



## Policy: Arrest and Transport

3.08.02

Effective: 4/18/2018

Authority: [Penal Code §830.5](#), [§836](#), [§1203.2\(a\)](#), & [§3455\(b\)\(1\)](#)

Replaces: 3.08.02  
(9/1/2015)

Responsible for Updates: Division Directors

4/18/2018

Approved by

Chief Adult Probation Officer

Date

### Forms

- APD-41 – Warrant Recovery Team Referral
- APD-60 – Release of Dependent
- APD-77 – Field Plan
- APD-233A – Incident Report
- APD-233B – Supplemental Incident Report

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### I. Principles

Sworn staff must balance public safety needs with supporting client progress and pro-social behaviors. Sworn staff must use arrest powers judiciously. Whether in the field or office, the safety of officers, clients, and the public is of paramount importance and must be a high priority in any decision to arrest.

### II. Policy

Officers may effect an arrest when authorized by statute. Officers must transport arrestees to County Jail Central Booking unless SFPD assists and takes custody of the arrestee.

#### Determining When to Make an Arrest

1. **Legal Arrest Powers:** Officers have legal authority to arrest when:
  - a. The officer has probable cause to believe someone on probation, mandatory supervision, or Postrelease Community Supervision (PRCS) is violating any term or condition of his or her supervision (PC §1203.2(a) and PC §3455(b)(1)).
  - b. There is a warrant (PC §836(a)).
  - c. The officer has probable cause to believe a person has committed a public offense in the officer’s presence (PC §836(a)(1)).
  - d. A person has committed a felony, although not in the officer’s presence (PC §836(a)(2)).

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**Probable Cause:**

Probable cause is a stronger standard of evidence than reasonable suspicion, but weaker than what is required to secure a criminal conviction. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, to obtain a search or arrest warrant, or to make a plain view seizure in the belief that the property is incriminating.

**Reasonable Suspicion:**

Reasonable suspicion must exist for a law enforcement officer to conduct a Terry search, temporarily detain non-client third parties, or conduct a protective sweep of areas controlled exclusively by third parties. Reasonable suspicion is a lower standard than probable cause and therefore can arise from information that is less reliable than that required to show probable cause, but is more than a guess or a hunch.

e. The officer has probable cause to believe a person has committed a felony (PC §836(1)(3)).

2. **People Not Under Department Supervision:** Officers may detain non-clients when authorized under PC §836 and when exigent circumstances exist (e.g., when rendering mutual aid, or when a person creates an immediate public safety concern). Once detained, officers must request local law enforcement assistance to transport and book non-clients.

3. **Department Clients:**

a. Officers may exercise discretion to arrest a Department client who has committed a significant violation or a new offense with consideration of the following criteria:

- Whether the matter can be better handled through alternative intermediate action rather than arrest.
- The level and seriousness of the matter, including whether it is a technical violation or a new felony or misdemeanor offense.
- The client's background, compliance, history of violence, risk to public safety, or other circumstances.
- Whether the client is the primary caregiver of minor children or dependent adults; officers must consider all appropriate non-custodial options prior to arresting a primary caregiver.

b. Officers shall arrest clients with outstanding criminal warrants. If there are compelling reasons not to arrest a client with a misdemeanor warrant only, the officer may obtain the Division Director's approval, through the chain of command, to take alternative steps.

Note: Per PC §830.5 and California Attorney General's Opinion 89-203 (1989), a probation officer's peace officer powers do not extend to off-duty hours. An off-duty probation officer has the same authority to make a citizen's arrest as does any other citizen, but acts as a citizen rather than as a peace officer.

## Arrest and Transport Safety Requirements

Staff safety is the top priority when making an arrest. When arrest would pose a risk to officer, client, or public safety, officers shall consider whether a safer, more prudent course of action would be to get to safety and notify SFPD, to wait until backup is available, or to take other alternative measures. The following safety guidelines apply to all arrests:

1. **SPO Approval:** All arrests must be pre-approved by the Supervising Probation Officer (SPO). Exceptions may be made when cause to arrest arises unexpectedly; the officer must notify and debrief with the SPO as soon as safe and practical to do so.

**Live SPO Contact**

Live contact is defined as either in-person communication or communication via radio, phone, text, or email and the recipient confirms receipt of the communication (e.g., responds to the message).

For the purposes of this policy, when SPO approval or live contact is required, DPOs shall first seek his or her Unit SPO or acting Unit SPO. If the SPO is not available, DPOs must contact the following in this order until contact is made:

- Another SPO within the Division.
- The Division Director.
- An SPO in another Division.

2. **Staffing Arrests:** Arrests must always be made by two or more officers. Exceptions may be made when cause to arrest arises unexpectedly in the office.
  - a. It is strongly advised that at least one officer be armed when conducting a field arrest.
  - b. SFPD backup shall be obtained when there is a significant safety risk or weapons concern.
3. **Safety Equipment:** For pre-planned office arrests, each officer must wear a badge, Department ID, handcuffs, and OC spray. For all field arrests, officers must also have required field gear per Safety and Field Equipment Policy 3.04.03.
4. **Chase:** Officers may not engage in vehicle pursuits. Officers may – but are never required to – engage in foot pursuits if an arrestee escapes. Officers must always consider the totality of the circumstances to decide whether to conduct a foot pursuit and/or take other appropriate actions such as notify the local law enforcement agency, file a Department Incident Report, or have a warrant issued. Note: Per Government Code 845.8, Department employees are not liable for injury caused by an escaping or escaped arrested person.
5. **Transports:** Transports must be conducted by two or more officers. Arrestees may be walked from the Hall of Justice. Transports from CASC or the field must be made by vehicle, using a caged vehicle whenever possible. If transporting a female or someone who self-identifies as female, at least one transporting officer must be female unless exigent circumstances exist. Note: For noncustodial transports, refer to Transport to Programs and Services Policy 5.02.09.

**III. Procedures****Preparing for Arrest**

Officers must adequately prepare for an arrest. If cause for arrest arises unexpectedly and as a result of exigent circumstances that do not allow pre-planning, the officer (or a designee) must make live contact with the SPO and obtain approval before proceeding with the booking. Otherwise, officers must prepare for arrests as follows:

1. **Gather information:**
  - a. Run local and state record checks (including QCA, QRAP, QALL, QHY, QN, and QW) to ensure the officer has updated information and that the client is not already in custody.
    - If a warrant from the San Francisco Superior Court is identified (the warrant number will begin with an “S”), obtain a copy of the warrant from Central Warrants Bureau (415-553-1871, 4<sup>th</sup> floor of

**Central Warrants  
Bureau**

**(415) 553-1871**

### Children and Dependent Adults

Officers should be aware that children and dependent adults can experience emotional trauma when witnessing the arrest of a parent or caregiver, and can experience emotional and other hardships when a parent or caregiver is taken away.

If an arrest is required, sworn staff must take all reasonable steps outlined in this policy to avoid making the arrest in the presence of dependents, to use trauma-informed language and techniques to minimize trauma to the dependent, and to identify alternative care for the dependent.

Backpacks with children's supplies are available in Department vehicles and in the office, to be distributed as needed to comfort children.

the Hall of Justice). If there is a warrant from another jurisdiction, confirm the warrant with Central Warrants Bureau. Obtain the name and badge number of the police officer who provides the warrant information.

- b. Identify any known factors that may impact officer safety or arrest planning, such as violence, mental health issues, substance abuse, disabilities, physical conditions, prior behavior patterns, or medical issues that might prevent the client from being booked in jail. Plan accordingly.
  - c. Confirm whether the client has a warrantless search condition.
  - d. Consider the optimum date and time of arrest, ability to bring the client into the office, county jail counts, or other time-sensitive issues.
  - e. For field arrests, consider the layout, exits, and entrances of the arrest location if possible. As needed, run record checks on people the client lives with in order to identify any safety concerns.
  - f. Determine assistance needed (including an officer who is the same gender as the client, whenever possible), the role of each officer, and whether outside law enforcement assistance is needed.
  - g. Consider how to make the arrest away from the client's friends, relatives, minor children, or dependent adults. If children or dependent adults are likely to be present, determine how to best ensure their safety, minimize trauma, and provide follow-up arrangements (see below on making arrests when minor children or dependent adults are present). Arrange to have a child or adult protective services caseworker on the premises as needed.
  - h. Identify a secure exit route for moving the client in the officer's custody.
  - i. Take other precautions, depending on the specific circumstances.
2. **Arrest Plan and SPO Approval:** Develop an arrest plan with the above information and document it in writing if needed. Case conference with the SPO to discuss the rationale for the arrest, the intended arrestee's identity, the best location for the arrest, and the arrest plan. The SPO must verbally approve the arrest in order to proceed, and must assign additional officers or safety precautions as necessary.
  3. **Additional Preparatory Steps:**
    - a. Complete a Field Arrest/Booking Card. Document any warrant details on the card. Obtain envelopes for property, money, and contraband.
    - b. If an arrest in the office, notify staff who will be nearby.
    - c. If possible, clear the arrest area of any objects that could be used as weapons.

### Transgender Clients

Transgender refers to a person who is born with genetic traits and anatomy of one sex but who self-identifies as another sex. A transgender person can be pre-operative, post-operative, or non-operative.

When an individual is identified as a transgender person, Department employees shall respect the gender identification expressed by the individual. Staff shall not inquire about intimate details of anatomy or surgical status; proof of an individual's gender is not required.

- d. For field arrests, complete a Field Plan APD-77 and obtain SPO approval, per Field Safety Policy 3.08.04.
- e. Conduct a pre-arrest briefing with all assisting officers (including any law enforcement partners) to discuss:
  - Background on the reason for arrest and the client's particular information (e.g., mental health issues, history of violence).
  - The details of the arrest plan, including roles of each officer.
  - For field arrests, provide a physical description or mug shot of the intended arrestee. Discuss the layout, entrances, and exits of the arrest location and who will cover each door.

### Making the Arrest

1. Per PC §841, immediately notify the person that he or she is under arrest and briefly state the reason.
2. If the arrestee resists, staff may use reasonable force to effect the arrest, prevent escape, or overcome resistance (PC §835a) as consistent with Use of Force Policy 3.02.01.
3. Place Department-approved handcuffs on the person. Check handcuffs for appropriate tightness and ensure they are double locked. Once handcuffed, the arresting officer (or a designee) must maintain physical contact with the arrestee when practical and attempt to assist the person when walking and when getting into or out of a transport vehicle. As needed, modify application of handcuffs per Handcuffing Policy 3.08.05, such as for pregnant women and people with disabilities.
4. If at any point the officer believes that the arrestee has committed a new crime, the officer shall either read the arrestee his or her *Miranda* rights prior to proceeding with questioning, or stop questioning and allow the police to proceed with the matter. If the arrestee waives his or her rights, document this in the IR and cTAG. See Advisement of *Miranda* Rights Policy 3.08.02.
5. Search the arrestee and his or her immediate belongings. It may be necessary to first conduct a pat down and later conduct a full search in a safe location. The officer who searches the client's person should wear puncture-resistant gloves and should be of the same gender as the client whenever possible. If the client identifies as transgender, officers should ask whether the client prefers to be searched by a male or female officer and should accommodate that preference whenever possible. Note that a cell phone or other electronic device cannot be searched incident to an arrest<sup>i</sup> unless the client gives specific consent, is on PRCS, or has a clear and unambiguous electronic device search condition.
  - a. Ask the arrestee if he/she has any sharp objects (needles, knives, etc.).

### Field Assistance Authorization

Requests for field assistance to law enforcement partners require approval as follows:

1. SPO approval if assisting SFPD or SFSD.
2. Division Director approval if assisting any other law enforcement agency.
3. Chief Adult Probation Officer approval for a Special Operation (see Special Operations with Law Enforcement Agencies Policy 3.08.01).
4. Under exigent circumstances, officers may render mutual aid to law enforcement partners without prior approval.

Note: Department staff are prohibited from assisting Immigration and Customs Enforcement (ICE) to enforce civil immigration laws, including any investigation, detention, or arrest. See Immigrant Clients and Compliance with the Sanctuary Ordinance Policy 3.06.01.

- b. **Personal Property:** Remove from the client any personal property that is irrelevant to the arrest. With the client's permission, property can be left in the client's residence or with a person who has accompanied the client. Otherwise, place personal property in the appropriate envelope and list each item on the envelope. Money must be independently counted by two officers, confirmed with the arrestee, and sealed in a currency envelope. Both officers must note the amount they counted on the sealed envelope. If handling property in the office or field, obtain a copy of the property log to be retained in the client's file.
  - c. **Evidence or Contraband:** All property seizure must be conducted as outlined in Search and Seizure Policy 3.08.03. In particular, if there is evidence that may be used in Court, either regarding a new crime or a technical violation, staff must request SFPD assistance in order to ensure that any evidence is handled in a procedurally sound manner. Staff may not handle the evidence except in extraordinary circumstances, such as to remove a weapon from an arrestee's person.
6. Take reasonable steps to determine if the arrestee cares for minor children or dependent adults, even if not present at the time of arrest. Ask whether the arrestee has dependents under his/her direct care and whether temporary arrangements must be made. If in a home environment, be aware of items that suggest the presence of a dependent (toys, diapers, etc.). If there are dependents, follow procedures in the next section.
  7. If anyone accompanied the arrestee to the office, designate a staff member to advise them of the arrest after the arrestee has been transported away from the office.
  8. Transport the arrestee as outlined below, unless SFPD provides transport.
  9. Notify the SPO of arrest completion as soon as safe and practical to do so.
  10. For field arrests, officers must also:
    - a. Notify SFPD dispatch via radio upon arriving at and when leaving the location.
    - b. Double check arrival at the correct address before approaching. Avoid parking the vehicle directly in front of the arrest location if possible.
    - c. Ensure that the arrest is effected in a legal manner.
      - Arrest may be made without entrance by asking the person to step outside.<sup>ii</sup>
      - Officers may not enter a residence (temporary or permanent) or private structure with the express intent of arresting a person without a warrant.<sup>iii</sup> Exceptions to this rule include:
        - The person has a warrantless search condition.<sup>iv</sup>

### Warrant Recovery Team

DPOs can enlist the assistance of the Warrant Recovery Team to locate clients who are on bench warrant status. Use Warrant Recovery Team Referral Form APD-41.

DPOs must exercise due diligence to reengage or locate a client before referring to the Warrant Recovery Team. At a minimum, this includes sending the client a letter to report and conducting a field visit to the client's last known address.

- There are exigent circumstances, such as fresh or hot pursuit, or when officers reasonably believe immediate entry is necessary to save lives or prevent the destruction of evidence.<sup>v</sup>
- Cause to arrest arises after officers are lawfully inside.<sup>vi</sup>
- Consent to enter is obtained. For consent to be an exception, the consenter must appear to have the authority to admit entrance (such as someone who appears to be a resident)<sup>vii</sup> and must consent “knowing and intelligently;” consent obtained by deception is invalid.<sup>viii</sup>
- Before officers enter under the authority of a search warrant, arrest warrant, or warrantless search condition, officers must knock and announce their presence and purpose. Officers may enter the residence if the client refuses or does not respond after a reasonable amount of time, and the officers believe the client is inside.<sup>ix</sup> The level of force must be reasonable to the circumstances, and officers must have an articulable reason that immediate entry is necessary. Note: Most Courts require a minimum 10-20 second wait.<sup>x</sup>
- d. If the client has a warrantless search condition, one or more officers can make a quick, limited protective sweep of the common areas of the residence and areas in which the client has exclusive or joint control. The protective sweep can extend to other areas of the residence, such as a third party's bedroom, only if there is reasonable suspicion, based on specific articulable facts, which would warrant a reasonable officer to suspect that there may be a person on the premises who poses a danger to officers or others.<sup>xi</sup>
- e. Secure the residence before leaving by locking doors and windows and taking reasonable steps to see that pets are not abandoned because of an arrest. At the arrestee's request, simply notifying a neighbor or friend about the pet may be enough.

### Arrests and Minor Children or Dependent Adults

Sworn staff must avoid making arrests in the presence of minor children and dependent adults whenever possible, and must take the following steps to minimize trauma to dependents and to identify alternative care for dependents when arresting a caregiver. Nothing in this policy negates the legal rights of parents and guardians to choose appropriate placement for the care and custody of their dependents, even when arrested or otherwise detained. Sworn staff must respect this parental/guardian right unless they identify compelling evidence, through steps outlined below, that the placement would be unsafe for the dependent. If abuse is suspected at any time, file a report per Reporting of Suspected Child Abuse or Neglect Policy 3.07.03 or Reporting of Suspected Elder/Dependent Adult Abuse Policy 3.07.04.

1. When not possible to avoid making an arrest in the presence of a minor child or dependent adult, officers must allow the arrestee to speak with and provide reassurance to the dependent. If not safe or reasonable to do so, the arresting officer or a designee should personally offer reassurances to the dependent in age-appropriate language. If possible, escort the dependent away from the area before the arrest.
2. If the other parent or legal guardian is not present, attempt to gather: the dependent's name, date of birth, home address, current location if not present, and any special health or medical issues; the preferred caregiver's/ other legal guardian's name, date of birth, address, and phone number. If possible, obtain information for additional backup caregivers.
3. For dependents who are present at the arrest: If SFPD is present, allow SFPD to assume responsibility for the matter. Otherwise, the arresting officer or a designee must take the following steps in order to ensure the dependent is released to an appropriate caregiver.
  - a. **For Minor Children:** The child(ren) cannot be released to a caregiver who has an outstanding criminal warrant or any history of sexual crimes, 290 status, or violence against children unless the caregiver is the child's parent or legal guardian; a parent or legal guardian may take custody of the child regardless of his or her criminal background unless a court order limits his/her contact with the child.
    - Run a preliminary criminal background check on the proposed caregiver(s), even if the proposed caregiver is present at the time of the arrest and says that he or she is the child's parent or guardian.
    - Contact the Family and Children Services (FCS) 24-hour hotline (415-558-2650 or 1-800-856-5553) to determine whether the potential caregiver has any documented history of child abuse and for consultation regarding any concerns about the child's safety or the appropriateness of the potential caregiver. Identify yourself as a probation officer and identify the nature of the call to ensure an expedited response.
    - If a suitable caregiver cannot be identified, contact SFPD to transport the child(ren) to FCS. This is to be used only as a last resort after all reasonable avenues for parent-identified placement have been exhausted.
    - Consult the SPO to review the steps taken to verify the suitability of the caregiver and obtain approval before releasing the child.
    - The arresting officer or a designee must stay with the child(ren) until the caregiver arrives. If unable to do so, the officer must consult his or her SPO.
    - If the child is at school, consider whether to contact the School Resource Officer (SRO) or principal. This may be appropriate if

### Family and Children Services

24-hour hotline:  
415-558-2650  
or  
1-800-856-5553

### Adult Protective Services

24-hour hotline:  
415-355-6700



### Radio Codes

Common radio codes that may be used while making an arrest and transport include, but are not limited to:

- Code 1: Non-Emergency Response
- Code 3: Emergency Response
- Code 4: No Further Assistance Required (Specify Reason)
- Code 33: Emergency -Clear Channel
- 10-1: Receiving Poorly
- 10-2: Receiving Well
- 10-4: Message Received
- 10-7i: Out of Service (Investigation)
- 10-8: In Service
- 10-9: Repeat Last Message
- 10-20: Location
- 10-22: Cancel
- 10-25: Respond as Backup (Specify Code and Number of Units)
- 10-29: Warrant/Record/Vehicle Check
- 10-30: Stolen Vehicle/Wanted Person
- 10-35: Person Must Consent to Search
- 10-97: Arrived at Scene
- 10-98: En Route to New Location
- 148: Resisting Arrest
- 407: Prisoner Transport

the child will be picked up by FCS or by a caregiver who is not known to the school.

- b. **For Dependent Adults:** Dependent adults may legally make caregiver choices for themselves. Staff should use their judgment, given the dependent adult's needs and apparent cognitive limitations, and determine appropriate steps to ensure the adult will be cared for. Steps may include:
- Assist the adult to contact either a caregiver of his or her preference; a caregiver named by the arrestee; his or her social worker in order to arrange for another caregiver; or the Department of Aging and Adult Services/Adult Protective Services (415-355-6700) to obtain assistance on handling the situation or to arrange for home support services.
  - Call 911 if there is an emergency situation or immediate danger. Remember: Adult Protective Services can provide assistance and will investigate reports of abuse within 24 hours, but does not provide immediate emergency response.
  - Consult with the SPO as needed, such as to determine whether someone should stay with the dependent until the caregiver arrives.
- c. When releasing the dependent child or adult to the caregiver, verify the caregiver's identity if possible and complete Release of Dependent form APD-60. Use a blank piece of paper if a form is not available.
- d. Document the release of the dependent in the Department's case management system, including the name and contact information of the caregiver or caseworker the dependent is placed with, other potential caregivers named by the arrestee, and all contacts made regarding the dependent's placement. This information may later be crucial to a caseworker or caregiver.

### Transport and Booking

Sworn Department staff may enlist the assistance of SFPD to provide custodial transport following arrest. When SFPD is not at the scene or unavailable, sworn Department staff must transport the arrestee to County Jail Central Booking as follows:

1. Ensure that arrestee has been searched.
2. Inspect handcuffs for appropriate tightness and to ensure they are double locked. Always transport an arrested person with restraints. If there is compelling reason not to handcuff the person due to a disability or medical condition that makes it unsafe or unreasonably uncomfortable to transport with handcuffs, officers must consult the SPO to determine a safe alternative. See Handcuffing Policy 3.08.05.

### Clients with Disabilities

When transporting or arresting a client with a disability, officers may need to take special measures that differ from Department policy. DPOs may need to consult their supervisors or seek further SFPD or SFSD assistance about how to safely and properly conduct such activities.

When transporting a client who uses a mobility device (e.g., wheelchair, cane, crutch, braces, walker, motorized scooter, etc.), officers must:

- Always transport the device with the client.
- Ensure the client is safely transferred to the transport vehicle. If an in-custody client is able to transfer himself or herself, the officer must remove handcuffs so the client can safely get into the vehicle. Officers may lift or physically support clients only if able to do so without injury.
- Never unplug the power or disassemble a device that is motorized or has life support systems.
- If unable to transport the device in a Department vehicle or the person must be transported while remaining in the device, contact SFPD for assistance.

See also ADA Protocol 3.06.05.

3. If the arrestee becomes hostile or violent during the transport, get the person to jail without delay unless absolutely necessary to summon medical and police assistance.
4. For vehicle transports:
  - a. Conduct a maintenance check of the vehicle, including rear seatbelts.
  - b. Inspect and clear the vehicle before transport to verify that no weapons or contraband are present. Inspect again at the destination to ensure that the arrestee did not leave contraband behind. Note the inspections on the vehicle search log.
  - c. Assist the arrestee getting into and out of the vehicle to ensure safety.
  - d. Place the arrestee behind the driver and fasten his or her seat belt by passing the seat belt over to the other officer to buckle it.
  - e. The accompanying officer shall sit in the front passenger's side if a caged vehicle, or the rear passenger's side if a non-caged vehicle, and observe the arrestee during transport.
  - f. Activate the child safety lock on the door.
  - g. Upon leaving the arrest location, notify SFPD dispatch via radio. In the unavoidable situation that a male team transports a female, maintain periodic communication during transport.
  - h. Do not leave the arrestee unattended in the vehicle.
5. Once at the jail:
  - a. Provide all applicable paperwork to SFSD (e.g., the booking card, copy of the warrant, and probation or PRCS hold) and any property items (e.g., property envelope, currency envelope).
  - b. Place the arrestee in a holding cell when instructed, and remove handcuffs if arrestee is compliant.
  - c. One officer must search arrestee's clothing while the other handles paperwork.
  - d. Notify jail custody staff of any special concerns regarding the arrestee, such as suspected or known alcohol or drug issues, medical problems, mental health issues, or assaultive or suicidal tendencies.
  - e. If the jail refuses medical clearance of the arrestee, the arresting officer must transport the arrestee to San Francisco General Hospital and remain there until the arrestee is medically cleared to be booked in jail. Contact the SPO to request relief from another officer if needed.

### Follow-Up

1. Notify the SPO that the arrest is complete as soon as possible.

2. If the arrest or transport involved resistance, force, injury, or any other issues, debrief with the arrest team and with the primary reporter's SPO. The SPO shall follow up as appropriate if significant training or procedural issues are identified.
3. Per Incident Reports Policy 3.02.04, the primary reporter shall file a Department Incident Report APD-233A within one business day of the arrest. Involved officers and staff witnesses must file a Supplemental Incident Report APD-233B if the arrest involves use of force above an unresisted handcuffing.
4. The primary reporter shall document the arrest in cTAG. Note the Department Incident Report number and SFPD IR number, if applicable.
5. The case-carrying DPO must follow up with the matter per New Arrests of Persons on Probation Policy 6.02.01 or relevant PRCS protocols. Any sanctions or sanction recommendations must be made per Rewards and Responses to Client Behavior Policy 5.02.04.
  - a. Probation or Mandatory Supervision: If arrest was made pursuant to a felony warrant, the DPO does not need to take steps to calendar the matter. Otherwise, the DPO must file a motion with the Court to ensure the matter is calendared within 48 hours, excluding days that the Court is not in session, pursuant to PC §825.
  - b. PRCS: Within one business day, the DPO must case conference with the SPO to determine whether to proceed with flash incarceration or a formal hearing.

## Compliance

The Department strives to adequately train all staff in order to ensure that staff are successful in carrying out their duties in a manner consistent with all federal, state, and local laws and all policies of the Department and the City and County of San Francisco. Violation of this policy will be reviewed on a case by case basis, but may result in discipline, up to and including termination, in accordance with appropriate progressive discipline policies and collective bargaining agreements.

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<sup>i</sup> *Riley v. California* (2014) 573 U.S. 783

<sup>ii</sup> *People v. Newton* (1980) 107 Cal.App.3d 568

<sup>iii</sup> *People v. Ramey* (1976) 16 Cal.3d 263; *Payton v. New York* (1980) 445 U.S. 573

<sup>iv</sup> *People v. Palmquist* (1981) 123 Cal.App.3d 1; *People v. Lewis* (1999) 74 Cal.App.4th 662

<sup>v</sup> *Minnesota v. Olson* (1990) 495 U.S. 91

<sup>vi</sup> *People v. Ramey* (1976) 16 Cal.3d 263; *People v. Dyke* (1990) 224 Cal.App.3d 648

<sup>vii</sup> *People v. Escudero* (1979) 23 Cal.3d 800

<sup>viii</sup> *People v. Superior Court (Kenner)* (1977) 73 Cal.App.3d 65

<sup>ix</sup> *People v. Rosales* (1968) 68 Cal.2d 299; see also PC §844

<sup>x</sup> *U.S. v. Allende* (1973) 486 F.2d 1351 (9<sup>th</sup> Cir.)

<sup>xi</sup> *Maryland v. Buie* (1990) 494 U.S. 325; *People v. Ledesma* (2003) 106 Cal.App.4<sup>th</sup> 857