



DEPARTMENT NOTICE

20-096
05/31/20

City and County of San Francisco Curfew Order

Due to the numerous criminal acts that occurred during the citywide protests on Saturday, May 30th, 2020, Mayor London Breed has declared a local emergency for the City and County of San Francisco. In conjunction with the emergency declaration, Mayor Breed has signed an "Order Setting Curfew During Local Emergency" that takes effect Sunday, May 31, 2020 at 2000 hrs PDT.

The order states the following:

No person, except as set forth below, shall be on any public street, sidewalk, plaza, park, other public property, or unimproved private property within the boundaries of the City and County of San Francisco between 8:00 p.m. and 5:00 a.m. of the following day, beginning at 8:00 p.m. on May 31, 2020, until the termination of this Order.

This Order shall not apply to: (1) peace officers, firefighters, other City and County employees engaged in authorized emergency operations, members of the National Guard, or any other responding military personnel deployed to the City and County; (2) individuals who can establish to the satisfaction of a peace officer that they are in such place for the sole purpose of traveling to a home or workplace or to obtain medical assistance; (3) authorized representatives of any news service, newspaper, radio or television station or network, or other media organization; or (4) people experiencing homelessness.

*Violation of this curfew is a **misdemeanor** under California Government Code Section 8665 and San Francisco Administrative Code Section 7.17, and violators may be subject to immediate arrest.*

This Order shall remain in effect until such time as the Declaration of Local Emergency is terminated, or sooner at the direction of the Mayor.

Note: If individuals claim to be members of the media, officers may ask for press credentials. However, the sole lack of press credentials does not provide evidence that the individual is not a member of the press. (i.e. Student journalists and "bloggers" can be considered media.)

Enforcement:

Members should enforce the Curfew Order citing Cal. Government Code section 8665 misdemeanor for violating emergency order [**Citation to read 8665 CGC**] with SF Admin Code 7.17(b) misdemeanor for violating a lawful emergency order [**Citation to read 7.17(b) SFAC**], and if appropriate, Cal Penal Code § 148 [**148 PC** misdemeanor for willful resisting, delaying, or obstructing a peace officer enforcing a lawful order].

Individuals may be booked rather than cited and released if: *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. (per 853.6 (i)(7) PC)*

As a reminder, all misdemeanor arrests require an incident report. In cases where the subject is booked, member's must clearly articulate the circumstances for booking the individual, rather than issuing a citation.

Supervisors may approve admonishment of individuals due to the operational needs of the unit and/or if officer safety would be compromised.

Possible Questions:

May businesses, including grocery stores, stay open past 8pm? *Workers can come and go to their workplaces during the curfew but most businesses cannot stay open to the public. Because of the exception for emergency medical care, urgent care and pharmacies for example may stay open to the public.*

May individuals exercise First Amendment activities during the curfew hours? *No. There is no exception for First Amendment Activity after 8 p.m. except for the media engaged in reporting. (First Amendment activities are welcome in San Francisco, but just not during curfew hours.)*

Are newspaper delivery drivers allowed to pick up and deliver newspapers during the curfew? *Yes, under the exception for media.*

Are operations that are part of the supply chain delivering goods to essential businesses, like trucks delivering food and medicine to grocery stores and pharmacies, allowed to continue during the curfew? *Yes, in light of the COVID-19 emergency, they may continue to deliver those goods.*

May PitStop bathrooms continue to operate 24/7, or must they shut down at 8pm? *PitStops may remain open during the curfew hours because operation of PitStops is necessary to address the COVID-19 emergency and a recently enacted emergency ordinance requires that they be operated 24/7.*


WILLIAM SCOTT
Chief of Police

Per DB 20-081, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Notice in HRMS. Any questions or clarification regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.