



DEPARTMENT NOTICE

25-052

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Public Nudity Related Enforcement

(Updates to DB 13-111 & DB 10-251)

This Department Notice provides policy guidance and enforcement procedures for public nudity violations as defined by:

- San Francisco Municipal Police Code § 154(b) Prohibiting Public Nudity
- California Penal Code § 314 Indecent Exposure
- California Penal Code § 647(a) Lewd Conduct in Public

Municipal Police Code § 154(b) Prohibiting Public Nudity

1. A person may not expose their:
 - a. Genitals
 - b. Perineum
 - c. Anal region
2. On any:
 - a. Public street
 - b. Sidewalk
 - c. Street median
 - d. Parklet
 - e. Plaza
 - f. Public right-of-way-defined in Section 2.4.4 of the Public Works Code
 - g. Transit vehicle, station, platform, or stop of any government operated transit system
3. Exceptions:
 - a. Persons under the age of five
 - b. While at any parade, fair, or festival held under a city or government issued permit
 - c. Exposing only the breast is not a violation.

A violation of this Section DOES NOT require lewd or sexually motivated intent.

Cite MPC § 154(b) for nudity only. A citation can be issued without a warning. The law prohibits the exposure of not just the genitals but also of the perineum and anal region. Being naked but covering the genitals with a sock or loincloth could still be cited if the perineum and/or the anal region are exposed.

Enforcement: MPC § 154(b) is an infraction violation.

PC § 853.5 only allows the subject to be booked into custody if they refuse to sign the citation or if they cannot provide satisfactory identification.

Subjects **CANNOT** be booked for a continuous offense for infraction violations.

A report is not required if citing this section.

Penal Code § 314 Indecent Exposure

Every person who:

- a. Willfully exposes their genitals;
- b. In any public place, or in any place where there are other individuals to be offended or annoyed; and
- c. Acted lewdly by intending to direct public attention to their genitals for the purpose of sexually arousing or gratifying themselves or another person, or sexually offending another person.

Cite this section for public flashers, including flashing from private property to a public area, and public masturbation with lewd intent to direct public attention to their genitals.

At the time of the offense, someone who might have been offended needs to be present. An officer's own observation of the conduct, if offensive, is sufficient.

Do not charge urinating in public as a PC § 314 violation.

Enforcement: PC § 314 is a misdemeanor violation, and a conviction requires registration as a sex offender. After the first conviction, any new PC § 314 arrest should be charged as a felony.

Penal Code § 647(a) Lewd Conduct in Public

1. A person willfully engaged in, or solicits someone to engage in, the touching of their own or another person's genitals, buttocks, or female breast;
2. With the intent to sexually arouse or gratify themselves or another, or to annoy or offend another;
3. In public or a place open to the public or to public view;
4. At the time the person engaged in the conduct, someone else who might have been offended was present; and
5. The person knew or reasonably should have known that another person who might have been offended by their conduct was present.

Cite this section for sex in public, soliciting someone for sex in a restroom or in public or sexual activity in a parked vehicle on a public street.

At the time of the offense, someone who might have been offended needs to be present. An officer's own observation of the conduct, if offensive, is sufficient.

Enforcement: PC § 647(a) is a misdemeanor violation and does not require registration as a sex offender.

If a child is present, consider also charging PC § 647.6(a) misdemeanor, which requires registration as a sex offender after a conviction.


WILLIAM SCOTT
Chief of Police

Per DN 23-152, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. 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 who will provide additional information.