



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

July 11, 2024

Chief William Scott
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, July 10, 2024, the following resolution was adopted:

RESOLUTION 24-81

APPROVAL OF REVISED DEPARTMENT GENERAL ORDER 5.06, "CITATION RELEASE," TO USE IN MEETING AND CONFERRING WITH THE EFFECTED BARGAINING UNITS AS REQUIRED BY LAW, WITH LABOR INSTRUCTIONS PROVIDED IN RESOLUTION NO. 23-30;

RESOLVED, that the Police Commission hereby approves revised Department General Order 5.06, "Citation Release," for the Department to use in meeting and conferring with the effected bargaining units as required by law; and be it

FURTHER RESOLVED, that labor instructions are provided in Resolution No. 23-30, Police Commission Directions Regarding Police Department and Department of Human Resources Labor Negotiations with Effected Bargaining Units regarding Department General Orders.

AYES: Commissioners Clay, Walker, Benedicto, Yee, Vice President Carter-Oberstone and President Elias
EXCUSED: Commissioner Yanez

Very truly yours,

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

CINDY ELIAS
President
MAX CARTER-OBERSTONE
Vice President
LARRY YEE
Commissioner
JESUS YANEZ
Commissioner
KEVIN BENEDICTO
Commissioner
DEBRA WALKER
Commissioner
C. DON CLAY
Commissioner
Sergeant Stacy Youngblood
Secretary

1211/ks

cc: Captain D. Toomer/PDD
Manager A. Steeves/PDD
Management Assistant G. Rosalejos/WDU
Director L. Preston/Labor Relations
Senior Analyst L. Davis/Labor Relations

CITATION RELEASE

5.06.01 PURPOSE

This order mandates the policies for issuing citations to persons arrested for misdemeanor and infraction violations, establishes procedures for citing at that scene, and specifies when an incident report is required.

5.06.02 POLICY

A. GENERAL. It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses. Members may book the arrested person at the scene or at district station prior to release or indicate on the citation where the arrested person shall appear to be booked or for fingerprinting prior to the date the arrested person appears in court. Cal. Penal Code section 853.6 (g).

B. MISDEMEANOR EXCEPTIONS. If a person is arrested for a misdemeanor offense(s), he/she shall be subject to custodial arrest rather the citation release when any of the following condition exists:

1. The person arrested was so intoxicated that he/she could be a danger to themselves or to others.
2. The person arrested required medical examination or medical care or was otherwise unable to care for his/her safety.
3. The person was arrested under one or more of the circumstances listed in Section 40302 and 40303 of the California Vehicle Code.
4. There were one or more outstanding arrest warrants for the person.
5. The person could not provide satisfactory evidence of personal identification.
6. The prosecution of the offense or offenses for which the person was arrested, of the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
7. There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
8. The person arrested demanded to be taken before a magistrate or refused to sign a notice to appear.

9. There is a reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

10. The person was subject to Cal. Penal Code Section 1270.1. The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release the arrested person from custody before trial.

11. The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months.

12. There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Penal Code Section 490.4.

C. **INFRACTION EXCEPTIONS.** If a person is arrested solely for an infraction offense(s), he/she shall be cited, except when any of the following conditions exists:

1. The person refuses to present satisfactory evidence of his/her identify.
2. The person refuses to give a written promise to appear.
3. The person demands an immediate appearance before a magistrate.

D. **DECISION TO CITE.** When a person is arrested for a misdemeanor or an infraction and it is a later determination that he/she is eligible for a citation release, an officer shall promptly cite and release the person at any time prior to the Sheriff Department assuming custody.

5.06.03 PROCEDURES

A. **CITE AT SCENE.** If the person is eligible for citation release, cite and release him/her at the location of arrest.

B. **CITING JUVENILES.** See DGO 7.01, Juvenile Policies and Procedures.

C. **CITING FOR TRAFFIC OFFENSES.** See DGO 9.01, Traffic Enforcement

D. **REFUSING TO SIGN THE CITATION.** When taking a person to a police facility after he/she refuses to sign a citation, follow these procedures:

1. Remind the person that signing the citation (promise to appear) does not constitute an admission of guilt.
2. Give the person one more chance to sign the citation before booking him/her.
3. Notify the lieutenant if the person still refuses to sign the citation. The lieutenant

must personally approve the booking.

4. After booking the person, write an incident report and include in the report that the reminder and the second chance were given to the person prior to booking.

E. REASON NOT CITED. When a person is booked under any of the exceptions to the citation release policy, the “Reason Not Cited” box on the arrest form must be completed by the booking officer. The arresting officer must also explain in the incident report why the person was arrested as opposed to being cited.

F. INCIDENT REPORTS.

1. MISDEMEANORS. An incident report must be completed whenever you issue a citation for a misdemeanor offense. Include the citation number for each person cited along with the date and time of the assigned court appearance.

2. INFRACTIONS / ADULTS. When citing an adult for an infraction, an incident report is not required unless you wish to apprise the court of specific facts and circumstances.

3. INFRACTIONS / JUVENILES. When citing a juvenile for an infraction, an incident report is not required for violations of Sections 640(a) through (f) of the Penal Code

References:

DGO 5.04, Arrests By Private Persons.

GENERAL ORDER

XX/X

X/2407/20/94

CITATION RELEASE

5.06.01 PURPOSE

This order mandates the policies for issuing citations to persons arrested for misdemeanor and infraction violations, establishes procedures for citing at that scene, and specifies when an incident report is required.

I. POLICY 5.06.02 POLICY

A. GENERAL. It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses. Members may book the arrested person at the scene or at district station prior to release or indicate on the citation where the arrested person shall appear to be booked or for fingerprinting prior to the date the arrested person appears in court. Cal. Penal Code section 853.6 (g).

B. MISDEMEANOR EXCEPTIONS. If a person is arrested for a misdemeanor offense(s), he/she shall be subject to custodial arrest rather the citation release when any of the following condition exists:

1. The person arrested wasis so intoxicated that he/she could be a danger to themselves self or to others.
2. The person arrested required medical examination or medical car or was otherwiseis unable to care for his/her safety.
3. The person wasis arrested under for one or more of the circumstances offenses listed in Section 40302 and 40303 of the California Vehicle Code.
 - a. Failure to present a driver's license or other satisfactory evidence of identity.
 - b. Demands an immediate appearance before a magistrate.
 - e. Refuses to give written promise to appear.
 - d. The person is arrested for 23152(a) C.V.C., driving under the influence of an alcoholic beverage or drugs, except:
 - (i) When a non-warrant 23152(a) CVC prisoner is brought to Mission

~~Emergency Hospital and the Triage Supervisor indicates that the completion of the prisoner's treatment will exceed one hour, the arresting officer may cite and release the prisoner with the approval of his/her lieutenant.~~

~~(ii) — Lieutenants shall not authorize a citation and release while the prisoner is unable to exercise care for his/her safety by reason of being under the influence of an intoxicant.~~

~~(iii) — Officer shall indicate the name of the Triage Supervisor, the time-estimated for treatment, and the name of the lieutenant giving approval at the conclusion of their incident report narrative.~~

~~4. The person is being booked for an arrest warrant in addition to the misdemeanor (see DGO 6.18, Warrant Arrests).~~

~~5. The person does not provide satisfactory evidence of his/her identity.~~

~~6. Prosecution of the offense would be jeopardized by the immediate release of the person.~~

~~7. There is reasonable likelihood that the offense would continue or the safety of persons or property would be imminently endangered by the release of the person (see 40303 C.V.C.)~~

~~8. The person refuses to sign the citation or demands to be taken before a magistrate (see below).~~

~~9. The person is charged with a felony or an offense punishable as either a felony or a misdemeanor ("wobbler").~~

~~a. When there are additional misdemeanor or infraction charges, combine them with the felony charge(s) on the booking form (see DGO 9.01, Booking of Prisoners).~~

~~b. Juveniles, however, may be cited and released for felonies per Section 602, Welfare and Institution Code (see DGO 7.01, Juvenile Policies and Procedures).~~

4. There were one or more outstanding arrest warrants for the person.

5. The person could not provide satisfactory evidence of personal identification.

6. The prosecution of the offense or offenses for which the person was arrested, of the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.

7. There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

8. The person arrested demanded to be taken before a magistrate or refused to sign a notice to appear.

9. There is a reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

10. The person was subject to Cal. Penal Code Section 1270.1. The form shall be filed with the arresting agency as soon as practicable and shall be made available

to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release the arrested person from custody before trial.

11. The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months.

12. There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Penal Code Section 490.4.

~~10. The person has violated a protective court order involving domestic violence [see Penal Code Section 853.6(a) and DGO 6.09, Domestic Violence].~~

C. INFRACTION EXCEPTIONS. If a person is arrested solely for an infraction offense(s), he/she shall be cited, except when any of the following conditions exists:

1. The person refuses to present satisfactory evidence of his/her identify.
2. The person refuses to give a written promise to appear.
3. The person demands an immediate appearance before a magistrate.

D. DECISION TO CITE. ~~When receiving an arrest from a private person, the decision to cite or book the suspect shall be made on the basis of eligibility, not the arresting person's preference (see DGO 5.04, Arrests by Private Persons).~~ When a person is arrested for a misdemeanor or an infraction and it is a later determination that he/she is eligible for a citation release, an officer shall promptly cite and release the person at any time prior to the Sheriff Department assuming custody.

II. 5.06.03 PROCEDURES

A. CITE AT SCENE. If the person is eligible for citation release, cite and release him/her at the location of arrest.

B. CITING JUVENILES. ~~See DGO 7.01, Juvenile Polices and Procedures. A criminal citation must be issued for the following days and times:~~
~~Monday through Friday~~

~~1330 hours through 1630 hours~~

~~Allow 7 to 14 calendar days between the date cited and the date of appearance. If two or more juveniles are being cited for the same offense, assign them the same court date but allow 30 minutes between individual appearances. You may require the juvenile and the~~

~~parent, guardian or responsible relative to sign the citation.~~

C. CITING FOR TRAFFIC OFFENSES. See DGO 9.01, Traffic Enforcement

D. REFUSING TO SIGN THE CITATION. When taking a person to a police facility after he/she refuses to sign a citation, follow these procedures:

1. Remind the person that signing the citation (promise to appear) does not constitute an admission of guilt.
2. Give the person one more chance to sign the citation before booking him/her.
3. Notify the lieutenant if the person still refuses to sign the citation. The lieutenant must personally approve the booking.
4. After booking the person, write an incident report and include in the report that the reminder and the second chance were given to the person prior to booking.

E. REASON NOT CITED. When a person is booked under any of the exceptions to the citation release policy, the "Reason Not Cited" box on the arrest form must be completed by the booking officer. The arresting officer must also explain in the incident report why the person was arrested as opposed to being cited.

F. INCIDENT REPORTS.

1. MISDEMEANORS. An incident report must be completed whenever you issue a citation for a misdemeanor offense. Include the citation number for each person cited along with the date and time of the assigned court appearance.

2. INFRACTIONS / ADULTS. When citing an adult for an infraction, an incident report is not required unless you wish to apprise the court of specific facts and circumstances.

3. INFRACTIONS / JUVENILES. When citing a juvenile for an infraction, an incident report is not required for violations of Sections 640(a) through (f) of the Penal Code

~~4.PRIVATE PERSON ARRESTS. See DGO 5.04, Arrests By Private Persons.~~

References:

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DGO 5.04, Arrests By Private Persons.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

April 10, 2023

Chief William Scott
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, April 5, 2023, the following resolution was adopted:

RESOLUTION 23-30:

APPROVAL OF POLICE COMMISSION DIRECTIONS REGARDING POLICE DEPARTMENT AND DEPARTMENT OF HUMAN RESOURCES LABOR NEGOTIATIONS WITH AFFECTED BARGAINING UNITS;

CINDY ELIAS
President

MAX CARTER-OBERSTONE
Vice President

LARRY YEE
Commissioner

JAMES BYRNE
Commissioner

JESUS YANEZ
Commissioner

KEVIN BENEDICTO
Commissioner

DEBRA WALKER
Commissioner

Sergeant Stacy Youngblood
Secretary

WHEREAS, The Police Commission remains committed to its duty of effective oversight and policymaking for the San Francisco Police Department; and

WHEREAS, The Police Commission respects the importance of labor relations and the rights of public sector employees, including peace officers, under the Meyers Milias Brown Act; and

WHEREAS, In 2016, the U.S. Department of Justice's "Assessment of the San Francisco Police Department" identified delays in policy enactment "because of collective bargaining practices," and recommended that the Police Department and the Police Commission "expedite the process in the future for other policy development;" now, therefore, be it

RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission that require effects bargaining under law, the Police Commission hereby direct the Police Department and urge the San Francisco Department of Human Resources to meet and confer only to those negotiable effects required by law; and

RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission that involve mandatory subjects of bargaining under law, the Police Commission hereby direct the Police Department and urge the San Francisco Department of Human Resources to meet and confer only to the extent required by law; and

FURTHER RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission, the Police Commission hereby direct the Police Department and urge the San Francisco Department of Human Resources to not meet and confer on managerial decisions that are not within the scope of representation, and where there is no legal duty to meet and confer; and

FURTHER RESOLVED, When bargaining with affected bargaining units regarding Department General Orders or other policies passed by the Police Commission, the Police Commission hereby directs the Police Department and urges the San Francisco Department of Human Resources to ensure there are no unreasonable delays on any items within the scope of representation and consistent with the City's legal obligations.



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

AYES: Commissioner Walker, Byrne, Yanez, Benedicto, Yee, Vice President
Carter-Oberstone and President Elias.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stacy Youngblood".

Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

CINDY ELIAS
President

MAX CARTER-OBERSTONE
Vice President

LARRY YEE
Commissioner

JAMES BYRNE
Commissioner

JESUS YANEZ
Commissioner

KEVIN BENEDICTO
Commissioner

DEBRA WALKER
Commissioner

Sergeant Stacy Youngblood
Secretary

1211/ks

cc: Deputy City Attorney Cabrera
Director L. Preston/SFPD Labor Relations
Captain D. Toomer/PSPP
Lieutenant E. Altorfer/PSPP
Isabelle Choy/SFPD Labor Relations