

**COMMISSION ON POLICE PRACTICES**

**Wednesday, March 20, 2024**

**4:30pm-7:30pm**

**REGULAR BUSINESS MEETING  
AND AD HOC PERSONNEL COMMITTEE  
JOINT MEETING AGENDA**

**Balboa Park Santa Fe Room  
2144 Pan American W. Road  
San Diego, CA 92101**

**Commissioners:** Octavio Aguilar, John Armantrout, Laila Aziz, Bonnie Benitez, Alec Beyer, Dennis W. Brown, Cheryl Canson, Doug Case, Armando Flores, Christina Griffin-Jones, Dwayne Harvey, Brandon Hilpert, Darlanne Mulmat, Clovis Honoré, James Justus, Dennis Larkin, Lupe Lozano-Diaz, Ada Rodriguez, Yvania Rubio, and Gloria Tran

**Ad Hoc Personnel Committee:** Dennis Brown, Clovis Honoré, James Justus, Darlanne Mulmat

**Please be advised that the City of San Diego is presently engaged in a recruitment process to fill the position of Executive Director to the Commission on Police Practices (Commission), which is currently held by an interim director. The Commission does not have appointing authority or subject matter jurisdiction over the recruitment or appointment of the Executive Director. Under San Diego City Charter section 4.1.2, the City Council must appoint and establish the initial annual compensation for the Commission's' Executive Director, who will then serve at the direction and will of the Commission following appointment. To recruit and make advisory recommendations related to the selection of an Executive Director, the City Council has established an Ad Hoc Committee that includes two Councilmembers and four members of the Commission. See San Diego Resolution R-315326 (Jan. 29, 2024). The public may find information and meeting notices related to the work of the Ad Hoc Committee at the following links:**

[https://docs.sandiego.gov/council\\_reso\\_ordinance/rao2024/R-315326.pdf](https://docs.sandiego.gov/council_reso_ordinance/rao2024/R-315326.pdf)

<https://www.sandiego.gov/council-committees/ah-cpp-recruitment-committee-public-comment-form>

**The Ad Hoc Personnel Committee Meeting shall only jointly convene where all four commissioners of the committee are in attendance. If the Ad Hoc Personnel meeting is not convened, there will be no discussion or update at the meeting regarding the Executive Director selection or recruitment. No formal action may be taken by the Commission or the Personnel Committee regarding the Executive Director selection pursuant to the City Charter.**

**Staff:** Outside Counsel Duane Bennett, Interim Executive Director Danell Scarborough, Chief Investigator Olga Golub, Executive Assistant Alina Conde, Administrative Assistant Jon'Nae McFarland, Community Engagement Coordinator Yasmeeen Obeid

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Zoom.

**The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:**

<https://sandiego.zoomgov.com/j/1619835434>

**Meeting ID: 161 983 5434**

**In-Person Public Comment on an Agenda Item:** If you wish to address the Commission on an item on today's agenda, please complete and submit a speaker slip before the Commission hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the Executive Director at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the Executive Director. The Chair may also limit organized group presentations of five or more people to 15 minutes or less.

**In-Person Public Comment on Matters Not on the Agenda:** You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer

the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Commission has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

**Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda:** When the Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the “Raise Your Hand” button on your computer, tablet, or Smartphone, or by dialing \*9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial \*6 on your phone. The virtual queue will close when the last virtual speaker finishes speaking or 5 minutes after in-person testimony ends, whichever happens first.

**Written Comment through Webform:** Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. On the [webform](#), members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

**Written Materials:** You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

If you attach any documents to your comment, they will be distributed to the Commission or Committee in accordance with the deadlines described above.

- I. CALL TO ORDER/WELCOME (Chair Tran)
- II. CPP COMMISSION ROLL CALL (Executive Assistant Conde)
  - A. AD HOC Personnel Committee Roll Call

- III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES  
The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.
- IV. APPROVAL OF MEETING MINUTES (Chair Tran)  
A. CPP Regular Meeting Minutes of March 6, 2024
- V. NON-AGENDA PUBLIC COMMENT (Community Engagement Coordinator Yasmeen Obeid)
- VI. CABINET REPORT  
A. Cabinet appeared at the City Council’s Public Safety Committee Meeting this afternoon to update the Committee on CPP actions.  
B. Further discussion of Commission’s Conflict of Interest Policy
1. Public Comment
  2. Discussion
  3. Action – Vote on involvement of the Commission on Police Practices on recent complaint filed with San Diego Police Department
- VII. POLICE PURSUIT COMMUNITY HEARING FOLLOW-UP (Chair Tran)  
A. Review Pursuit Policy
1. Options to review policy/training and make recommendations
  2. Must be timely options
  3. Public Comment
  4. Discussion
  5. Action
    - Vote on Safety Stand-Down
    - Vote on next steps
- VIII. AD HOC COMMITTEE REPORTS  
A. Ad Hoc Training Committee (Co-Chairs Hilpert and Mulmat)
1. DRAFT Training Committee—new Commissioner Training
  2. Public Comment
  3. Discussion
  4. Action – Vote on new Commissioner Training
- IX. CASE REVIEW STRATEGY (Chief Investigator Olga Golub)
1. Information regarding current approach and recommended timeline
  2. Public Comment

3. Discussion
4. Action – Vote to approve extending the motion to utilize the current case review strategy until Operating Procedures are drafted by Committee and approved by City Council and Meet and Confer

X. CLOSED SESSION

A. Public comment

B. 1<sup>st</sup> Vice Chair Dennis Brown – Lead CPP into Closed Session  
**(Not Open to the Public)**

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be announced and posted on the Commission’s website at [www.sandiego.gov/cpp](http://www.sandiego.gov/cpp).

- I. San Diego Police Department Feedback on Case Specific Matters (0)
- II. Shooting Review Board Reports (0)
- III. Officer-Involved Shooting (1)
- IV. Category II Case Audit Reports (0)
- V. Discipline Reports (0)
- VI. Case Review Team Reports (3)
- VII. Case-Specific Recommendations to the Mayor/Chief (0)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

XI. REPORT FROM CLOSED SESSION (1st Vice Chair Dennis Brown)

XII. COMMISSIONER COMMENTS

XIII. ADJOURNMENT

**Materials Provided:**

- DRAFT Minutes from Regular Meeting on March 6, 2024
- DRAFT Ad Hoc Training Committee New Commissioner Training

**Access for People with Disabilities:** As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or [commissionpolicepractices@sandiego.gov](mailto:commissionpolicepractices@sandiego.gov).

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly to maximize accessibility.

X. CLOSED SESSION

A. Public comment

B. 1<sup>st</sup> Vice Chair Dennis Brown – Lead CPP into Closed Session  
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|---|
| I. San Diego Police Department Feedback on Case Specific Matters (0)  |
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| III. Officer–Involved Shooting (1)  |
| IV. Category II Case Audit Reports (0)  |
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**Commission on Police Practices**

**COMMISSION ON POLICE PRACTICES  
REGULAR MEETING REGULAR BUSINESS MEETING  
AND AD HOC PERSONNEL COMMITTEE**

**JOINT MEETING MINUTES**

**Wednesday, March 6, 2024**

**4:30pm-7:30pm**

**Balboa Park Santa Fe Room  
2144 Pan American W. Road  
San Diego, CA 92101**

Click [https://www.youtube.com/watch?v=V6Xp\\_0267hE](https://www.youtube.com/watch?v=V6Xp_0267hE) to view this meeting on YouTube.

**CPP Commissioners Present:**

Chair Gloria Tran

1<sup>st</sup> Vice Chair Dennis Brown

2<sup>nd</sup> Vice Chair Doug Case

Octavio Aguilar (arrived at 5:00pm)

John Armantrout

Alec Beyer

Cheryl Canson (arrived at 4:58pm)

Lupe Diaz

Armando Flores (arrived at 4:56pm)

Dwayne Harvey

Clovis Honoré

James Justus

Darlanne Mulmat

Ada Rodriguez

Yvania Rubio (arrived at 5:14pm)

**Excused:**

Brandon Hilpert

Bonnie Benitez

Christina Griffin-Jones

**Absent:**

Laila Aziz

Dennis Larkin

**Ad Hoc Personnel Committee Present:**

Committee Chair, 1<sup>st</sup> Vice Chair Dennis Brown

James Justus

Darlanne Mulmat

Clovis Honoré

**CPP Staff Present:**

Danell Scarborough, Interim Executive Director

Duane Bennett, CPP Outside Counsel

Olga Golub, Chief Investigator

Alina Conde, Executive Assistant

Jon'Nae McFarland, Administrative Assistant



- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:41pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission; established quorum.
  - A. Executive Assistant Alina Conde conducted roll call for the Ad Hoc Personnel Committee; all present
- III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES: The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.
- IV. APPROVAL OF MEETING MINUTES
  - A. CPP Regular Meeting Minutes of February 7, 2024  
Motion: Commission James Justus moved for approval of the CPP Regular Meeting Minutes of February 7, 2024. Commissioner John Armantrout seconded the motion. The motion passed with a vote of 11-0-0.  
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Beyer, Diaz, Harvey, Honoré, Justus, Mulmat, and Rodriguez  
Nays: None  
Abstained: None  
Absent/Excused: Aguilar, Aziz, Benitez, Canson, Flores, Griffin-Jones, Hilpert, Larkin, and Rubio
  - B. CPP Regular Meeting Minutes of February 21, 2024  
Motion: Commission James Justus moved for approval of the CPP Regular Meeting Minutes of February 7, 2024. Commissioner Dwayne Harvey seconded the motion. The motion passed with a vote of 10-0-1.  
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Beyer, Diaz, Harvey, Justus, Mulmat, and Rodriguez  
Nays: None  
Abstained: Honoré  
Absent/Excused: Aguilar, Aziz, Benitez, Canson, Flores, Griffin-Jones, Hilpert, Larkin, and Rubio
- V. NON-AGENDA PUBLIC COMMENT: None
- VI. AD HOC COMMITTEE REPORTS
  - A. Ad Hoc Bylaws Committee
    1. Presentation of DRAFT Bylaws
    2. Public Comment – None
    3. Discussion (*Timestamp 9:30*)
    4. Vote on DRAFT Bylaws  
Motion: Commissioner James Justus moved to accept the Bylaws with the

recommended amendments (minor edits and inclusion of Conflict-of-Interest Policy and Form). Commissioner John Armantrout seconded the motion. The motion passed with a vote of 15-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Armantrout, Beyer, Canson, Diaz, Flores, Harvey, Honoré, Justus, Mulmat, Rodriguez, and Rubio

Nays: None

Abstained: None

Absent/Excused: Aziz, Benitez, Griffin-Jones, Hilpert, and Larkin

VII. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Public Comment – None

B. Outside Counsel Mr. Duane Bennett – Led CPP into Closed Session

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be posted on the Commission's website at [www.sandiego.gov/cpp](http://www.sandiego.gov/cpp) or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

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|-------|---|
| I.    | San Diego Police Department Feedback on Case Specific Matters   |
| II.   | Officer Involved Shooting (0)   |
| III.  | Category II Case Audit Reports (0)  |
| IV.   | Discipline Reports (0)  |
| V.    | Category I Case Review Reports (2)  |
| VI.   | Case-Specific Recommendations to the Mayor/Chief (0)  |
| VII.  | Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0) |
| VIII. | Legal Opinion(s) Request & Response (0)   |

VIII. REPORT OUT FROM CLOSED SESSION (5:28pm): Outside Counsel Duane Bennett reported that there was no reportable action.

IX. NEW COMMISSIONERS INTRODUCTIONS

X. COMMUNITY HEARING ON VEHICLE PURSUITS (6:00 p.m.)

A. Opening Comments regarding the purpose of the Community Hearing and an overview of police pursuits (Chair Gloria Tran)

Here are some statistics from a nationwide investigation done by the San Francisco Chronicle newspaper:

- Pursuits claim nearly two lives each day across the United States.
- From 2017 through 2022, police pursuits killed 3,336 people, including:  
551 innocent bystanders  
15 officers

The Chronicle believes these numbers are significantly undercounted by the

federal government.

In addition, it appears that communities of color take the biggest hit.

- According to the Chronicle's data, police chases kill four times as many Black people per capita as white people,
- And Latinos die at a rate 50% higher than whites.

The issue of police pursuits here in the City of San Diego was brought to our attention by a community member during non-agenda public comment at a Commission on Police Practices regular business meeting in December 2023. The resident spoke about a crash that killed 8-year-old Malikai and 4-year-old Mason Orozco-Romero on December 8, 2023. An official complaint was filed with both the Police Department's Internal Affairs Unit and the Commission on Police Practices regarding the accident.

The Commission will not address the specific complaint at the Community Hearing. Until the CPP gets investigative powers, which will be drafted, then approved by City Council, the Commission is only authorized to review cases investigated by Internal Affairs.

The purpose of the Community Meeting was to gather information as the first step to determine if:

- 1.) The Commission will recommend changes to the Police Department's pursuit policy; and
- 2.) If the Department's pursuit policy is being implemented correctly by officers.

B. Overview of the Legal Framework for Pursuits and San Diego Police Department's Pursuit Procedure (Outside Counsel Duane Bennett)  
(PowerPoint Presentation Attached)

C. Testimony from Community Members  
(Timestamp 21:36 and 49:03) Tasha Williamson  
(Timestamp 34:21) Andrea St. Julian  
(Timestamp 37:50) Yusef Miller  
(Timestamp 45:17 and 47:53) Paloma S.  
(Timestamp 46:39 and 48:33) Gina B.

D. Commissioner Discussion (Timestamp 50:58)

E. Next Steps and Closing Comments

XI. ADJOURNMENT: The meeting adjourned at 6:45pm.

# Police Pursuits Across the United States



Pursuits claim nearly 2 lives each day across the country



From 2017-2022, 3,336 people were killed in pursuits

- 551 innocent bystanders
- 15 officers



Pursuits kill four times as many Black people per capita as white people; Latinos die at a rate 50% higher than whites

Source: San Francisco Chronicle



# Vehicle Pursuits

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**This is strictly an educational presentation. The information provided in this presentation is not intended to constitute legal advice or offer a legal opinion; instead, all information, content, and materials are for general informational and educational purposes only.**

# California Vehicle Code 17004.7

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Vehicle Code Section 17004.7 grants immunity for vehicle pursuits where an agency adopts a written policy in compliance with the code section.

**“The adoption of a vehicle pursuit policy by a public agency pursuant to this section is discretionary.”**

# California Vehicle Code Section 17004.7

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(b)(1) A public agency employing peace officers that adopts and promulgates a written policy on, and provides regular and periodic training on an annual basis for, vehicular pursuits complying with subdivisions (c) and (d) is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes he or she is being or has been, pursued in a motor vehicle by a peace officer employed by the public entity.



# Vehicle Pursuit Legal Requirements Minimum Standards

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- (1) Determine under what circumstances to initiate a pursuit. The policy shall define a “pursuit...”
- (2) Determine the total number of law enforcement vehicles authorized to participate in a pursuit.
- (3) Determine the communication procedures to be followed during a pursuit.
- (4) Determine the role of the supervisor in managing and controlling a pursuit.



# Minimum Requirements (Cont.)

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- (5) Determine driving tactics and the circumstances under which the tactics may be appropriate.
- (6) Determine authorized pursuit intervention tactics.
- (7) Determine the factors to be considered by a peace officer and supervisor in determining speeds throughout a pursuit.
- (8) Determine the role of air support, where available.
- (9) Determine when to terminate or discontinue a pursuit.



# Pursuit Requirements (Cont.)

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(10) Determine procedures for apprehending an offender following a pursuit.

(11) Determine effective coordination, management, and control of interjurisdictional pursuits, which shall include:

- Supervisory control
- Communications and coordination among agencies;
- Involvement in another jurisdiction's pursuit;
- Roles and responsibilities, coordination, management and control at the termination of an inter-jurisdictional pursuit.



# Pursuit Requirements

(12) Reporting and post-pursuit analysis as required by V.C. Section 14602.1

\*Promulgation of the written policy under paragraph (1) shall include, but is not limited to, a requirement that all peace officers of the public agency certify in writing that they have received, read, and understand the policy...

\* Regular and periodic training is required and “means annual training that shall include, at a minimum, coverage of each of the subjects and elements set forth in subdivision (c)...”

# Factors to Consider for Terminating a Pursuit

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- (A) Ongoing evaluation of risk to the public or pursuing peace officer.
- (B) The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officers.
- (C) Vehicular or pedestrian traffic safety and volume.
- (D) Weather conditions.
- (E) Traffic conditions.
- (F) Speeds.
- (G) Availability of air support.
- (H) Procedures when an offender is identified and may be apprehended at a later time or when the location of the pursuit vehicle is no longer known.



# California P.O.S.T. Vehicle Pursuit Guideline Excerpt - 2022

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## **Discussion Regarding Initiating Pursuits:**

The Balance Test should be used as a guide in determining whether to pursue. The Balance Test is an ongoing decision-making process to analyze the risk of initiating, continuing, and/or terminating a pursuit. If the threat to public or officer safety is greater than the need for immediately apprehending the suspect, then the pursuit should not be initiated or it should be terminated...



# California P.O.S.T. Vehicle Pursuit Guideline Excerpt - 2022

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## **Discussion Regarding Speed of Pursuit:**

Pursuits can occur at any speed. A policy should provide direction to officers, supervisors, and managers to guide decisions regarding speeds throughout a pursuit. Reasonableness is recognized as a general standard for guiding officer discretion concerning the speeds of a pursuit...





# California P.O.S.T. Vehicle Pursuit Guideline Excerpt - 2022

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## **Discussion Regarding Hazards to Bystanders and Motorists:**

It is the intent of these guidelines to minimize the risks to innocent bystanders in pursuits. Hazards to uninvolved bystanders or motorists during the law enforcement effort to capture a suspect are a constant factor to consider during pursuit. The policy should describe the factors to be considered by an officer and supervisor in the decision to initiate, continue, or terminate a pursuit. The policy should remain consistent with applicable federal and state statutes and case law relative to law enforcement pursuits...

# California P.O.S.T. Vehicle Pursuit Guideline Excerpt - 2022

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## **Discussion Regarding Continuation of A Pursuit:**

The policy should address the fact that a law enforcement pursuit is a rapidly changing event. The responsibility of each authorized unit engaged in pursuit may change, depending on the circumstances. The need for continually assessing the role of involved units should be considered...







# California P.O.S.T. Vehicle Pursuit Guideline Excerpt - 2022

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## **Discussion Regarding Tactics:**

In drafting the policy, consider driving tactics that may be appropriate during a pursuit. The decision to use or not use specific driving tactics requires the same assessment considerations discussed in the guidelines concerning pursuit initiation, continuation, and termination. It represents balancing what is known and/or reasonably suspected and the need for immediate capture against the risks to the public and officers...

# California P.O.S.T. Vehicle Pursuit Guideline Excerpt - 2022

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## **Discussion Regarding Terminating the Pursuit:**

The policy should describe the issues to be considered by officers and supervisors in the decision to continue or terminate a pursuit. The balance test should be used as a guide in making the determination. Factors which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below. Other factors may be considered...

# SDPD Policy 1.03

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- SDPD Policy contains the requirements of Vehicle Code Section 17004.7 and defines a pursuit as follows:

“Vehicle Pursuit – an event involving one or more law enforcement officers, who are operating an authorized emergency vehicle, attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics to avoid arrest, such as high speed driving, driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer's signal to stop (emergency lights and siren).”

# Excerpts of SDPD Pursuit Procedure

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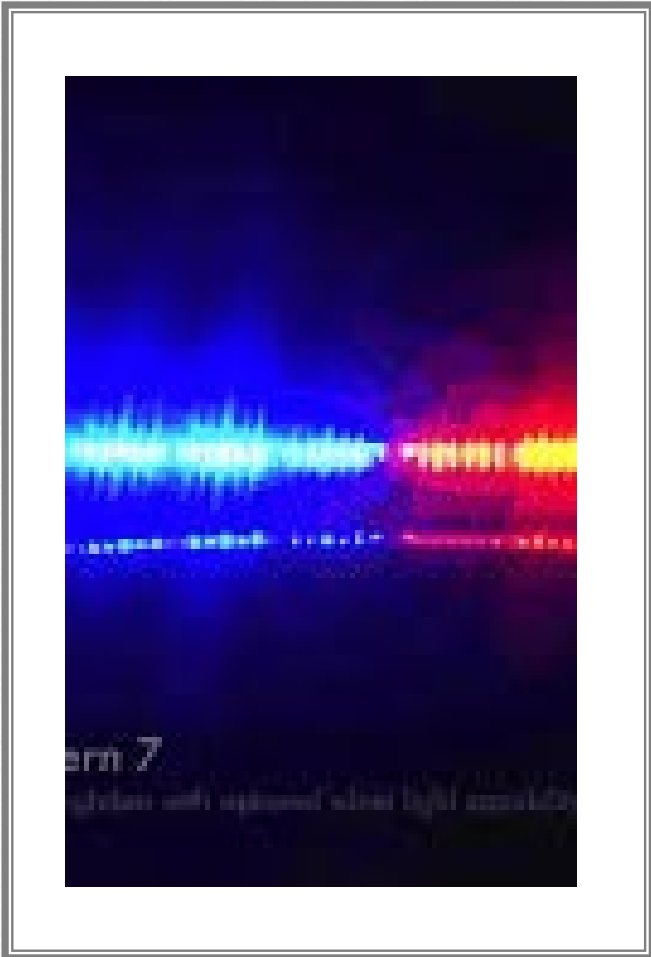


## Initiation of a Pursuit:

- An officer may initiate a pursuit when a vehicle fails to yield to a police vehicle operating with emergency lights and siren activated. The officer must have probable cause to believe the driver or occupants of the vehicle have committed an infraction or misdemeanor in his/her presence or have probable cause to believe a felony has been, or is being, committed.
- The decision to initiate a pursuit should take into account the need to protect the public and balance the known or suspected offense and the apparent need to immediately capture the suspect against the risks to peace officers, innocent motorists, and others. Factors to consider include...

# SDPD Factors for Initiating a Pursuit Include

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- Pedestrian and vehicular traffic patterns and volume;
- Location/familiarity of pursuing officers with the area of the pursuit;
- Time of day;
- Speed of fleeing suspect;
- Capabilities and condition of the vehicles involved;
- Quality of radio communication;
- Safety of occupant(s) of pursued vehicle;
- Capabilities/ conditions of involved personnel;
- Weather and visibility ;
- Road conditions;
- Whether the suspect is known and can be apprehended later.

# Participation in a Pursuit

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The policy states, in part:

- Officers engaged in a pursuit have a duty to drive with due regard for the safety of all persons using the highway (21056 CVC).
- Only two units shall be actively involved in a pursuit unless a field supervisor, Field Lieutenant, or the Watch Commander approves additional units.



## Pursuing Officer's Responsibility

...Prior to pursuing a violator at high speeds, officers must evaluate the risks associated with operating the police vehicle(s), and the fleeing vehicle at high speeds. Officers must consider environmental factors when making their assessment as to whether to begin, continue, or terminate a high-speed pursuit. This assessment should include present, and potential surrounding and adjacent areas the pursuit might reach, and the hazards that multiple vehicles traveling at high speeds through the areas might pose. These areas may include, but are not limited to:

- Nearby school zones;
- High pedestrian traffic areas;
- Shopping center parking lots;
- Public parks;
- Street fairs;
- Sporting events.

# Pursuing Officer Responsibilities

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Officers must continually evaluate whether they should begin, continue, or terminate pursuits involving high speeds in these and all other areas in order to ensure public safety, officer safety, safety of occupants in the fleeing vehicle, and effective pursuit tactics. ..



# Pursuit Conclusion and Tactics

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“Pursuits are inherently dangerous for officers and the public. In order to ensure officer safety and public safety and help ensure an appropriate outcome, high-risk vehicle stop tactics (as outlined by P.O.S.T. guidelines and taught by law enforcement academies and agency-specific training) should be utilized at the end of most vehicle pursuits...”

# Terminating the Pursuit

Officers involved in a pursuit have the responsibility to terminate the pursuit when the benefits of immediate apprehension are outweighed by the hazards of continuing the pursuit.

Officers must continually evaluate whether the seriousness of the offense and the benefits of immediate apprehension are outweighed by the risk to pursuing officers and public safety in continuing the pursuit. In determining when to terminate or discontinue a pursuit, factors to consider include:



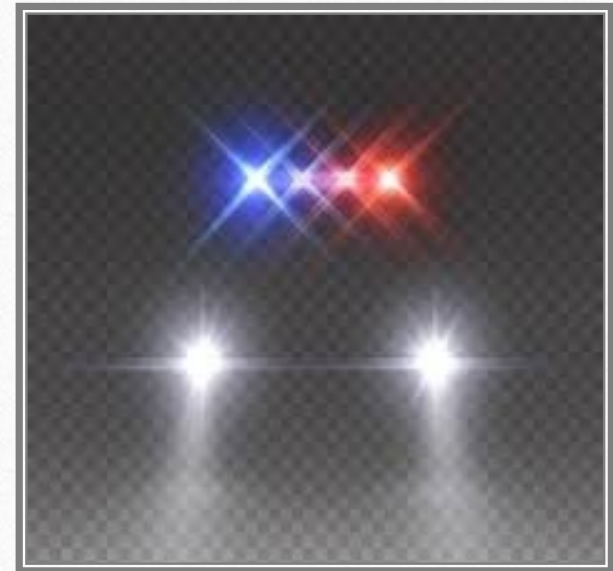
# Factors in Terminating a Pursuit

1. The seriousness of the offense for which the suspect is wanted;
2. Vehicular or pedestrian traffic safety and volume, weather conditions, traffic conditions, roadway limitations, environmental conditions, time of day, and speed;
3. Suspect is known to be a juvenile;
4. Suspect whose identity is known and apprehension can be accomplished at a later time, or when location of the pursuit vehicle is no longer known;
5. Availability of air support;
6. Results of ongoing evaluation of risk to the public or pursuing officer(s); and,
7. The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officers.

# Supervisory Responsibility

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- Upon initiation of a pursuit, a supervisor shall proceed to the vicinity of the pursuit without becoming actively involved in it. That supervisor will assume responsibility as supervisor of record. The supervisor of record will periodically request specific information necessary to evaluate the pursuit...
- Verify the speed of the pursuit;
- Make a determination as to whether it is safe to continue the pursuit given the same factors used to initiate the pursuit;
- Evaluate changing factors necessary to ensure public safety, officer safety, safety of the fleeing violator(s), and effective pursuit tactics...
- All field supervisors, the Field Lieutenant, the Watch Commander and the initiating/pursuing officers have the authority to terminate a pursuit when the potential safety risks outweigh the need for apprehension...



## SDPD Policy Includes Other Elements

- Joint agency and inter-jurisdictional requirements;
- Provision for air support assistance;
- Provision for shooting at vehicles;
- Tire Deflation Devices and other Intervention Measures;
- Pursuit Reporting and Analysis Requirements;
- Mandatory Training Requirements.



# Training Requirements

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...The In-Service Training Division shall ensure that every sworn employee receives pursuit training annually. The training enables the Department to maintain immunity from liability for civil damages due to the injury or death of any person, or the damage of any property resulting from the collision of a vehicle being pursued by an officer of this agency.

...Officers of a public agency must certify in writing that they have received, read and understood the Department's vehicle pursuit policies and are required annually to complete an "SB 719 Pursuit Policy Training Attestation" form. The Training Attestation Form, attesting the Officer has completed the training, shall be scanned and emailed to the In- Service Training Division.

## Commission on Police Practices (CPP) Training Academy – Case Review/Complaints

Component	Topic	Presenter(s)
1a	SDPD overview	SDPD representative
<p><b>Objective:</b> For Commissioners to learn how SDPD is structured, how it is operating, currently training officers, and the current policies and procedures in effect (e.g., rules of conduct for officers), and how they have evolved historically and responded to law enforcement oversight.</p> <p><b>Purpose:</b> To ensure commissioners know how SDPD currently operates so they can appropriately review complaints that come before the Commission and provide policy recommendations.</p>		
1b	Hands On Experience	Ride along with SDPD officers and/or community groups
<p><b>Objective:</b> For Commissioners to get a better understanding of the situations officers encounter while working on patrol or within other SDPD divisions (i.e., SDPD ride along or dispatch sit along) or a community perspective of how law enforcement approaches community members (i.e., CopWatch or community group ride along).</p> <p><b>Purpose:</b> To provide perspective, consistent with law enforcement oversight best practices recommended by NACOLE, in the experiences of law enforcement officers.</p> <p>(Note: Not required per bylaws. Commissioners are encouraged to set up an experience that would be the most informative to them.)</p>		
2a	Use of Force Best Practices, the Law and How it is Changing	<a href="#">Understanding Use of Force NACOLE - Spencer Fomby</a>  Academic or Policy Analyst and/or Sharon Fairley or Civilian Office of Police Accountability (COPA)-Chicago (third week of COPA Fall 2023 Academy) or other <a href="#">potential experts</a> or staff develop something customized for us
<p><b>Objective:</b> For commissioners to be exposed to use of force laws and standards of practice across the country, and how they are changing, including non-law enforcement perspectives.</p> <p><b>Purpose:</b> To ensure commissioners know national use of force standards of practice so they can appropriately examine local policies and practices.</p>		

## Commission on Police Practices (CPP) Training Academy – Case Review/Complaints

Component	Topic	Presenter(s)
2b	Introduction to Officer-Involved Shooting/In-Custody Death Investigations and Major Incident Investigations & Response	Civilian Office of Police Accountability (COPA)-Chicago (second week of COPA Fall 2023 Academy) or get an expert that can tailor it to our circumstance
<p><b>Objective:</b> For commissioners to be exposed to practices across the country related to officer-involved shooting/in-custody death investigations and major incident investigation.</p> <p><b>Purpose:</b> To ensure commissioners know investigative practices across the country related to major incidents and officer-involved shootings/in-custody deaths so they can appropriately examine local policies.</p>		
2c	SDPD Use of Force (guidelines and procedures -lethal and less-lethal), Simulators	SDPD Academy (Question: Is exposure to simulators important? If so, can it be public?)
<p><b>Objective:</b> For Commissioners to gain insight into how SDPD trains officers in relation to use of force.</p> <p><b>Purpose:</b> To understand how SDPD is training officers to make better recommendations on use of force, detention and arrest procedures, work to implement better community/police relationships.</p>		
2d*	Legal Perspective of SDPD Officers: Use of Force Procedures	CPP Legal Counsel or other local expert in this field
<p><b>Objective:</b> For commissioners to be exposed to SDPD’s legal perspective regarding use of force, including physical strength, OC spray, tasers, K9 use and firearms.</p> <p><b>Purpose:</b> To ensure commissioners know the legal perspective of SDPD so they can appropriately examine local policies and practices.</p>		
3a*	Search and Seizure Part I: Case law concerning stops & detentions, search, seizure & arrest, rights of arrested persons	CPP Legal Counsel or other expert in this field
<p><b>Objective:</b> For Commissioners to learn case laws related to individuals going through the process of being stopped, detained, arrested, booked into jail pending their cases being heard in Courts, including the 4<sup>th</sup> amendment and what constitutes an improper search and seizure.</p> <p><b>Purpose:</b> To gain greater insight into the status of the law regarding these concepts so they can appropriately review complaints that come before the Commission.</p>		

\*Asterisk indicates topics needed prior to joining a case review group.



## Commission on Police Practices (CPP) Training Academy – Case Review/Complaints

Component	Topic	Presenter(s)
3b*	Search and Seizure Part II: Case law concerning vehicle stops	CPP Legal Counsel or other expert in this field
<p><b>Objective:</b> For Commissioners to learn case laws related to vehicle stops.  <b>Purpose:</b> To gain greater insight into the status of the law regarding these concepts.</p>		
3c*	Search and Seizure Part III: Case law concerning entries of property	CPP Legal Counsel or other expert in this field
<p><b>Objective:</b> For Commissioners to learn case laws related to police officers entering dwellings.  <b>Purpose:</b> To gain greater insight into the status of the law regarding these concepts.</p>		
3d*	Search and Seizure Part IV: SDPD Procedures concerning stops, detentions, pat downs, and – handcuffing	CPP Legal Counsel or other local expert in this field
<p><b>Objective:</b> For Commissioners to learn SDPD procedures regarding pat downs and handcuffing.  <b>Purpose:</b> To ensure commissioners know what the current policies and procedures are so they can appropriately review complaints that come before the Commission.</p>		
4	Steps in the criminal justice process: arrest, booking (where SDPD control stops)	CPP Chief Investigator or CPP Legal Counsel or other local expert in this field
<p><b>Objective:</b> For Commissioners to learn the process citizens go through when being stopped, detained, arrested, booked into jail pending their cases being heard in Courts.  <b>Purpose:</b> To gain greater insight into how a person is processed through the criminal justice system.</p>		
5a	Best practices regarding resources/procedures for dealing with mentally ill individuals and persons under the influence	Coleen Cusak or mental health professional/licensed therapist or San Diego County Mental Health Services representative or PERT representative or National Alliance on Mental Illness (NAMI)
<p><b>Objective:</b> For Commissioners to learn about best policing practices regarding dealing with mentally disturbed individuals and persons under the influence.  <b>Purpose:</b> To provide Commissioners with background information on policing best practices to assess potential areas for improvement at SDPD.</p>		

\*Asterisk indicates topics needed prior to joining a case review group.

## Commission on Police Practices (CPP) Training Academy – Case Review/Complaints

Component	Topic	Presenter(s)
5b	Training provided to SDPD officers regarding resources/procedures for dealing with mentally ill individuals and persons under the influence	SDPD Training Division
<p><b>Objective:</b> For Commissioners to learn about the training received by SDPD officers regarding how to handle mentally disturbed individuals and persons under the influence.</p> <p><b>Purpose:</b> To provide Commissioners with background information on training SDPD officers receive in comparison to best practices.</p>		
6a	Best practices regarding community/ cultural awareness, understanding the history, culture, and concerns of communities served	Muslim ARC, San Diego Office of Race and Equity and other organizations
<p><b>Objective:</b> For Commissioners to learn about best policing practices regarding cultural awareness.</p> <p><b>Purpose:</b> To provide Commissioners with background information on policing best practices to assess potential areas for improvement at SDPD.</p>		
6b	SDPD officer training regarding community/ cultural awareness, understanding the history, culture, and concerns of communities served	SDPD Training Division
<p><b>Objective:</b> For Commissioners to learn about the training received by SDPD officers regarding cultural awareness.</p> <p><b>Purpose:</b> To provide Commissioners with background information on training SDPD officers receive in comparison to best practices.</p>		
7a	Racial Profiling & Law Enforcement in San Diego	ACLU San Diego
<p><i>Requirement Related to Complaints</i></p>		
<p><b>Objective:</b> For Commissioners to understand the history of racial profiling in local law enforcement, as well as RIPA (Racial and Identity Profiling Act) requirements.</p> <p><b>Purpose:</b> To provide Commissioners with background on racial profiling in local policing.</p>		

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## Commission on Police Practices (CPP) Training Academy – Case Review/Complaints

Component	Topic	Presenter(s)
7b	Impacts of Racial and Identity Profiling	Community members (e.g., people erroneously in gang database), ACLU Coalition for Police Accountability and Transparency (CPAT)
<p><b>Objective:</b> For Commissioners to understand the impact of racial and identity profiling</p> <p><b>Purpose:</b> To provide Commissioners with background on racial and identity profiling.</p>		
7c	SDPD officer training regarding biased based policing /racial profiling	SDPD Training Division
<p><b>Objective:</b> For Commissioners to learn about the training received by SDPD officers regarding bias in policing.</p> <p><b>Purpose:</b> To provide Commissioners with background information on training SDPD officers receive in comparison to best practices.</p>		
8	Overview of Internal Affairs (investigation & review of shootings & in-custody deaths; complaint, investigative & disciplinary processes; mediation of complaints; evaluating credibility and reaching findings; procedures and practices for misconduct investigations)	Internal Affairs Captain or Lt.
<p><b>Objective:</b> For Commissioners to understand the complaints process, how a complaint is filed, investigated, and reviewed, as well as the process of SDPD disciplining officers should disciplinary action be appropriate.</p> <p><b>Purpose:</b> To ensure commissioners know how Internal Affairs operates so they can appropriately review complaints and disciplinary actions that come before the Commission and provide policy recommendations.</p>		
9*	Additional SDPD Policies & Procedures: De-escalation - Duty to Intervene - - BWC - Personal Conduct	CPP Chief Investigator or CPP Legal Counsel or other local expert in this field, and SDPD (to answer questions regarding procedures)
<p><b>Objective:</b> For Commissioners to understand the police procedures related to de-escalation, duty to intervene, body worn cameras, and personal conduct.</p> <p><b>Purpose:</b> To ensure commissioners know what the current policies and procedures are so they can appropriately review complaints that come before the Commission.</p>		

\*Asterisk indicates topics needed prior to joining a case review group.

## Commission on Police Practices (CPP) Training Academy – Case Review/Complaints

Component	Topic	Presenter(s)
10a*	Overview of CPP Case Review Process	CPP Chief Investigator or CPP Legal Counsel
<p><b>Objective:</b> Refine when operating procedures are established  <b>Purpose:</b> Refine when operating procedures are established</p>		
10b*	Report Write-up of a Case, and Case Presentation	CPP Chief Investigator
<p><b>Objective:</b> Refine when operating procedures are established  <b>Purpose:</b> Refine when operating procedures are established</p>		
11*	Witness Reliability – Standards of Proof, Legal Concepts Overview & Case Studies	<a href="#">How to Listen for, Recognize, and Break Down Assumptions and Conclusory Language - Jennifer Jarett</a>  Civilian Office of Police Accountability (COPA)-Chicago (fifth week of COPA Fall 2023 Academy)
<p><b>Objective:</b> For commissioners to understand the variability in witness accounts of incidents and standards of proof.  <b>Purpose:</b> To ensure commissioners consider standards of proof when conducting case reviews.</p>		
12	Process of Decision Making	Sharon Fairley
<p><b>Objective:</b> Teach commissioners that cases are not black and white, the importance of weighing evidence, how to compare an officer’s narrative against other evidence and reach a conclusion to figure out what most likely happened and then determine if there is a violation of policy/procedure.  <b>Purpose:</b> To ensure that commissioners understand all factors to consider when reviewing complaints that come before the Commission.</p>		

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