

Department Weapon Return Panel

3.05.01 PURPOSE

This order establishes the policies and procedures for processing and reviewing requests by officers to reinstate their privilege to carry a firearm.

3.05.02 POLICY

- A. General Duties** - It is the policy of the San Francisco Police Department that the Department Weapon Return Panel review any request to reinstate an officer's privilege to carry a firearm. The panel shall review all documents, which may include court orders, doctor's certificates and recommendations, reports from the Officer in Charge of the Police Range and the officer's commanding officer, or any other pertinent documentation.
- B. Composition** - The Department Weapon Return Panel shall consist of the following members:
1. Deputy Chief of Administration (Chair)
 2. Commanding Officer, Staff Services Division
 3. Officer in charge, Legal Division
 4. Commander, Risk Management Office
 5. Commanding Officer of the requesting officer (non-voting advisory capacity)
 6. Police Physician, if requested by the Chair (non-voting advisory capacity)
- C. Meetings** - The Chair will schedule meetings of the panel whenever requests for reinstatement to carry a weapon are received. The panel will also meet prior to a calendared Superior Court 8103 W & I hearing involving any officer of the Department.
- D. Quorum/Consensus** - A quorum shall consist of the Chair and two voting members. Any recommendation must be supported by a majority of the voting members present.
- E. Recommendations/Authority of the Chief** - The panel will recommend to the Chief of Police whether or not to reinstate an officer's privilege to carry a firearm and may also recommend conditions for reinstatement; however, the decision to reinstate, set conditions, or revoke an officer's privilege to carry a firearm rests with the Chief of Police.
- F. Conditional Reinstatement** - Any officer who has their privilege to carry a firearm reinstated after it was revoked due to psychological reasons (e.g., stress disability, 5150 W & I detention, etc.), alcohol or drug use, or acting in a threatening manner, will be monitored by the officers' commanding officer for a period of six months. During this

period, the commanding officer may recommend to the Chief that the officer be referred for additional psychological evaluation if observed behavior warrants such recommendation.

3.05.03 PROCEDURES

A. Requests to the Department Weapon Return Panel

The officer shall request reinstatement by memorandum through their commanding officer. All supporting documents (including court orders) must be provided with the request. When the Risk Management Office deems appropriate, it may independently request the Weapon Return Panel to convene regarding reinstatement of a member's privilege to carry their firearm via memorandum.

Commanding officers must ensure that all necessary documents are provided to the panel. The officer's request and supporting documents shall be handled confidentially and sent to the Deputy Chief of Administration in a sealed envelope.

B. Section 8103 W & I Petitions/Hearings

1. **Meeting of the Panel** - An 8103 W & I petition initiates a court hearing to determine whether a person can lawfully possess a firearm. When such a hearing involves an officer of the Department, the Department Weapon Return Panel will meet prior to the scheduled hearing to recommend a course of action to the Chief of Police.
2. **Officer's Response to Petition** - When responding to a petition filed with the court under Section 8103 W & I, officers must provide a copy of their response to their commanding officers.