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## **General Rules of Conduct**

### **2.01.01 PURPOSE**

The San Francisco Police Department stands for Safety with Respect for all. We will engage in just, transparent, unbiased, and responsive policing and do so in the spirit of dignity and in collaboration with the community. We will maintain and build trust and respect as the guardian of constitutional and human rights.

This General Order establishes standards of conduct that are consistent with the values and mission of the San Francisco Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions. In addition to the provisions listed herein, members are subject to all other provisions contained in Department General Orders, including DGO 3.01, as well as the San Francisco Police Commission rules and orders, and the Department's Statement of Incompatible Activities.

### **2.01.02 POLICY**

It is the policy of the San Francisco Police Department to maintain the highest level of professional conduct and to ensure that members of the San Francisco Police Department are performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Any conduct that creates an unreasonable risk of harm to the public, or compromises the integrity of the Department, may be grounds for discipline.

The appointment and continuing employment of every member of the San Francisco Police Department shall be based on conduct that conforms to the guidelines set forth in this policy.

Police officers, because of their status as peace officers, have a greater responsibility to report and prevent misconduct than members of the public. Experience, rank, or tenure do not provide an excuse for failing to take appropriate action. Although supervisors are responsible for investigating allegations of misconduct, all Department employees are responsible for preventing and reporting misconduct.

The below General Rules of Conduct provide members of the Department with information and safeguards necessary to carry out the Department's mission. While these General Rules of Conduct are designed to address many different scenarios that members may encounter, members are required to know all General Orders and policies of the SFPD. Failure to abide by the mission, general rules of conduct, and Department policies may result in discipline up to, and including, termination and/or criminal investigation.

### **2.01.03 GENERAL RULES OF CONDUCT**

All department members shall become thoroughly familiar with these rules and regulations and shall abide by them. They will observe and obey all:

- Federal, state, and local laws.
- All Department General Orders including DGO 3.01, Department Written Directives.
- Other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a suspected violation of the rules, procedures or policies as set forth in this General Order, every Department member shall report any such violation to a superior officer.

Any employee who observes any misconduct shall take appropriate action to immediately stop the misconduct. The fact that a supervisor is present and not taking appropriate action to stop the misconduct does not relieve other employees present from this duty to act.

- 1. Misconduct** - Members shall conduct themselves, both on and off-duty, in a manner that reflects favorably on the Department. Unprofessional conduct is conduct that brings the Department into disrepute, reflects discredit upon the member/organization, or impairs the operation or efficiency of the Department or personnel. Types of misconduct include but are not limited to:
  - a. Conduct Unbecoming an Officer
  - b. Conduct Reflecting Discredit
  - c. Unnecessary/Excessive Force
  - d. Unwarranted Action
  - e. Neglect of Duty
  - f. Failure to Take Required Action

Honesty, credibility, even temperament, and sound judgment are essential to the performance of a member's duties. Any breach of peace, neglect of duty, misconduct, or any conduct by a member that tends to subvert the order, efficiency, or discipline of the Department shall be considered misconduct. Additionally, any conduct that brings discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, even if not specifically defined or set forth in Department policies and procedures, shall be considered misconduct.

- 2. Department Member's Notification Responsibilities** - All members shall immediately notify their Commanding Officer if the member:
  - a. becomes the subject of a domestic violence restraining order, Temporary Restraining Order (TRO/DVRO) or similar court order;
  - b. is placed on probation related to a criminal case;
  - c. becomes the subject of an outstanding warrant;
  - d. learns or is made aware of criminal conviction or any non-criminal conduct which unduly restricts or prohibits that member from fully and properly performing their duties;

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- e. learns or is made aware that they are prohibited from owning or possessing firearms stemming from a Welfare and Institutions Code hold;
- f. is a named party in a lawsuit;
- g. Learns or is made aware that they are under investigation for any misdemeanor, felony, or is listed as a named subject on any documentation in San Francisco or any other jurisdiction (i.e., incident report, field interview forms or information reports, is arrested);
- h. is cited in lieu of arrest (except Vehicle Code infractions)

If circumstances delay compliance with the immediate notification requirement, (e.g., due to incarceration, hospitalization, or travel), and a Commanding Officer cannot be notified in a timely manner, the member shall notify their on-duty supervisor in their command, who shall prepare and forward the memorandum to the member's Commanding Officer. Notification shall include the following: day, date, time, location of incident, involved parties, and summarize the circumstances of the incident. Any other means shall not satisfy the notification requirement. Members may contact their representative prior to completing the memorandum; however, members remain responsible for completing the memorandum upon return to duty.

When a member learns or is made aware of possible misconduct by another member, that member shall immediately notify a supervisor. If that supervisor is the subject of the alleged misconduct, then the reporting member shall notify a different supervisor. If on duty, the member shall also prepare an initial investigative report on memorandum (SFPD 68) addressed to the members commanding officer before reporting off duty. If the member is unavailable to immediately prepare a memorandum (i.e. off-duty, or assigned to another district) the supervisor being notified shall immediately prepare the memorandum before reporting off-duty.

3. **Attention to Duty** - While on duty, all members shall devote their time to performing their respective assignments. Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty. Members shall not sleep while on duty.
4. **Reporting for Duty** - Members shall report for duty at the required time and place and shall be physically and mentally fit to perform their duties. Members shall remain at their assignment:
  - a. to take action in a serious matter;
  - b. unless properly relieved for personal necessity with a supervisor's permission;
  - c. until dismissed by responsible authority, i.e. attorneys, court liaison, 10B assignment, etc.;
  - d. until relieved by another member or with a supervisor's approval.
5. **Performing Duties** - Members shall perform their duties promptly and according to Department policies and procedures. Members shall maintain a working knowledge of all information required for the proper performance of their duties (see Department General Order 3.01, Department Written Directives). Members shall obey all Department written

orders, policies, and procedures, and promptly obey all lawful written or verbal directives of superiors.

- 6. Responsibilities of Off-Duty Members Who Place Themselves in Peace Officer Status** - Under California law, Penal Code 830.1, peace officers have the authority, whether on or off duty, to take police action or make lawful arrests anywhere in the State when there is a public offense committed in their presence. All arrests, and the exercise of a peace officer's authority, require compliance with applicable laws and Departmental regulations. If an officer is in the presence of a crime, and there is immediate danger to a person or to property, or an escape of the perpetrator of such an offense, there is a requirement and responsibility of reporting.

Members shall consider the totality of the circumstances when considering action – in most circumstances calling 911 and being a good witness is the appropriate course of action. When feasible, and prior to placing themselves in peace officer status, members shall take a moment and consider alternate resources available to them which include but are not limited to:

- a. utilizing de-escalation techniques
- b. notifying the proper authorities
- c. identifying potential witnesses

Under no circumstances shall an off-duty member who is under the influence of any intoxicating substance place themselves in peace officer status. When an off-duty member witnesses and reports a crime, or is the victim of an offense, that member shall normally maintain their off-duty status and allow on-duty officers to handle the incident. Off-duty members should report any suspected crimes in progress or observed criminal activity to the appropriate authorities.

Notification: Any off-duty members who must place themselves in peace officer status shall immediately identify themselves as a peace officer and display their police identification and/or star immediately.

Immediate notification to the Department Operation Center shall be made by off-duty members who placed themselves in peace officer status. Upon return to regular duty status, members shall prepare a memorandum to their Commanding Officer. Members may contact their representative prior to completing the memorandum, however members remain responsible for completing the memorandum upon return to duty.

- ~~7. **Respect for Constitutional Rights**—An officer may enforce any federal, state, or local statute which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. An officer who lawfully acts within the scope of their authority does not deprive persons of their civil liberties. The officer may within the scope of their authority make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when an officer exceeds their authority, the officer violates the sanctity of the law which the officer is sworn to uphold.~~

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**8.7. Respectfulness** - Members shall be professional, respectful, and courteous towards others at all times. Members are expected to act in a manner that cultivates and maintains a healthy and productive environment. Department members shall not intimidate other members. Members shall not engage in any conduct likely to cause other members emotional distress such as untoward gossiping and bullying.

**9.8. Public Courtesy** - Members shall understand and follow the principles of Procedural Justice and incorporate them into their professional work environment. These principles include giving members of the community a voice (opportunity to speak), fair/impartial treatment, respect, and providing a trustworthy process.

When acting in the performance of their duties, members shall:

- a. When answering the phone, identify themselves including their name, rank, unit, station, or bureau, and inquire how they may be of service.
- b. Treat the public with courtesy and respect and not direct discourteous or profane language at members of the public.
- c. Address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual.
- d. Not demean or degrade individuals referencing their race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socioeconomic status.
- e. When requested, the member shall promptly and politely provide their name, star number and assignment.

**10.9. Written Reports** - While on duty, members shall make all required written reports of crimes or incidents requiring police attention. Members shall finalize felony arrest reports within 8 hours of the subject being booked at the County Jail. Members shall refer to the most current Department bulletins/notices regarding timely submission of traffic collision reports, arrest reports, and the booking of felony arrestees.

Additionally, no member shall knowingly:

- a. Submit false, inaccurate, incomplete, or improper Departmental records, ~~with the intent to subvert the prosecution or defense of a criminal or administrative matter.~~
- b. Falsify official reports or records.
- c. Falsify or alter evidence.

Any member who chooses not to document an incident or statement may be required to justify their decision at a later time when requested to do so by higher authority and may be subject to discipline.

**11.10. Responsibility of Rank** - All department members have a basic responsibility to perform assigned tasks and duties in a manner that ensures the success of the Department's mission. In addition to this basic responsibility, and other responsibilities and duties contained in the Department General Orders or assigned by competent authority, department members have responsibilities which commensurate with rank, including the provision of direct supervision when appropriate.

- 12.11. Addressing High Ranking Members** - When on-duty or in the presence of others, higher ranking members shall be referred to by rank title.
- 13.12. Responsibility of Higher Rank** - Unless otherwise ordered, when two or more members are on-duty together, the highest ranking member shall be in charge and is responsible for the proper completion of the assignment. When assigned duties of a higher rank, members shall assume the responsibilities that apply to the higher rank.
- 14.13. Equal Rank Responsibility** - Unless otherwise ordered, when two or more Department members of equal rank are working together on the same assignment or detail, the senior member will assume command if needed. Seniority is determined first by member's rank and second by continuous service in the rank.
- 15.14. Insubordination** - Insubordination is the act of being disobedient to authority; refusal to obey an order which a higher-ranking member is entitled to give; the willful neglect or deliberate refusal to obey any lawful order; flouting the authority of any superior by overt disrespect, or by disputing orders. Failure or refusal of any member or employee to obey a lawful order given by a higher-ranking member constitutes insubordination.
- 16.15. Conflicting Orders** - Upon receipt of an order conflicting with any previous order or instruction, the member affected shall advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Countermanding or conflicting orders shall be issued only when circumstances dictate. Examples include but are not limited to officer safety, tactical considerations, to accomplish a police mission, or for the good of the Department. Members may choose to prepare a memorandum documenting the conflicting order and submit it to their Commanding Officer for review.
- 17.16. Investigative Responsibility** - When a member is assigned to an investigation and is at the scene of an incident, they shall immediately assume responsibility to ensure a thorough and complete investigation is conducted, unless relieved by an investigator or higher authority. Additionally, station level investigators or other investigative units who do not respond out to the scene are still responsible for a thorough and complete follow-up investigation.
- 18.17. Cooperation with Administrative Investigations** - When questioned by a superior officer, the superior officer's designee, or the Department of Police Accountability, members shall answer all questions truthfully, without evasion, or discourtesy. Prior to being questioned, the member shall be advised of and accorded all the members rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights). No member shall obstruct, impede, delay, or undermine the internal investigation process in either words or actions. This order shall not infringe on member's Constitutional rights in criminal investigations.

- 19-18. 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 administrative or criminal investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).
- 20-19. Conflict of Interest in Investigations** - If a member is assigned to an investigation in which the member knows, suspects, or should reasonably know or suspect, that the member has a personal or family interest, the member shall immediately report the interest to the member's immediate supervisor.
- 21-20. Divulging Confidential Information** - 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).
- 22-21. Members Relieved of Duty** - If it is determined that a member is unfit to perform their duties, that member will be relieved of duty. The member's supervisor shall submit to their commanding officer a memorandum report answering the allegation in detail. Accused members shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.
- 23-22. Sickness or Injury** - Members shall not falsely report themselves sick or injured. (See DGO 11.01 Personnel Compensation)
- 24-23. Department Property** - Members shall use Department property accordingly. Members may be personally liable for loss or damage to Department property due to negligence or intentional conduct. Members shall not allow any individual who is not an employee or who is not working with the Department to use Department property without supervisory approval (Community Policing). Members shall inspect their assigned vehicles and equipment and report defect or damage, with failure to do so resulting in officer responsibility. Members are responsible for the safekeeping and appropriate authorized use of Department property. Additionally, members shall complete a Damage to Department Property form (SFPD 154) and prepare a memorandum (SFPD 68) addressed to the members commanding officer before reporting off duty for any loss or damage to Department property.
- a. Misappropriation or misuse which include but not limited to public funds, Department property, personnel or services will be cause for disciplinary action and or criminal investigation.
  - b. Abuse or neglect of Department equipment or property will be cause for disciplinary action.
- 25-24. Use of Private Vehicles** - While on duty, members shall not use a private vehicle for enforcement or investigative purposes, except with the specific approval of their commanding officer or officer-in-charge. Examples of enforcement or investigative purposes include:

- a. Enforcement purposes
- b. Surveillance
- c. Investigative follow ups

~~26.~~25. **Membership in Subversive Organizations** - Department members shall not knowingly aid, assist, or be a member of or participant in any organization which advocates violence or the overthrow of the government by force or threatens the security and well-being of the City of San Francisco, State of California, or the United States of America. Additionally, Department members shall not knowingly aid, assist, be a member or participant of any organization which conducts unlawful, racist, homophobic, sexist, or hate activity, except when necessary, in the official performance of their duties, and with the prior authorization of the Chief of Police.

Except for duties related to official business, members shall not knowingly frequent an establishment conducting illegal business. This rule applies to both on-duty and off-duty conduct.

~~27.~~**Membership in Law Enforcement Gang** - Department members shall not knowingly aid, assist, or be a member of or participant in any law enforcement gang. A law enforcement gang is defined as a group of peace officers within a law enforcement agency whowho i:

- ~~a.~~ Identifies themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who -
- ~~26. e.~~ Engages in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to the following:
  - ~~b. a.~~ -excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws -
  - ~~e. b.~~ Engages in or promotes conduct that violates the rights of other employees or members of the public.
  - ~~d. c.~~ The persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified.
  - ~~e. d.~~ Intentionally and willfully violates Department policy and procedures.
  - ~~f. c.~~ Falsifies police reports
  - ~~g. f.~~ Fabricates or destroys evidence
  - ~~h. g.~~ Targets persons for enforcement based solely on protected characteristics of those persons.
  - ~~i. h.~~ Engages in theft;
  - ~~j. i.~~ Engages in unauthorized use of alcohol or drugs on duty;
  - ~~k. j.~~ Unlawfully or engages in unauthorized protection of other members from disciplinary actions, orand
  - ~~l. k.~~ Retaliation against other officers who threaten or interfere with the activities of the group.

A violation of this policy shall be grounds for termination.

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- 28.27. Prohibition on Use of Authority or Position** - Except when receiving an unsolicited award or donation and consistent with the Statement of Incompatible Activities, no member shall:
- a. receive, accept, or solicit gifts from anyone other than the City & County of San Francisco for the performance of a service or act the member would be expected to render or perform in the regular course of their City duties;
  - b. use or attempt to use their official position for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct;
  - c. use information, not available to the public, gained through their position as a law enforcement officer or within the Department to gain a financial or other benefit for themselves or another;
  - d. in their official capacity, bestow testimonials, collect or receive money, or anything of value from any person, except with the Permission of the Police Commission;
  - e. use their authority or position, whether for themselves or another, and not otherwise available to them as a private person:
    - i. to barter or solicit any goods or services;
    - ii. accept with the intent to convert to private use, any goods or services;
    - iii. for financial gain or other benefit;
    - iv. to obtain or grant privileges or favors; or
    - v. to avoid the consequences of an illegal or prohibited act for themselves or for others.

Members with further questions shall refer to the San Francisco Police Commission and Police Department Statement of Incompatible Activities.

**29.28. Political Activity** - Members shall not, while on duty or while acting as a representative of the Department, endorse or oppose 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. Additionally, members shall not use Department email for the purpose of political activity. Members can review the updated Political Activity Memorandum on the City Attorney's website.

**30.29. Surreptitious Recordings** - Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video, photographic recording or audio) any other member who is on-duty without the express written approval of the Chief of Police. Prohibited surreptitious activity includes the audio recording, video recording and/or photographic recording of another member with ANY personal cellular phone or department issued cellular phone or any electronic technology that is capable of making an audio, video, or photographic record. Members shall continue to adhere to all departmental BWC policies and procedures. Members are reminded to use department issued electronic devices (i.e. department issued cell phone) when conducting any authorized criminal or administrative investigation.

**31.30. Responsibilities of Members with Persons Who Are Detained or In Custody -**

Members shall:

- a. be responsible for the custody, control, and safety of detainees and arrestees in their care until the detainee is released and/or the arrestee has been formally remanded to the custody of another;
- b. treat people who are detained or in custody in a humane manner with due respect and courtesy;
- c. not loan money to persons in custody.

**32.31. 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. (See San Francisco Police Commission and Police Department Statement of Incompatible Activities.)

**33.32. 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.

**34.33. Filing a Lawsuit Against a Third Party -** Members shall, prior to filing a suit against a third party for the collection of damages sustained in the course and scope of police duties, submit a memorandum to their commanding officer providing a detailed description of the factual circumstances surrounding the incident, including the legal claim or claims for the lawsuit. Commanding officers shall forward these reports through the Chain of Command to the Risk Management Office.

**35.34. Furnishing Information to Bail Bondspersons, Attorneys, ICE/CBP -** Except as required by law or Department policy, members shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to ICE/CBP, bail bondspersons or attorneys, or to persons working with or for bail bondspersons or attorneys.

**36.35. Tobacco Policy -** On-duty members and employees shall not use any tobacco products (including, but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, e-cigarette, vaping) while in direct contact with the public, within any City facility, City vehicle, within any public building, or within 25 feet of an entrance, open window, or air vent of any City building. The littering or improper disposal of tobacco remnants or by products is prohibited.