



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

September 11, 2023

Chief William Scott
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, September 6, 2023, the following resolution was adopted:

RESOLUTION 23-82


APPROVAL TO ADOPT REVISED DEPARTMENT GENERAL ORDER 2.02, "ALCOHOL USE BY SWORN DEPARTMENT MEMBERS" WITH IMPLEMENTATION IN THIRTY (30) BUSINESS DAYS;

RESOLVED, that the Police Commission hereby approves revised Department General Order 2.02, "Alcohol Use by Sworn Department Members," with implementation in thirty (30) business days.

AYES: Commissioners Walker, Yanez (remotely), Yee, Byrne, Vice President Carter-Oberstone

EXCUSED: President Elias, Commissioner Benedicto

Very truly yours,


Sergeant Stacy Youngblood
Secretary
San Francisco Police Commission

1211/ks

cc: Captain D. Toomer/PDD
Manager A. Steeves/PDD
Gloria Rosalejos/WDU

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

Alcohol Use by Sworn Department Members

2.02.01 PURPOSE

The San Francisco Police Department stands for Safety with Respect for all. It is the San Francisco Police Department's policy to ensure that members of the San Francisco Police Department exhibit the highest level of professionalism while performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Department members hold a position of trust with the public. Therefore, it is essential that officers be in complete mental and physical control while performing their duties. Being under the influence of alcohol or consuming alcohol while on duty will not be tolerated.

This order outlines Department policy and procedures regarding alcohol use by members, including definitions, testing, and investigative procedures. The San Francisco Police Department strives to achieve a safe and healthy workforce and a workplace free from the influence of alcohol.

2.02.02 DEFINITIONS

- A. Impairment** - Consumption of alcohol that results in the member's mental and/or physical state of being altered in a way that may diminish the members ability to perform the duties of a sworn officer safely and effectively. (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, etc.)
- B. Influence** - The member under investigation has tested .020 or higher blood alcohol level.
- C. Member** - Any sworn officer of the San Francisco Police Department.
- D. On Duty** - A member is considered on duty during any scheduled paid work hours including details to events, conferences, seminars, meetings, training, while on "standby" pay status and during any voluntary or mandatory overtime assignments.
- E. Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a member to suspect that a member is under the influence of drugs or alcohol.
 - 1. Examples of situations in which there may be reasonable suspicion include but are not limited to:
 - a. The direct observation of drug or alcohol use; or a report by a reliable and credible source that a member has engaged in drug or alcohol use, the identity of which source shall be available to the member and the Union, unless the source is a victim who is eligible for confidentiality. (See Gov § 6254).

- b. Objective signs of being under the influence of alcohol or consumption.
- c. A work-related incident in conjunction with other facts which together support reasonable cause.

2.02.03 POLICY

- A. Members shall not consume alcohol or be under the influence of alcohol while on duty.
- B. Members shall not consume alcohol while in a Department police uniform.
- C. Members shall not store or bring into any Department vehicle or facility any alcoholic beverages, except in the performance of police duties.
- D. Members shall not consume alcohol, be impaired or be under the influence of alcohol while carrying any firearm.
- E. Members shall not consume alcohol, be impaired or be under the influence of alcohol while operating a Department vehicle.
- F. Members shall not consume alcohol while off-duty to the extent that when reporting for their duty assignment their ability to perform their duty is impaired.
- G. Members should not activate from an off-duty status to an on-duty status when their ability to perform their duties as a sworn officer is impaired. (See DGO 2.01 General Rules of Conduct)
- H. An off-duty sworn officer who has consumed alcohol and is called back to duty in response to an emergency or any reason shall immediately inform their supervisor of their alcohol consumption or any impairment. Supervisors shall allow off-duty officers who reasonably believe that they may be impaired to decline to return to duty.
- I. Members shall notify a supervisor immediately if they observe behavior or have reasonable suspicion that any member in the workplace consumed alcohol or is under the influence of alcohol, such that the member's ability to perform the functions of the job safely and effectively is impaired or reduced.

2.02.04 PROCEDURES

- A. **Reporting and Investigative Responsibilities** - The commanding officer of the member's unit, or if not immediately available, the senior ranking supervisor on duty at the time of the report of an alcohol use violation shall be responsible for directing the preliminary investigation. If the member to be investigated was detailed or loaned to another unit, the commanding officer, or the senior-ranking supervisor on duty at that unit shall be responsible for directing the preliminary investigation.

Supervisors shall comply with DGO 2.08 regarding Peace Officers' Rights.

B. Alcohol Tests - When reasonable suspicion exists, a member is under the influence of alcohol, the member shall immediately submit to testing to determine the presence of alcohol when ordered by a supervisor.

C. Duties and Responsibilities of the Investigating Supervisor

1. On-Duty Member - If a member is on duty and is reasonably believed to be impaired, the investigating supervisor shall:
 - a. Immediately relieve the member from duty.
 - b. Relieve the member of duty firearms.
 - c. Notify the member's commanding officer, who shall notify the members Bureau Chief.
 - d. Notify the Internal Affairs Division (IAD).
 - e. Inform the member of their peace officer rights in disciplinary investigations.
 - f. Order the member to submit to a test to determine the presence of alcohol.
 - g. Order the member to submit a handwritten statement, as a response to the allegations.
 - h. Not allow the member to drive a vehicle.
 - i. Take reasonable steps to prevent the member from leaving the police facility once the investigation has been initiated.
 - j. Investigate and determine whether any of the member's supervisors may have been negligent, by failing to take appropriate action.
 - k. Prepare a supervisor's investigative report and submit it along with any statements, test record, etc., to the commanding officer of the Risk Management Office (RMO) in a sealed envelope clearly marked "confidential" by the end of your tour of duty.
 - l. The investigating officer shall make a notification to the Behavioral Science Unit (BSU) and refer the member to BSU for appropriate Employee Assistance Program (EAP) resources.

2. Off-Duty Member - If a member is off-duty, carrying a firearm or driving a Department vehicle, and is reasonably believed to be impaired, the investigating officer shall:
 - a. Notify the member's Commanding Officer, who shall notify the member's Bureau Chief.
 - b. Relieve the member of any firearms.
 - c. Order the member to submit to a test to determine the presence of alcohol.
 - d. Notify IAD.
 - e. Prepare a memorandum with any supportive documentation and submit it to the commanding officer of the RMO in a sealed envelope clearly marked "confidential".
 - f. The investigating officer shall make a notification to the (BSU) and refer the member to BSU for appropriate EAP resources.

D. Investigative Report - The investigative report must contain the following information:

1. The accused member's name, rank, and assignment.
2. The time the commanding officer, or senior-ranking supervisor of another unit (if applicable), was notified.
3. Reason the member's conduct was brought to the Investigating Supervisor's attention, and the basis for the belief that the member was consuming alcohol or was under the influence.
4. Witness and victim's statements.
5. Actions taken, including all notifications.

References

DGO 11.11 Intervention and Resource Program
DGO 11.09 Employee Assistance Program/Stress Unit
DGO 11.04 Peer Support Program
DGO 2.08 Peace Officers' Rights
DGO 2.07 Discipline Process for Sworn Officers
DGO 2.03 Drugs Use by Members
DGO 1.06 Duties of Superior Officers
Disciplinary Penalty & Referral Guidelines

Alcohol ~~CONSUMPTION BY~~ Use by Sworn Department Members

2.02.01 PURPOSE

The San Francisco Police Department stands for Safety with Respect for all. It is the San Francisco Police Department's policy to ensure that members of the San Francisco Police Department exhibit the highest level of professionalism while performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Department members hold a position of trust with the public. Therefore, it is essential that officers be in complete mental and physical control while performing their duties. Being under the influence of alcohol or consuming alcohol while on duty will not be tolerated.

This order ~~creates new~~ outlines Department policy and procedures ~~concerning alcohol~~ regarding alcohol use by members, including definitions, testing, and investigative procedures. The San Francisco Police Department strives to achieve a safe and healthy workforce and a workplace free from the influence of alcohol.

2.02.02 DEFINITIONS

- A. Impairment** - Consumption of alcohol that results in the member's mental and/or physical state of being altered in a way that may diminish the members ability to perform the duties of a sworn officer safely and effectively. (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, etc.)
- B. Influence** - The member under investigation has tested .020 or higher blood alcohol level.
- C. Member** - Any sworn officer of the San Francisco Police Department.
- D. On Duty** - A member is considered on duty during any scheduled paid work hours including details to events, conferences, seminars, meetings, training, while on "standby" pay status and during any voluntary or mandatory overtime assignments.
- E. Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a member to suspect that a member is under the influence of drugs or alcohol.
 - 1. Examples of situations in which there may be reasonable suspicion include but are not limited to:
 - a. The direct observation of drug or alcohol use; or a report by a reliable and credible source that a member has engaged in drug or alcohol use, the identity of which source shall be available to the member and the Union, unless the source is a victim who is eligible for confidentiality. (See Gov § 6254).

- ~~b. Objective signs of being under the influence of alcohol or consumption by members.~~
- ~~c. A work-related incident in conjunction with other facts which together support reasonable cause.~~

2.02.03 POLICY

~~A. Members shall not consume any alcoholic beverage alcohol or be under the influence of alcohol while "on duty." Further,~~

~~B. Members shall not consume alcoholic alcohol while in a Department police uniform.~~

~~A.C. Members shall not store or bring into any Department vehicle or facility any alcoholic beverages while, except in the performance of police duties.~~

- ~~1. On duty at events such as conferences, seminars, meetings and training.~~
- ~~2. In uniform whether on or off duty.~~
- ~~3. Operating a Department vehicle, whether on or off duty.~~
- ~~4. On standby status.~~

~~B.D. B. A member, while off duty and carrying a weapon, Members shall not consume alcoholic beverages or alcohol, be impaired or be under the influence of alcohol while carrying any firearm.~~

~~C.E. C. A member Members shall not consume alcohol, be impaired at any time while on duty, while carrying a weapon or or be under the influence of alcohol while operating a Department vehicle.~~

~~D. DEFINITIONS:~~

~~1. Impairment:~~

~~Consumption of Members shall not consume alcohol while off-duty to the extent that results in either:~~

~~D.F. The member's mental and/or physical state of being altered so that he or she is impaired in a way that diminishes the member's when reporting for their duty assignment their ability to — perform the duties of a sworn officer, or non-sworn employee, as prescribed by Department policies and procedures, or perform their duty is impaired.~~

- ~~1. The member under investigation has tested .015 or higher blood alcohol level.~~
- ~~2. Member: Any sworn officer or non-sworn employee of the San Francisco~~

~~—Police Department.~~

~~3. Carrying a weapon: Carrying a weapon on the member's person. An officer who secures a weapon off his or her person—such as in the locked trunk of a vehicle or a secure container in a residence or building—shall not be considered to be "carrying a weapon" for purposes of this order.~~

~~E. ALCOHOL TESTS. When ordered, a member shall submit to either a:~~

- ~~• Blood,~~
- ~~• Breath, or~~
- ~~• Urine analysis to determine the presence of alcohol in his/her blood.~~

~~F. RECOMMENDATION OF PUNISHMENT. It is the policy of the San Francisco Police Department that any officer who violates this General Order may be suspended without pay for up to three months or terminated at the discretion of the Commission.~~

~~G. REPORT AND INVESTIGATION RESPONSIBILITIES~~

- ~~1. Responsibility for immediately investigating and reporting relevant matters concerning alcohol consumption violations rests with the member's commanding officer or, if not immediately available, the senior ranking officer on duty at the time of the reported incident.~~
- ~~2. If the member to be investigated is assigned to another unit, the commanding officer, or the senior ranking officer on duty at that unit shall assume investigation responsibilities.~~

~~H. OFF DUTY ENFORCEMENT ACTION AND RESPONSE TO CALLBACK~~

~~G. 1. Members should not activate from an off-duty status to an on-duty status when their ability to perform their duties as a sworn officer is impaired. (See DGO 2.01 General Rules of Conduct)~~

~~An off-duty unarmed officer who has consumed alcohol and may be impaired is not expected to and, depending on all the facts and circumstances, generally should refrain from taking any police action in response to an off-duty incident, other than rendering aid and assistance to the injured, notifying the appropriate authorities, and being available to provide information.~~

~~E.H. 2. An off-duty unarmed sworn officer who has consumed alcohol and is called back to duty in response to an emergency or for any other reason shall immediately inform his or her superior their supervisor of the facts and circumstances relating to the their alcohol consumption. Superior officers or any impairment. Supervisors shall allow off-duty officers who reasonably believe that they may be impaired to decline to return to duty.~~

- I. H.—Members shall notify a supervisor immediately if they observe behavior or have reasonable suspicion that any member in the workplace consumed alcohol or is under the influence of alcohol, such that the member’s ability to perform the functions of the job safely and effectively is impaired or reduced.

2.02.04 PROCEDURES

~~A. REPORTING AND INVESTIGATING/DUTIES OF INVESTIGATING OFFICER~~

- A. Reporting and Investigative Responsibilities - The commanding officer of the member’s unit, or if not immediately available, the senior ranking supervisor on duty at the time of the report of an alcohol use violation shall be responsible for directing the preliminary investigation. If the member to be investigated was detailed or loaned to another unit, the commanding officer, or the senior-ranking supervisor on duty at that unit shall be responsible for directing the preliminary investigation.

Supervisors shall comply with DGO 2.08 regarding Peace Officers’ Rights.

- B. Alcohol Tests - When reasonable suspicion exists, a member is under the influence of alcohol, the member shall immediately submit to testing to determine the presence of alcohol when ordered by a supervisor.

C. Duties and Responsibilities of the Investigating Supervisor

- ~~1. ON-DUTY MEMBER-1.~~ On-Duty Member - If a member is on duty and is reasonably believed to be impaired, the investigating ~~officers~~supervisor shall:
- ~~a.~~ Notify the member’s commanding officer and Bureau Chief.
 - ~~a. b.~~—Immediately relieve the member from duty.
 - ~~b. e.~~—Relieve the member of ~~all~~duty firearms ~~(if applicable).~~
 - c. Notify the member’s commanding officer, who shall notify the members Bureau Chief.
 - d. Notify the Internal Affairs Division (IAD).
 - e. Inform the member of their peace officer rights in disciplinary investigations.
 - e.f. Order the member to submit to a ~~blood, breath or urine analysis test to~~ determine the presence of alcohol.
 - e.g. Order the member to submit a ~~report, in his/her handwriting~~handwritten statement, as a response to the allegations.
 - ~~i.~~ Inform the member of the right to representation before writing the report.
 - e.h. Not allow the member to drive a vehicle.

~~f.i. i.~~ Take reasonable steps to prevent ~~him/her~~ the member from leaving the police facility ~~unless accompanied by a responsible person~~ once the investigation has been initiated.

~~g.j. g.~~ Investigate and determine whether any of the member's supervisors may have been negligent, by failing to take appropriate action.

~~h.k. h.~~ Prepare a supervisor's investigative report and submit it along with any statements, test record, etc., to the ~~Chief~~ commanding officer of ~~Police~~ the Risk Management Office (RMO) in a sealed envelope clearly marked "confidential" by the end of your tour of duty.

~~i.l. i.~~ ~~Forward~~ The investigating officer shall make a copy of the report package in a sealed envelope clearly marked "confidential" to the Deputy Chief of Administration for him/her to review notification to the Behavioral Science Unit (BSU) and recommend if intervention of the refer the member to BSU for appropriate Employee Assistance Program is needed (EAP) resources.

~~ii. When appropriate, and within the scope of a supervisor's duties, refer members to the Behavioral Science Unit or Stress Unit.~~

2. ~~OFF-DUTY MEMBER: Off-Duty Member~~ - If a member is off-duty, carrying a firearm or driving a Department vehicle, and is reasonably believed to be impaired, the investigating officer shall:

~~a. Relieve the member of any firearm he/she is carrying.~~

~~a. b.~~ Notify the member's Commanding Officer, who shall notify the member's Bureau Chief.

~~b. Relieve the member of any firearms.~~

~~b.c.~~ Order the member to submit to ~~blood, breath or urine analysis~~ a test to determine the presence of alcohol.

~~e.d.~~ Notify IAD.

~~2.~~ Prepare ~~an investigative report~~ a memorandum with any supportive documentation and submit it, ~~along with any statements, test record, etc., to the Chief of Police as in II.1.h above.~~

~~d.e.i.~~ ~~Forward a copy to the commanding officer of the report package~~ RMO in a sealed envelope ~~to the Deputy~~ clearly marked "confidential".

~~Chief of Administration for him/her to review, as in II.1.h.i. above.~~

~~ii. Recommend if intervention of the Employee Assistance Program is needed.~~

~~f. INVESTIGATIVE REPORT.~~ The investigating officer shall make a notification to the (BSU) and refer the member to BSU for appropriate EAP resources.

A.D. Investigative Report - The investigative report must contain the following information:

1. The accused member's name, rank, and assignment.
2. The time the commanding officer, or senior-ranking ~~officer~~ supervisor of another unit ~~was~~ 3.2. notified (if applicable), was notified.
4. ~~3.~~ Reason the member's conduct was brought to ~~your~~ the Investigating Supervisor's attention, and the basis for the belief that the member was consuming alcohol, or was ~~impaired under the influence.~~
4. ~~Relevant~~ Witness and victim's statements.
5. ~~Other action~~ Actions taken, including all notifications ~~taken. Those actions taken by other supervisors if known.~~



References

DGO 11.11 ~~Evaluation~~ Intervention and ~~Rehabilitation~~ Resource Program
DGO 11.09, Employee Assistance Program/Stress Unit
DGO 11.04, Peer Support Program
DGO 2.08, Peace Officers' Rights
DGO 2.07, Discipline Process for Sworn Officers
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