be provided a language identification card to aid in the identification of the primary language spoken by the LEP individual.
2. SFPD members should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, contract, or professional interpretation service. The member should then request the appropriate interpreter.
3. If the LEP person does not appear able to read or understand the language identification card, the member should call Department of Emergency Management (DEM/ECD) or the professional interpretation service and advise the service of the situation. With assistance from the language service member, members should attempt to ascertain the LEP individual's language in order to obtain a suitable interpreter.

#### C. USE THE SERVICES OF BILINGUAL MEMBERS

1. Staff Services shall maintain a listing of all SFPD Qualified Bilingual Members. This list will be provided to and kept at the Operations Center.
2. In the event that SFPD Bilingual Members are unavailable, SFPD members may also utilize a Qualified Civilian Interpreter. Contract and professional interpretation associations, or other professional interpreter services include interpretation services offering in-person interpretation, as well as those offering telephonic interpretation. SFPD

officers shall be provided with the appropriate contact information and any department account code information to access such services.

D. ORDER OF PREFERENCE. Members shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances.

1. Direct Communication by Qualified Bilingual Member: The preferred method of providing services to LEP persons is through the use of a Qualified Bilingual Member.
2. Use of Qualified Civilian Interpreter: When Qualified Bilingual Members are unavailable, members shall use a Qualified Civilian Interpreter or a professional interpreter to provide in person interpretation services.
3. Telephone Interpreter: When qualified interpreters are not available to provide service in person, SFPD members may utilize DEM/ECD or use the language card to access the professional language service provider or Qualified Civilian Interpreter to provide interpretation services by telephone.
4. Officers should take reasonable steps to insure that the qualified interpreter does not know any of the parties.

E. RESTRICTIONS.

1. SFPD members should not use family members, neighbors, friends, volunteers, bystanders or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victim and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.
2. If an exigent circumstance requires a member to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the member shall seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical.

F. GENERAL INTERVIEWS: When conducting general interviews, members should seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter, or the language line whenever the member encounters an LEP person who requests an interpreter or is unable to communicate with or is experiencing difficulty communicating with the member.

G. FORMAL INTERVIEW: The accuracy of victim and witness statements is a priority in criminal investigations. Thus, to ensure effective communication and accuracy, either a Qualified Bilingual Member or Qualified Civilian Interpreter shall be used when taking formal statements or conducting any formal interview of a LEP witness and/or victim. Written forms shall be provided to the witness and/or victim in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and

in the case of illiteracy, forms shall be read to the witness and/or victim in his or her primary language by a Qualified Bilingual Member, or Qualified Civilian Interpreter.

#### H. INTERROGATIONS

1. The Miranda admonition, and all other written forms shall be provided to the suspect in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms shall be read to the suspect, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.

#### I. PROCEDURES FOR SPECIFIC SCENARIOS

##### 1. Custodial Interrogations and Crime Victim Interviews:

- a. Formal crime victim interviews and custodial interrogations of suspects potentially involve statements with evidentiary value, upon which an individual may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and custodial interrogations presents risks to the integrity of the process. SFPD members must recognize that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A Qualified Bilingual Member or Qualified Civilian Interpreter shall be used for any custodial interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted. The preferred method for interviewing a LEP individual is direct communication. When a Qualified Bilingual Member is not available to directly communicate with a LEP individual a Qualified Civilian Interpreter shall be provided. The following procedures shall be utilized in custodial interrogations:

- 1) Contact a Qualified Bilingual Member or Qualified Civilian Interpreter to appear in person, unless the LEP person consents to the use of an interpreter via telephone or other exigent circumstance(s) exist. SFPD members shall have access to contract interpreters and/or a directory of professional interpreter associations and services. All LEP custodial interrogations shall be taped unless exigent circumstance(s) exist.
- 2) Advice of Miranda admonition and all other written forms and notices shall be provided to both the suspect and witness in his or her primary language when available. In the case of forms that have not been translated into the LEP person's primary language and in the case of illiteracy, forms shall be read to the individual, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.

##### 2. Field Contacts, Enforcement, and Investigations:

- a. Field contacts with LEP persons could generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts.

3. Notification of Interpretation Services to LEP Individuals: At the main public entry or lobby of each SFPD Facility, as defined in Administrative Code Section 91.2 (e), signs shall be posted stating that interpreters are available free of charge to LEP individuals.
- J. INCIDENT REPORTS. Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, and the manner in which interpretation services were provided.
- K. TRANSLATED DOCUMENTS. SFPD shall maintain written forms and guidelines for assistance to LEP individuals.
1. Transcribing Tapes and Other Evidence Into English: The Department shall translate tapes, documents, evidence, or documents submitted by LEP individual(s) into English when such evidence is necessary to continue the investigation and/or prosecution of a criminal case or a Departmental administrative investigation.
- L. AIRPORT BUREAU. Airport Bureau members, and other members of the San Francisco Police Department providing services at the Airport, will adhere to department policies. Airport Bureau members and other members of the San Francisco Police Department providing services at the Airport will contact Airport Communications when language assistance is required at the San Francisco International Airport.
- M. COORDINATION WITH DEPARTMENT OF EMERGENCY MANAGEMENT. On a monthly basis the Department shall provide the Department of Emergency Management (DEM/ECD) with a copy of the Department's Bilingual Personnel List.
- N. TRAINING.
1. In an effort to ensure all SFPD members are properly trained in these guidelines, the SFPD will provide periodic training in member awareness of the LEP policies, how to access both in-person and telephone interpreters, and how to work with interpreters. The Department shall conduct such trainings for new recruits, at in-service training and at Roll Call for SFPD members at least every two (2) years. Initial training shall be conducted within 180 days of the Police Commission's adoption of this General Order.
- O. RECORDING AND TRACKING OF LANGUAGE ACCESS EFFORTS: The Deputy Chief of the Administration Bureau will be responsible for, and will direct as necessary, divisions within the Bureau to address translation and interpreter services, develop training, respond to language access concerns/suggestions by staff and the public, review Department progress and coordinate budgetary, procurement and contracting matters related to language access.
1. Language Access Liaison Officer
    - a. The Department shall designate a Language Access Liaison officer. This officer shall prepare quarterly (or more frequently as needed), a written report on LEP matters, through the chain of command, to the Chief of Police.



- b. The Language Access Liaison officer's duties include but are not limited to:
    1. Monitoring compliance with the General Order;
    2. Coordinating language access training at the Academy;
    3. Coordinating interpreter training for qualified bilingual members and employees;
    4. Coordinating telephonic and third party interpreter services as required by this order;
    5. Working with the Department of Emergency Management to establish a system that immediately identifies LEP calls and promptly dispatches language assistance, preferably with a bilingual officer speaking the needed language;
    6. Coordinating as needed meetings with the Office of Citizen Complaints and community groups to discuss and resolve language access complaints;
    7. Overseeing the LEP data collection as detailed below; (this will require implementation of RMS); and
    8. Preparing a biannual report for the Police Commission addressing the Department's language access efforts.
  2. Each year, the Department shall collect the information required by San Francisco Administrative Code sec. 91.9(b)(1-14). In addition, the Department shall collect LEP data as to all calls for service, contacts and investigations that require an incident report.
  3. In a yearly report to the Police Commission, the Department shall provide data concerning 1) the number of calls for service, contacts and investigations involving LEP persons where an incident report was required; 2) the manner in which interpretation services were provided; 3) any complaints concerning language access which have been forwarded by the Office of Citizens Complaints; and 4) the Department's resolution to any language access complaints. This report shall be a public document that is posted on the Police Department and Police Commission's website and provided to the Office of Citizen Complaints in advance of its presentation to the Police Commission.
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Reference:

DGO 2.04, Citizen Complaints Against Officer

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**POLICIES AND PROCEDURES FOR JUVENILES DETENTION,  
ARREST, AND CUSTODY**

The purpose of this order is to set policy and procedures regarding arrest, detention, shelter bookings, and diversion of juveniles.

**I. POLICY:**

It is the policy of the San Francisco Police Department that all members shall treat individuals with respect and courtesy regardless of age or social status, and shall comply with all relevant General Orders, including but not limited to General Order 5.15 (Enforcement of Immigration Laws), General Order 5.17 (Policy Prohibiting Biased Policing) and General Order 5.20 (Language Access Services for Limited English Speaking Persons). Members of the San Francisco Police Department have a unique opportunity to influence the lives of children and youth. Members shall seek partnerships with families, schools and juvenile-centered groups to prevent and solve problems affecting children and youth. When detaining, arresting or taking a juvenile into temporary custody members shall choose the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the child and the community.

Members shall protect the constitutional rights of all individuals with whom they come into contact regardless of age. Every juvenile shall be treated in accordance with all applicable laws. Airport Bureau members will comply with the contents of this order, however, since the Airport Bureau utilizes San Mateo County Juvenile Facilities, these members will comply with exceptions to this order defined in Airport Bureau General Order 97-013.

**II. DEFINITIONS:**

- A. JUVENILE: Any person under 18 years of age.
- B. CHILD: Any person under 14 years of age.
- C. INFANT: Any person under 2 years of age.
- D. DEPENDENT: Any person under the age of 21 who is under the jurisdiction of the Juvenile court because of parental abuse, neglect, or abandonment.
- E. GUARDIAN: Adult responsible in the absence of a parent.
- F. MINOR: Any person under 21 years of age

**G. EXIGENT CIRCUMSTANCES:**

Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim.)

**III. PROCEDURES:** Members should avoid bringing juveniles into any police facility (including district stations) that contain a lockup for adults. Members should make reasonable efforts to investigate, facilitate release, or arrange transfer of the juvenile from the field or from juvenile facilities such as Huckleberry House, Community Assessment and Referral Center (CARC), and Juvenile Justice Center (JJC- formerly YGC). Only after a member has made reasonable efforts from the field or from juvenile-centered facilities such as Huckleberry House, CARC, and JJC to investigate, facilitate release, or arrange for transfer of the juvenile, may a member bring a juvenile to a police facility that contains a lockup for adults. In the extraordinary circumstance that requires a member to bring a juvenile to a police facility containing a lockup for adults, the member shall strictly comply with the following procedures:

**A. EMERGENCY OR TEMPORARY SHELTER (300 W&I).** Members shall take all juveniles detained for emergency or temporary shelter to the Child Protective Services (CPS) for medical screening and placement. Detention for emergency or temporary shelter is appropriate when any of the following conditions exist:

1. The juvenile is in immediate need of medical care.
2. The juvenile's physical environment poses an immediate threat to the juvenile's health or safety.
3. A juvenile left unattended poses an immediate threat to the juvenile's health or safety. Prior to detaining the juvenile, members shall attempt to contact the juvenile's parent or guardian to determine if the parent or guardian is able to take custody of the juvenile.
4. The juvenile is in immediate danger of physical or sexual abuse.
5. The juvenile has been ordered by juvenile court to be temporarily removed from the custody of his or her parents and a member has reason to believe that the juvenile has violated an order of the juvenile court or has left any placement ordered by the juvenile court.
6. **WRITTEN STATEMENT:** When the juvenile has been taken into temporary custody pursuant to Section 305 W&I, officers shall take reasonable steps to inform the parent, guardian, or responsible person, that the juvenile has been taken into protective custody. Further, the parent, guardian, or responsible person shall be advised that a written statement is

available which explains the parent's or guardian's procedural rights and the preliminary stages of the dependency investigation and hearing. The written statement is available through all public schools, probation offices, and welfare offices.

- B. TEMPORARY DETENTION: When taking a juvenile into temporary detention under Section 601 W&I (runaway, beyond parental control) or 602 W&I (violation of criminal law), members shall follow these procedures:
1. SEARCHES: Search the juvenile for weapons, evidence or contraband, refer to Section H.
  2. MIRANDA: Read the juvenile the Miranda advisement (625 W&I Code). Members shall take reasonable steps to read the advisement as soon as practical, but with-in a half-hour of taking the juvenile into custody. The name of the member reading the Miranda advisement shall be included in the police report. If the juvenile was taken to a police facility, the arresting officer shall document on the Secure or Non-Secured Detention of Juvenile Log Forms (SFPD 473/472) their name, star and who provided the Miranda advisement to the juvenile.
  3. PARENTAL NOTIFICATION: Take immediate steps to notify the juvenile's parent, guardian, or a responsible person that the juvenile is in custody and the place where he or she is being held.
  4. JUVENILE FACILITY: After a member has made reasonable efforts from the field or from appropriate juvenile-centered facilities (e.g. Huckleberry House, CARC, or JJC) to investigate, arrange release, or transfer, may a member bring a juvenile to a police facility containing an adult lockup.
  5. DETENTION LOGS: Prior to the end of each watch, the platoon commander shall ensure that the Secure or Non-Secured Detention of Juvenile Log Forms (SFPD 473/472) have been properly completed.
  6. TELEPHONE CALLS: Immediately after taking the juvenile to a place of confinement and, except where physically impossible, no later than one hour after he/she has been taken into custody, members shall allow the juvenile to make at least two telephone calls: one call completed to his/her parent or guardian, a responsible person or his/her employer, and another call completed to an attorney.
  7. ACCESS TO BASIC AMENITIES. In secure and non-secure detention, members shall ensure that the following amenities are made available to juveniles:
    - a. Reasonable access to toilets and washing facilities,

- b. A snack if the juvenile has not eaten within 4 hours,
  - c. Reasonable access to drinking water,
  - d. Privacy during visits with family, guardian, and/or lawyer,
  - e. Reasonable access to a telephone.
8. WELL-BEING: Members are responsible for the security, safety, and well-being of detained juveniles.
9. SUICIDE RISK AND PREVENTION: Members shall keep any juvenile who appears suicidal under constant personal observation while in their temporary custody. Members shall, as soon as practical, contact a supervisor who shall then be responsible for having the juvenile appropriately evaluated for psychiatric services. Members shall notify the juvenile's parent, legal guardian, or responsible person (foster parent, boarding school, etc.), in the event of a suicide attempt. (See DGO 7.02, Psychological Evaluation of Juveniles).
10. MEDICAL ASSISTANCE AND SERVICES: Members shall ensure that juveniles who are obviously injured or ill are examined at SFGH prior to being booked. In the event of an emergency medical situation, an ambulance should be summoned immediately. Members shall make notification to the juvenile's parent, legal guardian, or responsible person (foster parent, boarding school, etc.), in the event of a serious illness or injury. (Also see DGO 5.09, Absentia Bookings and Prisoner Security.)
- C. JUVENILE DETAINED FOR 601 W&I OFFENSES: A juvenile held in non-secure custody for any violation of 601 W&I may not be securely detained unless the juvenile commits separate criminal violations which would violate 602 W&I (criminal offense) while in custody. If a juvenile commits a separate criminal violation, members shall refer to Section D and follow procedures for a 602 W&I or a 5150 W&I detention. When detaining for 601 W&I, members shall strictly comply with the following policies:
1. Members shall not hold a juvenile in a locked room.
  2. Members shall not handcuff juveniles to themselves or any fixed object.
  3. Members shall ensure that juveniles do not have any contact with any adult or other juvenile prisoners.
  4. Members shall maintain direct visual supervision of the juvenile at all times to prevent any communication between adult prisoners and juveniles and to ensure the safety of the unsecured juvenile.

5. Members shall not use video equipment as a substitute for constant personal observation.
6. No juvenile shall be detained at a district station more than six hours.
7. If a member is unable to reach the juvenile's parent(s), guardian, or responsible person or if the parent/guardian cannot or will not respond, members shall take the juvenile to Huckleberry House or other agency contracted by the City and County to receive juveniles for any violation of 601 W&I.
8. Members shall make an entry into the Non-Secure Detention Log (SFPD 472) indicating the reasons and circumstances for the non-secure detention, starting time and ending time of the detention, and the officer's name and star.

D. JUVENILE DETAINED FOR 602 W&I OFFENSES:

1. NON-SECURE CUSTODY. Juveniles detained for 602 W &I offense, under the age of 14 (regardless of the offense), and juveniles age 14 and over, who do not reasonably present a serious security risk of harm to themselves or others, shall be held in non-secure custody. These juveniles shall be held in accordance with section C.1 through C.8 of this general order.
2. SECURE DETENTION: A juvenile age 14 and over, who the detaining members reasonably believe present a serious security risk of harm to self or others, may be held in secure detention.
  - a. Members shall take reasonable steps and consider the following factors before placing a juvenile in secure detention:
    - 1) The juvenile's physical and emotional age, maturity, and history of delinquency and criminal contacts,
    - 2) The seriousness of the offense,
    - 3) The juvenile's behavior,
    - 4) Availability of staff to adequately supervise a juvenile, and
    - 5) The age, type and number of other subjects being held at the facility.
  - b. Members shall adhere to the following policies when holding a juvenile in **secure detention**:

- 1) Members shall inform the juvenile of the purpose for his or her detention, the expected detention time and of the 6 hour maximum.
- 2) Members may handcuff the juvenile to a stationary object for a maximum of 30 minutes. After 30 minutes, members shall either remove the juvenile from secure detention or obtain approval from a supervisor to extend the secure detention. Each 30 minute extension shall be approved and recorded by a supervisor on the detention log.
- 3) If an adult prisoner is present with the juvenile in the same room or area, members shall maintain constant direct visual supervision of the juvenile at all times to prevent any communication between adult prisoners and juveniles and to ensure the safety of the juvenile.
- 4) Members shall make an entry in the Secure Detention log (SFPD 473) indicating the offense, reasons and circumstances for the secure detention, the starting and ending time of the detention, and the names of the member and the supervisor who approved the detention.
- 5) A juvenile shall be permitted to retain and wear his/her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.
- 6) When a juvenile is released from secure detention but remains at the police facility, the non-secure detention log (SFPD 472) shall also be completed.

### 3. INTERROGATIONS:

- a. Immediately prior to questioning a juvenile, members shall again advise the juvenile of the Miranda admonishment. Such admonition shall be given in language appropriate to the age and the sophistication of the juvenile and in accordance with General Order 5.20. In addition to the Miranda admonishment, the officer shall tell the juvenile that he or she may have a parent/guardian present before and during an interrogation.
- b. Immediately after taking the juvenile to a place of confinement and, except where physically impossible, no later than one hour after he/she has been taken into custody, allow the juvenile to make as least two telephone calls: one call completed to his/her parent or guardian, a responsible person or his/her employer, and another call completed to an attorney

- c. If a juvenile expresses a wish to have a parent/guardian present during the interrogation, this will be allowed unless the parent/guardian is a witness or suspect to the crime for which the juvenile is being interrogated or exigent circumstances exist (e.g., unduly hampered by the delay or if an emergency exists).
- d. The number of officers interrogating a juvenile shall be limited to two at any given time.
- e. Interrogations shall be audio recorded absent exigent circumstances.
- f. Members shall take reasonable steps to notify parents or guardians as described in Section III.G, below.

**E. 601 & 602 W&I CODE OPTIONS:** When determining which disposition of the juvenile to choose, the officer shall elect the alternative which least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the minor and the community. If circumstances do not warrant admonishing, diverting or citing, members shall phone a juvenile probation officer assigned to the Community Assessment Referral Center (CARC) or other designated receiving facility

**F. PROCEDURES FOR ADMONISHMENT, DIVERSION, CITATION AND BOOKING:**

- 1. **ADMONISHMENT:** If circumstances do not warrant diverting, citing, or booking, members may admonish the juvenile at the scene, or in the presence of a parent or guardian. Members should only admonish juveniles who have no prior 602 W&I contacts and whose involvement in the crime was minimal. Notification may be made by telephone, in person, by leaving a note, or by going to the juvenile's home, as appropriate.

Upon admonishment and release of a detained juvenile, the officer shall issue an 849(b)(1) PC form and prepare an incident report as required by DGO 5.03.

Upon admonishment of a juvenile who was free to leave at any time during the contact (i.e. not detained) or briefly detained, members need not issue a certificate of release or complete an incident report (DGO 5.03).

- 2. **DIVERSION:** When admonishment is insufficient, but circumstances do not warrant citing or booking, members may divert the juvenile as follows:
  - a. **601 W&I VIOLATION:** A juvenile may be diverted for 601 W&I violation (runaway, beyond parental control) to the Huckleberry House or other agency contracted by the City and County to receive juveniles held for any violation of 601 W&I. A member of the Juvenile



Probation Department will be on duty to process the offender. Members shall prepare an incident report and an admission form and shall attach a copy of the form to the report.

- b. 602 W&I VIOLATION: If a juvenile has been arrested for a non-violent offense and has little or no criminal record, the juvenile may be eligible for diversion. **ALL** of the criteria on the Diversion Form shall be met. When diverting a juvenile for a criminal offense (602 W&I), members shall follow these procedures:
  - 1) Members shall obtain parental consent to divert the juvenile from the juvenile's parent or guardian and inform the parent or guardian that a diversion officer will contact him or her.
  - 2) Complete the Juvenile Diversion Checklist (SFPD 245) and fax it with a copy of the incident report to the Juvenile Division.
  - 3) When completing SFPD 245 members shall enter an "X" in the subject code and list the offense(s) committed. Members shall title the report by naming the incident followed by the phrase "Juvenile Diverted" (e.g. Vandalism/Juvenile Diverted). A juvenile may be diverted in the same incident where others are cited or booked.
  - 4) Members shall forward a photo of any evidence to the Juvenile Division.
  - 5) Members shall not process or obtain "J" numbers for diverted juveniles.
  - 6) Members shall attach a copy of SFPD 245 to the incident report.
3. CITATIONS: Whenever possible, members should cite juveniles and release them to their parent, guardian or responsible person. Members who believe that a violation should be brought to the attention of the Courts, but believe booking the juvenile is not necessary, shall cite the juvenile.
  - a. CRIMINAL CITATION (602 W&I)  
See DGO 5.06, Citation Release.
  - b. TRAFFIC INFRACTION CITATION  
See DGO 9.01, Traffic Enforcement.
4. BOOKING: Members shall book when any of the following exists.
  - a. The seriousness of the offense is such that the release of the juvenile would prove dangerous to the public, as determined by the

Risk Assessment Instrument and in consultation with a Juvenile Probation Officer.

- b. The juvenile is arrested pursuant to a warrant.
- c. The juvenile is in possession of a firearm.
  - i. Pursuant to a Memorandum of Understanding between the Department of Social Services and the Juvenile Probation Department, members shall book any child under the age of eleven who is being booked for 602 W&I offenses at the Child Protection Center (CPC) not the Juvenile Justice Center (JJC).
  - ii. Before booking a juvenile, the arresting officer shall complete an admission form summarizing the circumstances of the offense and declaring the probable cause for arrest.
  - iii. The officer shall phone a juvenile probation officer assigned to the Community Assessment Referral Center (CARC) or other designated receiving facility. Members shall not transfer the juvenile to other members, JJC, CARC or other receiving facilities unless an admission form has been completed by the arresting officer.

5. Members shall follow juvenile procedures established through "A" Priority Department Bulletins.

**G. NOTIFICATION OF PARENT OR GUARDIAN:** When a juvenile has been detained, brought into a police or juvenile facility, or has been transported by a member, that member shall take immediate steps to notify the juvenile's parent, guardian, or a responsible person that the juvenile is in custody and the place where he/she is being held, was transported or temporarily detained.

- 1. NOTIFICATION: Notification may be made by telephone, in person, by leaving a note, or by going to the juvenile's home, as appropriate.
  - a. When a parent, guardian or responsible person is contacted, he/she shall be notified where the juvenile is in custody, the violation or the reason for the detention and/or transportation. Further, he/she shall be informed of the Miranda Rights of the juvenile and that such admonishments have been given to the juvenile. Parent and juvenile will be allowed to speak with one another (at this point) if either party so desires.
  - b. Should an initial attempt to contact a parent, guardian or responsible person fail, renewed attempts shall be made by phone every thirty minutes until the processing and investigation has been completed.

The time of all calls shall be entered on the Non-Secured or Secured Detention Logs.

- c. If a parent, guardian or responsible person has not been contacted at the conclusion of the investigation and processing, the assigned officer shall be responsible for arranging for delivery of the written notification to the parent, guardian, or responsible person (providing information about the juvenile's detention, his/her present whereabouts, and the name of the assigned officer or responsible contact officer).
2. **OUT OF TOWN:** If the juvenile resides outside of the city, members shall make a telephone call to the parent, guardian or responsible person. When possible, members should attempt to make this call collect. If notification cannot be made by telephone, members shall arrange for notification through the local law enforcement agency.
  3. **JUVENILE VICTIMS:** When a member takes a report from a juvenile who is a victim of a crime, the member shall notify the juvenile's parent, legal guardian, or responsible person as soon as reasonable. This notification is not to be made in the event that the suspect is the parent, guardian or responsible person. If the report is being taken at a school, the member may request school personnel make the notification.
  4. **DOCUMENTING NOTIFICATION:** Members shall include in their incident report how notification was made or what actions the member took in attempting to notify parents or guardians.
- H. **SEARCHING JUVENILES:** Members shall search juvenile arrestees immediately for weapons, contraband and items of evidence. Juvenile searches shall be conducted only by a member of the same gender as the juvenile.
1. **EXIGENT CIRCUMSTANCES:** If a member has knowledge or reasonably believes that a juvenile of the opposite sex has a dangerous weapon concealed upon him or her, the juvenile may be restrained (handcuffed) until a search can be made by a member of the same gender as the juvenile. If there is a life-threatening situation, a member may search a juvenile of the opposite gender.
- I. **TRANSPORTING JUVENILES:** Members may only transport a juvenile for a lawful police purpose. Members shall make parental notification as per Section III. G.
1. **WITH ADULTS:** Members shall not knowingly transport juveniles with adult arrestees.

2. **FEMALE JUVENILES:** Female juveniles shall, when possible, be transported by female officers. If a female officer is unavailable, then two male members shall transport female juveniles with a supervisor's approval.
3. **DOCUMENTING THE TRANSPORT OF JUVENILES:** Prior to the transport of any juvenile, officers shall broadcast to Department of Emergency Management (DEM) his or her destination and the police vehicle's starting mileage. Upon arrival, officers shall inform DEM of their ending mileage. In both instances, dispatch shall broadcast and record in CAD a starting time and ending time for the transport.
4. **USE OF SEATBELTS:**  
(See DGO 9.04) Seat Belt Policy

#### **J. JUVENILE NUMBERS AND PROCESSING**

1. **JUVENILE NUMBERS:** Members shall obtain a juvenile number (J number) when formal action is taken against a juvenile under Section 601 or 602 W&I Code.
2. **PROCESSING:** Members shall process a juvenile when:
  - a. The juvenile is arrested for any felony offense, or
  - b. The juvenile is arrested for any firearm or weapon related offense, or
  - c. The juvenile is arrested for sex/prostitution related offenses, or
  - d. The juvenile has a failure to appear on his/her record, or
  - e. The juvenile's identity cannot be confirmed.

When booking a juvenile for 601 or 602 W&I Code and processing is not necessary, members shall affix the juvenile's right thumb print on the back of the police liaison copy (goldenrod) of the admission form. Members shall document in the incident report the method used to confirm the juvenile's identity.

#### **K. CHANGES OF CUSTODY**

1. If a subject is taken into custody for an adult warrant and prior to booking it is discovered that the subject is a juvenile, members shall process the subject as a juvenile and book him or her at JJC. Members shall notify CJ #9 and request that a booking form be completed with a notation that the subject is a juvenile and is being held at JJC.

2. If a subject booked at CJ #9 is found to be a juvenile, a unit from Southern Station, shall process and transport the juvenile to JJC. If the juvenile is violent, members may use a patrol wagon to transport the juvenile.
3. If a subject over 18 years of age is arrested for a juvenile warrant, members shall book the subject at County Jail #9. If the subject has additional charges, members shall notify JJC, book the subject at County Jail #9 and place a hold on the subject for Juvenile Court.

**L. UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR NARCOTICS:**

Members shall have juveniles who are under the influence of alcohol or drugs taken by paramedics to SFGH for medical examination prior to being booked at JJC. If the juvenile must remain in the hospital and booking is required, members shall complete an admission form and deliver it to JJC. Members shall place a police hold on the juvenile and request that a counselor be dispatched to the hospital for the purpose of taking custody of the juvenile.

Members shall remain with the juvenile until medically cleared or relieved by the counselor from JJC. If released by medical staff while still in police custody, members shall transport the juvenile to JJC. If the juvenile is violent, members may request the patrol wagon from Mission Police Station.

**M. JUVENILE JUSTICE CENTER ADMISSIONS AND REPORT REQUIREMENTS.**

1. Members shall complete Section (A) of the Juvenile Detention Disposition Report Form (#JUS 8716) for any arrest of a juvenile for any criminal offense except 647(f) P.C. and Vehicle Code Violations that are categorized as infractions.
2. When a juvenile is being admitted to Juvenile Justice Center (JJC) for a criminal offense, the member shall provide the incident report to JJC as soon as possible.
3. When a juvenile is being admitted to (JJC) for a criminal offense, members shall complete Section (A) of the Juvenile Detention Disposition Report Form (#JUS 8716) and submit this form to the on-duty probation officer along with the admission form, San Francisco Juvenile Court, Form #1202-03. Members shall also attach a photocopy of the face sheet of the Juvenile Detention Disposition Report Form (#JUS 8716) to the original incident report to be forwarded to the Report Management Section.
4. When completing the admission form, in addition to providing a probable cause statement, members shall provide, when available, aggravating and mitigating information about the juvenile and offense. For example, relevant information may include the seriousness and extent of injury to a victim, value of property stolen or damaged, degree of juvenile's

involvement in an offense, prior offense history or lack thereof, ability of family member to supervise juvenile, flight risk, juvenile's school and employment record.

5. When members are instructed by the probation officer assigned to the Community Assessment Referral Center (CARC) or other designated receiving facility to transport the juvenile to the Center for citing and release, the member shall complete Section (A) the Juvenile Detention Disposition Report Form (#JUS 8716). Members shall also attach a photocopy of the face sheet of the Juvenile Detention Disposition Report Form (#JUS 8716) to the original incident report to be forwarded to the Report Management Section.
6. If CARC or other designated receiving facility is closed or declines to receive a juvenile and the juvenile is not going to be referred to JJC, members shall issue a citation to the juvenile and release the juvenile to a responsible person.

Members shall complete Section (A) of the Juvenile Detention Disposition Report Form (#JUS 8716) and submit the original form along with an attached photocopy of the incident report through inter-department mail to the Juvenile Division, attention JJC liaison officer. A photocopy of the face sheet of the Juvenile Detention Disposition Report Form (#JUS 8716) shall be attached to the original report to be forward to the Report Management Section.

- N. **RELEASING A JUVENILE:** Members are required to ensure the safety of the juvenile in their care or custody. Members shall document the name of the responsible person to whom the juvenile was released in the police report or in the CAD history. Members shall consider factors such as time of day, location of release, and the age and known vulnerability of the juvenile in determining the best circumstances for releasing that juvenile.
- O. **PSYCHIATRIC CASES:**  
(See DGO 7.02, Psychological Evaluation of Juveniles.)
- P. **MISSING JUVENILES:**  
(See DGO 6.10, Missing Persons)
- Q. **SEXUAL ASSAULTS:**  
(See DGO 6.16, Sexual Assaults)
- R. **IN-CUSTODY DEATH**  
(California Code of Regulations (CCR) Title 15, Section 1046; See DM 12, Booking and Detention Manual, Section 12, Emergency Procedures)
- S. **REVIEW OF DEPARTMENT BULLETINS CONCERNING JUVENILE PROCEDURES.**

DGO 7.01  
Rev. 05/07/08

All Department Bulletins concerning Juveniles will be reviewed 90 days before their expiration date in accordance with department policy.

**Reference:**

DGO 5.03, II A (1) and (2), Brief Detentions & Prolonged Detentions.  
DGO 5.06, Citation Release.  
DGO 5.20, Language Access Services for Limited English Proficient Persons.  
DGO 6.10, Missing Persons.  
DGO 6.16, Sexual Assaults.  
DGO 7.02, Psychological Evaluation of Juveniles.  
DGO 9.01, Traffic Enforcement.  
DGO 9.04, Seat Belt Policy.  
DM 12, Booking and Detention Manual.



*Rescinded, Amended, and Re-Adopted by the  
Board of Education at its Regular Meeting of June 22, 1999*

Subject: Resolution No. 92-23A6

**COLLABORATING WITH THE COMMUNITY TO ENSURE SAFE SCHOOLS**

- Commissioner Steve Phillips

WHEREAS: The San Francisco Unified School District wishes to continue its successful collaboration with law enforcement to ensure safety in our schools; and

WHEREAS: The SFUSD and the San Francisco Police Department work as a team to enhance the security and education of the SFUSD staff and its students;

WHEREAS: SFUSD wishes to maintain and strengthen the relationship of trust between schools and student's families.

WHEREAS: SFUSD recognizes the serious potential consequences for youth of juvenile court involvement and wishes to avoid unnecessary criminalization of our students.

WHEREAS: The San Francisco Police Department devotes more than 50 officers to school related issues, including School Resource Officers assigned to every middle school and twenty "29 cars", whose primary responsibility are to provide assistance to schools and to respond to juvenile-related activity in and around schools and in the community;

WHEREAS: SFUSD staff members and administrators work with School Resource Officers and 29 cars to provide a law enforcement presence on school campuses in order to reduce crime and foster positive interaction and improve communication between police officers, staff and students;

WHEREAS: SFUSD works with the SFPD to provide educational courses to its students in areas such as personal safety, vehicle safety, drug and alcohol education, truancy prevention, delinquency prevention, crime prevention, and gang-related issues;

WHEREAS: SFUSD and the SFPD wish to encourage, continue and improve upon the involvement of law enforcement in the education and safety of the students and staff; and

WHEREAS: SFUSD wishes to maintain District-wide consistency with regard to the procedure for requesting police response to an incident regarding the potentially criminal behavior of a student;



COLLABORATING WITH THE COMMUNITY TO ENSURE SAFE SCHOOLS,

- Commissioner Steve Phillips

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NOW THEREFORE BE IT RESOLVED:

\* A. Staff members and school site administrators shall only continue to request police assistance in the following situations:

- 1) When police involvement is necessary to protect the physical safety of students or staff;
- 2) When required by law (Please refer to the student handbook);
- 3) When appropriate to address criminal behavior of persons other than students.

Police involvement should not be requested in any situation that can be safely and appropriately handled by the school or District's internal disciplinary procedures.

B. Staff members and school site administrators should continue to encourage informal contact between police officers and students, including counseling and implementation of crime prevention programs, and other school related activities. With respect to disciplinary matters, no staff member or school site administrator should request that police officers perform functions normally within the purview of District employees. Specifically, no employee should use police officers to interview students or otherwise collect evidence for an expulsion hearing, unless the employee believes that such an investigation could pose a danger to themselves or others.

C. The District shall distribute a list of community resources that a teacher or school administrator may use to address problem behavior in students, such as gang prevention programs.

D. All school staff shall receive information regarding counseling services and receive training on how to assist students dealing with behavioral, personal, and educational issues. When a student has persistent behavioral problems, the school site and Youth Development and Coordinated Services Department shall continue to develop a plan for services for that student which would include counseling services.

E. If a district employee believes that police assistance is required to address the behavior of a student, the following procedures shall apply:

1. If a student poses an immediate danger to the student or others, a staff member should, in an emergency or crisis situation that reasonably precludes prior notification of the school site administrator, call "911," a 29 car, or any other police officer. The staff member should notify the school site administrator as soon as possible after making a request for such emergency response.

2. If a student does not pose an immediate danger to the student or to others, a staff member should contact a school site administrator prior to requesting police response to an incident involving potentially criminal behavior by a student. That administrator shall determine whether the incident falls within the criteria described in Section A.

3. In situations where police are on campus for other reasons, such as teaching a class, the above procedure must still be followed in that the above criteria must still be met prior to involving police in a school discipline matter.

4. When either the staff member or the school site administrator requests that the police respond to an incident involving potentially criminal behavior by a student, the school site administrator must notify the School Operations Office regarding police response to incidents involving students as soon as possible, and prepare a written incident report to the School Operations Office on the same day. District staff shall monitor reports of calls to police. Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.

5. Except in emergency situations, the school shall conduct its own investigation prior to making the decision to request police involvement, including interviewing the student and other witnesses, in order to determine whether police involvement is warranted under this resolution.

6. When Car 29 or other police officers come to schools for classroom activities, outreach efforts or other community partnership activities, a.g.: for non-enforcement and non-emergency functions, they shall not bring any firearms onto the campuses or facilities of the SFUSD.

*6. That the staff is requested to meet with the San Francisco Police Department to develop appropriate MOU's defining the Car 29 and all other school-police partnership programs by the start of the 1999-2000 school year. As part of these MOU's, the Board of Education requests the police to explore the possibility of not bearing arms when on campus for these non-enforcement roles.*

**F)** Except in situations where the student is a suspected victim of child abuse, the school must immediately call the student's parents. Efforts to contact parents must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any number supplied by the student. Parents must be given reasonable opportunity to come to the school and be present for any police interrogation. If a parent cannot be found, the school site should offer the student the option of having an adult, of his or her choice if available, from the school present during an interrogation.

G. The Pupil Personnel Department shall develop and provide an annual training to all administrators, deans, counselors, teachers, and other on-sight personnel. The training shall address the enforcement of the procedures set forth in this resolution, the rights of minors with regard to the police, and the potential consequences for youth of police and/or juvenile court involvement.

H. The Board shall appoint a committee of parents, students, school staff, police and community members to review summaries of incident reports submitted to Operations, redacted copies of records from CARC, and input from parents, students and community and make a report to the Board in the Spring of 2000. The District shall make a report of police involvement, broken down by type of offense, available to this committee on a quarterly basis.

**SUBSTITUTE MOTION; amended and adopted by the Board of Education at its Regular Meeting of October 13, 2009**

Subject: Resolution No. 96-23A1

**In Support of a Comprehensive School Climate, Restorative Justice,  
and Alternatives to Suspensions/Expulsions**

- Commissioners Jane Kim, Sandra Lee Fewer, and Kim-Shree Maufas

**WHEREAS:** In June 2005, the Board of Education adopted Resolution No. 55-24A5, "In Support of Equitable and Fair School Discipline Practices," to ensure equity and fairness in all aspects of the District's work with students, which included the cultivation of improved, positive school climates through fair, respectful, effective approaches to discipline, and

**WHEREAS:** The Coalition for Fair and Caring Schools (FairCare) and the SFUSD's Discipline Taskforce has brought education stakeholders (administrators, principals, parents, teachers, students, and community based organizations) together to ensure that the Equitable and Fair School Discipline Practices resolution (No. 55-24A5) becomes a reality by providing guidance and oversight for the Student handbook provisions as well as assisting SFUSD and its schools in the development of:

- Alternatives to suspensions & expulsions,
- Analyze data related to school referrals on a quarterly basis to identify those students and teachers who need assistance with discipline,
- Provide professional development to assist school staff,
- Seek resources, to provide training to support staff and students for any schools experiencing high rates of suspension and/ or expulsion; and

**WHEREAS:** The Taskforce recommendations in May 2006, 2007 and 2008 highlight the ongoing need for:

- Professional Development,
- District Policy & Priority,
- Data Collection/Accountability,
- Identification of current data being collected and recommend additional surveys/data's to be collected and analysis
- Timeline for implementation plan
- Budget and potential resources

**WHEREAS:** Primarily, the Discipline Taskforce recommends an accelerated "culture shift" in the way the district, system-side, approaches solutions to the student discipline problems in our schools; and

**WHEREAS:** The Board of Education is committed to creating and supporting a "culture shift" in the way the district, systematically, develops solutions to the student discipline challenges in our schools and to focusing on student strengths and abilities; and

~~**SUBSTITUTE MOTION, amended and adopted by the Board of Education at its Regular Meeting of October 13, 2009**~~

Subject: Resolution No. 96-23A1

In Support of a Comprehensive School Climate, Restorative Justice, and Alternatives to Suspensions/Expulsion

- Commissioners Jane Kim, Sandra Lee Fewer, and Kim-Shree Maufas – Page 2

**WHEREAS:** California Education Code Section 48900.5 provides that “Suspension shall be imposed only when other means of correction fail to bring about proper conduct,” with the exception that principals may suspend for a first offense for a violation of offenses listed in Education Code Section 48900 (a)-(e), or if the conduct is such that the pupil’s presence causes a danger to persons or property or threatens to disrupt the instructional process; and

**WHEREAS:** California Education Code Section 48915(c) requires an immediate suspension and expulsion referral for any student that commits specific offenses, and Section 48915(a) requires an expulsion referral for specific additional offenses unless the principal or Superintendent determines that expulsion is inappropriate based on the particular circumstances; and

**WHEREAS:** The Board recognizes that the Equitable and Fair School Discipline Practices resolution is not being utilized to the fullest extent possible, in order to reduce the overall numbers of suspensions and expulsions within the District, and to address the disproportionate numbers of African-American, Latino and Pacific Islander students who are suspended in the District; and

**WHEREAS:** Although multiple strategies are being implemented as pilots including but not limited to: Peer Courts programs, Safe School Ambassadors program and other alternative methods as a means of offering alternatives to suspensions/expulsions, there still remains an overwhelming need for further reform to address the alarming rise in the suspension/expulsion rates; and

**WHEREAS:** This policy would also work to address the three main goals & objectives from Beyond the Talk: the 2008 SFUSD Strategic Plan:

- Goal 1: Access and Equity – Make Social Justice A Reality and to diminish the historic power of demographics.
- Goal 2: Student Achievement – Engage High Achieving and Joyful Learners to ensure the opportunity to have authentic learning for every student.
- Goal 3: Accountability – Keep Our Promises to Students & Families to create the culture of service and support: and

**SUBSTITUTE MOTION, amended and adopted by the Board of Education at its Regular Meeting of  
October 13, 2009**

Subject: Resolution No. 96-23A1

**In Support of a Comprehensive School Climate, Restorative Justice, and Alternatives to Suspensions/Expulsion  
- Commissioners Jane Kim, Sandra Lee Fewer, and Kim-Shree Maufas – Page 3**

**THEREFORE BE IT RESOLVED:**

That the Board of Education of the San Francisco Unified School District hereby adopts the following Resolution to create a School Climate-Restorative Justice Framework and Implementation Plan for SFUSD that will at minimum address all components cited above and policy components in Appendix A; and

**BE IT FURTHER RESOLVED:**

That the Board of Education dissolves the “SFUSD Discipline Taskforce” and creates a new “Restorative Justice and School Climate Taskforce” with an updated charge to advise the Board of Education and the Superintendent in designing, implementing and evaluating a student discipline framework based on restorative justice which reduces student suspensions, increases student attendance and creates school climates that support joyful learners; and

**FURTHER BE IT RESOLVED:**

That the new taskforce will be comprised of students, parents, school site staff members and other stakeholders; and

**BE IT FURTHER RESOLVED:**

The Board of Education requests the Superintendent and/or their Designee to monitor compliance with this resolution, and ensure that a comprehensive plan and timeline is developed by June 2010, including a funding plan that will not increase the SFUSD budget deficit for 2010-2011, and that the BOE receives quarterly progress reports to ensure timelines and outcomes are met and to review ongoing suspension and expulsion data with an anticipated beginning implementation in the 2010-2011 school year.

10/13/09

**Restorative Justice and Fair & Caring Schools Resolution  
APPENDIX A**

Policy Component #1 -

The Restorative Justice Framework (RJF) & Alternatives To Suspensions & Expulsions (or "ATSE", as described below in Policy Components 2 through 7) shall be implemented and integrated throughout Middle Schools and targeted Elementary and High Schools in the 2010-2011 school year. It is the Board's intention that ATSE will be expanded throughout the various divisions (CDC, ES, HS, and Continuation/Alternative HS Programs) in subsequent years, to build the culture of fair and caring schools in SFUSD. The Superintendent or Designee will outline an implementation plan and timeline for this expansion by the end of the 2009-2010 school year.

Policy Component #2 -

The first year (2010-2011) shall begin at all SFUSD middle schools and targeted Elementary and High Schools, considered to be our most vulnerable population, which would give students an opportunity to participate in restorative justice programs such as Peer Courts and/or other available alternatives to suspension and expulsion as the means of addressing all disciplinary offenses (as described in more detail in Policy Component #5), unless suspension and/or expulsion are required by law.

Policy Component #3 -

The participation in Peer Courts must be voluntary, and will require the written consent of the student who committed the offense (harm) as well as the victim(s) (person or community harmed), and each student's parent/guardian (in order to maximize accountability impact).

Policy Component #4 -

If such permission is not obtained from all required parties within a timely manner to keep campus safe from the offense, the principal shall, unless strictly mandated by law, utilize other alternatives to suspension and/or expulsion that are available at their school site, including but not limited to community service.

Policy Component #5 -

Suspensions and expulsions may be utilized only in the following circumstances: (1) if required by law (Education Code Section 48915(a), (c)), (2) if a student refuses to participate in Peer Courts and/or another alternative program (or does not get the required victim or parent/guardian consent) and/or fails to participate in any other available alternatives to suspension or expulsion, (3) if the student's conduct continues despite at least three repeated attempts to utilize alternatives to suspension and expulsion; or (4) if the principal determines that the student's continued presence at the school creates a danger to persons or property or threatens to disrupt the instructional process.

Policy Component #6 -

If suspension and/or expulsion (for example) is necessary for one of the aforementioned reasons as stated above, one or more of the four reasons must be identified to justify the suspension/expulsion, and specific facts must be provided that support the justification.

**SUBSTITUTE MOTION, amended and adopted by the Board of Education at its Regular Meeting of  
October 13, 2009 – Appendix A (continued)**

Policy Component #7 -

The SFUSD suspension and expulsion referral forms shall be revised to include a section that records the justification for suspension/expulsion based on one or more of the four circumstances discussed in Policy Component #6.

Policy Component # 8 -

Professional Development period(s) will include training in conflict resolution, de-escalation skills, and this New Restorative Justice Framework and Alternatives to Suspension and Expulsion policy.

Policy Component #9 -

Schools sites will collect school behavior, attendance and achievement data, regarding “lost” instructional minutes due to student behavior, tardiness, and suspension and expulsion. This includes hall time, time in the office (not in conversation with an adult, ATSE or peer mediation process), formal and informal suspensions (early release due to disruption or inappropriate behavior, in-house suspensions) and demographic and classroom specific data.

Policy Component #10 -

Data will be reported monthly to the Associate Superintendents of Support Services, LEAD and Academics and Professional Development who will prepare a detailed and disaggregated data report quarterly to the Superintendent.

Policy Component #11 -

The Restorative Justice and School Climate Taskforce will ~~continue~~ use the analysis of this data to monitor, evaluate and make recommendations about the implementation of the RJF and ATSE in SFUSD to the Executive Director of Pupil Services and Academic Professional Development.

Policy Component #12 -

Superintendent along with the Executive Directors of Academic Professional Development and Pupil Services shall work with the Restorative Justice and School Climate Taskforce to pilot innovative school climate programs at each division identified by the Superintendent to address the urgent and ongoing crisis of high suspensions and expulsions.