



# DEPARTMENT NOTICE

23-091

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## Obstructed Sidewalks Radio Code 921

The Department has established new radio code "921" - Obstructed Sidewalks for dispatch and officers to use for calls for service and incidents related to an individual obstructing sidewalk access by not allowing a 48" wide path of travel on a public sidewalk.

Members should refer to Department Notice 23-007 Enforcement of Laws and Ordinances for homeless individuals sitting, lying, or sleeping on public property, which was issued due to the United States District Court, Northern District of California, who partially granted a preliminary injunction ("injunction") regarding the enforcement of some laws pertaining to homeless encampments, (Case No. 22-cv-05502-DMR). The injunction states that Department members may "NOT use, enforce, or threaten to enforce" to prohibit homeless individuals from sitting, lying, or sleeping on public property. The injunction affects calls related to Radio Code 919, particularly the San Francisco Police Code §168 [prohibition against sitting and lying down on public sidewalks except for lawful conduct consistent with permit requirements].

The injunction does not restrict enforcement for conduct other than sitting, lying, or sleeping. Members can continue to enforce nuisance laws listed in Department Notice 23-007 and DGO 6.11 Obstruction of Street and Sidewalks, including the following:

### *DGO 6.11, Section II. GUIDELINES*

- A. *Penal Code Section 647c is a misdemeanor and is intended to be used only when normal access to public places is willfully and maliciously obstructed.*
- B. *Municipal Police Code Section 22 is an infraction and is intended to be used when a person persists in willfully and substantially obstructing the free movement of another person in a public place.*
- C. *When enforcing either law, the issue is the obstruction, not drunkenness, streetwalking, or any other suspicious or illegal activity; however, these and other disorderly conduct activities may also involve obstruction.*
- D. *After issuing a citation for Section 22 MPC, the arresting officer should advise the arrested person that another violation of Section 22 MPC within 24 hours constitutes a misdemeanor pursuant to Section 23 MPC. (See DGO 5.06 Citation Release).*

A handwritten signature in blue ink that reads "William Scott".

WILLIAM SCOTT

Chief of Police

*Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional information.*