



The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

October 19, 2023

Chief William Scott
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, October 18, 2023, the following resolution was adopted:

RESOLUTION 23-101

APPROVAL OF REVISED DEPARTMENT GENERAL ORDER 9.04, "SEAT BELT POLICY," 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 9.04, "Seat Belt Policy," 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 Walker, Byrne, Benedicto, Yee, Vice President Carter-Oberstone

EXCUSED: President Elias, Commissioner Yanez

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
Director L. Preston/Labor Relations
Jenny Liu/Staff Services (for Labor Relations)

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

Seat Belt Policy

9.04.01 PURPOSE

The purpose of this order is to establish guidelines for seatbelt use while operating or transporting passengers in an authorized Department vehicle.

9.04.02 POLICY

This Department General Order provides policy for Department Members for the use of seatbelts as required by the California Vehicle Code. During the use of an authorized motor vehicle for an official purpose, all Department Members and occupants are required to use a seatbelt. Members shall properly adjust and securely fasten safety belts when operating or riding in a vehicle. Members shall not use seatbelt extenders. This policy applies to the operation of any motor vehicle assigned to the Department and any privately owned or rental vehicle the Department authorizes for official use by a member.

Members must be prepared to justify any deviation from this requirement.

A. Passenger Transportation

Before transporting any passenger, members must confirm that the vehicle used is equipped with functioning seat belts for each passenger.

1. **Children** – Prior to transporting any child, a member knowledgeable in the proper use of a supplemental child car seat or a child “booster seat” must confirm that the seat is approved and within the recommended use period (not expired). The knowledgeable member may then install and secure a child in the car seat or booster seat. Only approved child safety restraints shall be used when transporting children. Members shall adhere to the California Vehicle Code pertaining to the transportation of children and the safety seat manufacturer guidelines for proper seat use.
2. **Adults** – Members are responsible for the safety and security of all persons they transport within a Department vehicle. When transporting a person in custody whose size or build, coupled with the vehicle configuration of a sedan or SUV, does not allow for proper use of a seat belt to secure the intended passenger, Members shall use a marked department van for transportation.

B. Exemptions

1. **Person in custody is resisting or combative** - If an officer’s safety would be jeopardized by attempting to secure a safety belt around the person in custody within a

patrol vehicle, the officer should consider requesting a wagon to transport the person in custody, and every reasonable attempt to secure the person in custody with a seatbelt shall be made and articulated in an incident report.

The transportation of a person in custody under this circumstance must be communicated to and approved by the member's supervisor before transporting. Articulate in the incident report the circumstances along with the name and star number of the notified supervisor.

2. **Mental Health Crisis** – Refer to DGO 6.14 *Psychological Evaluation of Adults* for transportation of persons in mental crisis.
3. **Removal of Seat Belts** – In preparation for taking police action, such as arriving for a call for service, making a vehicle traffic stop, or actively searching for an individual, officers may remove the seat belt for a quick exit prior to stopping the vehicle.
4. **Exigent Circumstance Exception** - An exigent circumstance arises when an officer reasonably believes, based on specific and articulable facts, that a threat exists to a person's safety, the safety of others or the officer's safety if a seatbelt is worn. The officer may then remove the seatbelt until the threat is over.

~~San Francisco Police Department~~

~~9.04~~

~~GENERAL ORDER~~

~~08/10/94~~

~~SEAT BELT~~

Seat Belt Policy

9.04.01 PURPOSE

The purpose of this order is to establish guidelines for seatbelt use while operating or transporting passengers in an authorized Department vehicle.

9.04.019.04.02 **POLICY**

This ~~order establishes~~ Department General Order provides policy ~~to help ensure maximum operator and passenger safety, minimizing the possibility of death or injury resulting from motor vehicle crashes.~~

~~I. INTRODUCTION~~

~~Research clearly shows that the use of safety belts has a significant effect in reducing the number of deaths and the severity of injuries resulting from motor vehicle crashes. A law enforcement officer's chance of being involved in a motor vehicle crash is two-to-ten times greater than that of the general public. for Department Members for the use of safety restraints reduces the risk of death and serious injury and assists officers in maintaining proper control of their vehicles in pursuit and/or emergency high-speed operations.~~

~~II. POLICY~~

~~A. USE OF SEAT BELTS. * It is the policy of the San Francisco Police Department to ensure the safety of all personnel and their families. In accordance with seatbelts as required by the California Vehicle Code Section 27315, safety belts. During the use of an authorized motor vehicle for an official purpose, all Department Members and occupants are required to use a seatbelt. Members shall be worn by drivers and passengers in all vehicles owned, leased or rented by the Department when in motion. This also applies to the operation of privately owned or other vehicles used on duty. Department personnel shall use properly adjustedadjust and securely fastenedfasten safety belts when operating or riding in any vehicle so equipped. a vehicle. Members shall not use seatbelt extenders. This policy applies to the operation of any motor vehicle assigned to the Department and any privately owned or rental vehicle the Department authorizes for official use by a member.~~

~~B. DRIVER'S RESPONSIBILITY. The vehicle's driver is responsible for ensuring compliance by all passengers.~~

~~C. TRANSPORTING CHILDREN. Approved child safety restraints shall be used when transporting children under the age of four years or weighing less than 40 pounds.~~

~~D. OPERATION OF DEPARTMENT VEHICLES. No person shall operate a Department vehicle or transport anyone when he/she does not have an operable seat belt.~~

AGO 9.04
08/10/94

~~E. TRANSPORTING ARRESTED PERSONS. A person under arrest and being transported in a Department vehicle is required to be secured by a safety belt where provided by the vehicle manufacturer. Officers are exempt from this policy when:~~

~~1. The rear seat belts have been removed.~~

~~2. The prisoner~~Members must be prepared to justify any deviation from this requirement.

A. Passenger Transportation

Before transporting any passenger, members must confirm that the vehicle used is equipped with functioning seat belts for each passenger.

1. **Children** – Prior to transporting any child, a member knowledgeable in the proper use of a supplemental child car seat or a child “booster seat” must confirm that the seat is approved and within the recommended use period (not expired). The knowledgeable member may then install and secure a child in the car seat or booster seat. Only approved child safety restraints shall be used when transporting children. Members shall adhere to the California Vehicle Code pertaining to the transportation of children and the safety seat manufacturer guidelines for proper seat use.
2. **Adults** – Members are responsible for the safety and security of all persons they transport within a Department vehicle. When transporting a person in custody whose size or build, coupled with the vehicle configuration of a sedan or SUV, does not allow for proper use of a seat belt to secure the intended passenger, Members shall use a marked department van for transportation.

B. Exemptions

1. **Person in custody is resisting or combative** ~~and the officer's-~~ If an officer's safety would be jeopardized by attempting to secure a safety belt around the person in custody within a patrol vehicle, the officer should consider requesting a wagon to transport the person in custody, and every reasonable attempt to secure the person in custody with a seatbelt shall be made and articulated in an incident report.
~~prisoner. If available, a wagon should be used to transport-~~
The transportation of a person in custody under this circumstance must be communicated to and approved by the member's supervisor before transporting. Articulate in the incident report the circumstances along with the name and star number of the notified supervisor.
2. **Mental Health Crisis** – Refer to DGO 6.14 *Psychological Evaluation of Adults* for transportation of persons in mental crisis.

Removal of Seat Belts – In preparation for taking police action, ~~such prisoners.~~

~~3. The prisoner's size or build, coupled with vehicle configuration, create a hardship to accomplish the securing of the safety belt around the prisoner.~~

~~2.3.F. REMOVAL OF SEAT BELTS. When as arriving at an emergency for a call, a~~

~~potentially dangerous situation or~~ for service, making a vehicle traffic stop, or actively searching for an individual, officers may remove the ~~safety restraint seat belt~~ for a quick exit just prior to stopping. ~~In traffic stops, the officer must be reasonably sure that the violator is going to stop before removing the safety restraint to prevent the officer's entering into a pursuit without using the safety belt~~ the vehicle.

G. EXEMPTIONS FOR UNDERCOVER OFFICERS

~~1. Officers functioning 'man undercover capacity are exempt from this policy when:~~

~~a. The wearing of the belt could pose safety problems when the officer anticipates being in proximity to a suspect while conducting undercover operations.~~

~~ix The wearing of the belt could compromise the officer's identity.~~

~~2. This exemption is intended to facilitate the undercover narcotic or vice officers in conducting their duties when they are about to contact street dealers, prostitutes, etc. Officers working a plainclothes detail or on routine patrol are not exempted. Undercover officers merely in transit or on an administrative assignment are not exempted.~~

~~H. TRAINING. Roll call video training will be provided prior to implementation of this order. A practical application training regarding seat belt usage will be provided in conjunction with roll call training to be conducted at the unit level. Additional training will, be provided in future inservice training sessions.~~

~~L. VIOLATIONS. Noncompliance with the requirements of this order will result in appropriate corrective or disciplinary action, as follows:~~

- ~~1. Verbal reminders for initial incidents.~~
- ~~2. Formal counseling, which could be included in PIP for repeated violations.~~
- ~~3. Recommendation of discipline for patterns of noncompliance or refusal to wear a safety belt.~~

3.4. Exigent Circumstance Exception - An exigent circumstance arises when an officer reasonably believes, based on specific and articulable facts, that a threat exists to a person's safety, the safety of others or the officer's safety if a seatbelt is worn. The officer may then remove the seatbelt until the threat is over.

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