

COMMISSION ON POLICE PRACTICES

Wednesday, March 6, 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://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

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/webinar/register/WN_xPqI-PmZTLqPMDXJP3Z4LQ

Meeting ID: 160 726 5697

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)
 - A. Welcome new Commissioners

- II. ROLL CALL (Executive Assistant Conde)

- 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 February 7, 2024
 - B. CPP Regular Meeting Minutes of February 21, 2024

- V. NON-AGENDA PUBLIC COMMENT
(Chief Investigator Olga Golub)

- VI. AD HOC COMMITTEE REPORTS
 - A. Ad Hoc Bylaws Committee (Co-Chair Beyer)
 - 1. DRAFT Bylaws
 - 2. Public Comment
 - 3. Discussion
 - 4. Vote on DRAFT Bylaws

- VII. CLOSED SESSION
 - A. Public comment
 - B. Outside Counsel Mr. Bennett – 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.

- I. San Diego Police Department Feedback on Case Specific Matters (0)
- II. Shooting Review Board Reports (0)
- III. Category II Case Audit Reports (0)
- IV. Discipline Reports (0)
- V. Case Review Team Reports (3)
- 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 FROM CLOSED SESSION (Outside Counsel Bennett)

6:00 P.M.

IX. **TIME CERTAIN COMMUNITY HEARING -SDPD VEHICLE PURSUITS**

Community hearing items are “time certain” and shall be heard beginning at 6:00 p.m. Due to the time certain requirement, other items may be taken out of order to accommodate the 6:00p.m. community hearing item.

- A. Overview of the San Diego Police Department Pursuit Procedure (Outside Counsel Bennett)
- B. Testimony from Community Members
- C. Commissioner Comments

- X. CLOSING COMMENTS (Chair Tran)
 - A. Next steps for the Commission

XI. ADJOURNMENT

Materials Provided:

- DRAFT Minutes from Regular Meeting on February 7, 2024
- DRAFT Minutes from Regular Meeting on February 21, 2024
- DRAFT Bylaws
- [SDPD Pursuit Procedure, Number 1.03 - Traffic](#)

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.

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 in order to ensure availability. The city is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Commission on Police Practices

COMMISSION ON POLICE PRACTICES REGULAR MEETING MINUTES

Wednesday, February 7, 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=kAYh6Rc5nHc> to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis Brown

2nd Vice Chair Doug Case

Octavio Aguilar (Arrived at 4:38pm)

Laila Aziz (attended virtually)

Bonnie Benitez

Alec Beyer

Cheryl Canson

Lupe Diaz (Arrived at 4:37pm)

Dwayne Harvey (Arrived at 4:38pm)

Brandon Hilpert

James Justus

Dennis Larkin

Absent:

Yvania Rubio

Christina Griffin-Jones

Excused:

Clovis Honoré

Darlanne Mulmat

Staff Present:

Danell Scarborough, Interim Executive Director

Duane Bennett, CPP Outside Counsel (attended virtually)

Olga Golub, Chief Investigator

Alina Conde, Executive Assistant

Jon’Nae McFarland, Administrative Assistant

Yasmeen Obeid, Community Engagement Coordinator

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:36pm.
Motion: Commissioner Bonnier Benitez moved to allow Laila Aziz to join virtually. 1st Vice Chair Brown seconded the motion. The motion passed with a vote of 9-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, Hilpert, Justus, and Larkin
Nays: None
Abstained: None
Absent/Excused: Aguilar, Diaz, Honoré, Griffin-Jones, Harvey, Mulmat, Rubio
 - II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call, established

quorum.

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 January 17, 2024

Motion: Commissioner James Justus moved for the approval of CPP Regular Business Meeting Minutes for January 17, 2024. Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 11-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aziz, Benitez, Beyer, Canson, Diaz, Hilpert, Justus, and Larkin

Nays: None.

Abstained: None

Absent/Excused: Aguilar, Honoré, Griffin-Jones, Harvey, Mulmat, Rubio

V. NON-AGENDA PUBLIC COMMENT: None

VI. CABINET REPORT

1. CPP and Mayor Todd Gloria Meeting Report – The Cabinet updated the Mayor on the CPP accomplishments, as well as informed him that the CPP is in a foundation-building period. The Cabinet reinforced the importance of choosing a police chief who is community-oriented and is open to CPP input.
2. CPP and Police Chief Nisleit Meeting Report – The Cabinet discussed the inappropriateness of mentioning Commissioner Harvey and his family to cadets during the Academy Bus Tour in December. Chief Nisleit agreed and asked IA Captain Peterson to contact Training Captain Morris to ensure that does not happen again. There were updates on the Outside Investigator who will review expired cases. CPP goal is to review cases within 9 months, rather than a year. The reason for this is to potentially affect the discipline for sustained findings against officers. IA will issue discipline no later than 10 months after a complaint was filed to ensure they do not allow a case to expire. When the CPP can review cases within 9 months, that gives a month to get CPP recommendation to IA. The new IA captain seemed positive about this goal.
3. CPP Planning Retreat – The retreat needed to be canceled due to a lack of quorum and the CPP will attempt to reschedule.
4. Update on appointment of new commissioners – The CPP is excited to welcome 4 new Commissioner Candidates that were appointed on Monday (2/5/2024):
 - Council District 6 representative: Stephen Chatzky

- Council District 9 representative: Armando Flores
- At-Large Seat: Ada Liz Rodriguez
- At-Large Seat: John Armantrout

They will need to complete background checks, take the oath of office, and sign Confidentiality Agreements prior to officially joining the CPP.

Estimated timeframe is two weeks. The nomination deadline for the Low-to-Moderate seat vacated by Nicole Murray-Ramirez was February 2. The City Council will fill that seat soon.

Commissioners Jaylene Sanchez, Dalia Villa De La Cruz, and Mark Maddox have resigned. Jaylene Sanchez and Dalia Villa De La Cruz filled Youth seats, and Mark Maddox filled a Low to moderate income seat. The CPP thanks them for their time with the Commission. The Council President's office has been notified so they can open nominations for those seats.

5. Interim Executive Director Dr. Danell Scarborough presented two special recognitions:
 - A. Congratulations and thank you to OCPP administrative assistant Jon'nae McFarland for 10 years of service to the City of San Diego.
 - B. February 6, 2024 was "Sharmaine Moseley Day in the City of San Diego"! The proclamation from the Mayor and City Council acknowledged Sharmaine's 8 years of leadership in law enforcement oversight for the City of San Diego. We thank Sharmaine Moseley for her service to San Diego!

VII. AD HOC COMMITTEE REPORTS

A. Ad Hoc Bylaws Committee

1. Due to Ad Hoc Committee Chair Mark Maddox's resignation, the CPP Chair appointed Commissioners Alec Beyer and Bonnie Benitez as co-chairs to the ad hoc committee.

B. Ad Hoc Training Committee

1. The DRAFT On-Boarding Training for Case Review was presented (*Timestamp 18:38*)
2. **In person Public Comment** (*Timestamp 28:44*)- Kate Yavenditti made two comments regarding this item. Ms. Yavenditti requests the CPP get outside criminal defense attorneys as part of the criminal law, search, and seizure training sessions. She also strongly objected to use ADL in any context because she claims they promote hate.
Virtual Public Comment (*Timestamp 32:13*) – Layla O. strongly opposes any training conducted with

the ADL.

(*Timestamp 34:02*) – Kristen Kelley also echoes the sentiments about the concern of the participation of the ADL.

(*Timestamp 35:49*) – Richard Satz does not endorse or support a training led by the ADL on hates crimes.

(*Timestamp 37:37*) – Sophie Blake echoes all speakers who have voiced their concerns on working with the ADL.

(*Timestamp 39:24*) – Ethel Sweed comments that the CPP should not invite the ADL to participate in a training session on hate crimes and antisemitism.

3. Discussion
4. Action: No action taken.

C. Ad Hoc Operating Procedures Committee

1. Update – 2nd Vice Chair Doug Case shared that the Ad Hoc Committee is currently working on the Investigations Procedure. It may take up to two more meetings before completing the document.

D. Ad Hoc Personnel Committee

1. Update on Executive Director Hiring Process – 1st Vice Chair Dennis Brown reported that the CPP Ad Hoc Personnel Committee submitted a proposal for recruitment and selection of the Executive Director to the City Council. Legal counsel advised that according to procedures, City Council retains purview over the final hiring decision. The Ad Hoc Personnel Committee will sit with City Council and help develop a process for how the City Council will move forward. The CPP Ad Hoc Personnel Committee will be part of the process.

VIII. NEW BUSINESS

A. Commissioner Emails

1. Presentation of best practices for use of Commissioner's City email
 - A. Add "Email" under every Commissioner's name
 - B. Link "Email" to the Commissioner's CPP email and copy CPP general email.
 - C. CPP staff recommends that the Commissioners reply to emails sent to them if the email is specific to the Commissioner's role. If the Commissioner does not reply within five business days, staff will reply.
 - D. Media Inquiries: Staff will direct to Chair
 - E. Official CPP Representation/Invitation: Staff will direct to Chair, CC Community Engagement Coordinator
 - F. Presentation and Training Requests: Staff will direct to Community Engagement Coordinator
 - G. OCPP Business: Staff will directly respond
 - H. Note: Staff will always copy IED and the Commissioner who received the original email
2. Public Comment: None
3. Discussion (*Timestamp 58:24*)
4. Motion: Commissioner Brandon Hilpert moved to approve the staff recommendations of Commissioner's City email procedures with guidance from Outside Legal Counsel Mr. Bennett. Commissioner Bonnie Benitez

seconded the motion. The motion passed with a vote of 11-0-1.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Aziz,
Canson, Diaz, Harvey, and Justus
Nays: None
Abstained: Beyer
Absent: Honoré, Griffin-Jones, Rubio

B. Removal of Commissioners with Excessive Unexcused Absences – Item Removed

C. Review of Expired Cases (2020-2023)

1. Themes to be reviewed by Outside Investigator

Chief Investigator Olga Golub updated the Commission regarding the progress of engaging the contract investigator to conduct a review of expired cases, as voted by the Commission. All San Diego Police Officer Association (POA)-related matters regarding the investigator contact have been resolved. The next step is finalizing the investigator's contract, which includes scope of work. The Cabinet and IED Scarborough are finalizing the scope, with input from the Chief Investigator. The investigator's review will include both expired Category I and II cases. The investigator will capture some general trends such as demographics, police division in which incidents took place, types of allegations, as well as conduct a deeper dive in select substantive issues like Body Worn Camera (BWC) policy compliance, timeliness, and thoroughness of IA investigations, and possibly other issues. The investigator will not provide recommendations on individual cases, nor will he focus on actions of individual officers. The idea is to provide a high-level yet meaningful audit of the expired cases that will allow the Commission to elicit substantive data about trends. The next step is for IED Scarborough to finalize the scope of the contract and work with the City on final steps to initiate the contact. Chief Investigator Olga Golub will work with IA to ensure that the investigator has access to these case files in a timely manner.

2. Public Comment – None

3. Discussion (*Timestamp 1:06:07*)

IX. 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 or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

- I. San Diego Police Department Feedback on Case Specific Matters
- II. Officer Involved Shooting (1)
- III. Category II Case Audit Reports (1)
- IV. Discipline Reports (0)
- V. Category I Case Review Reports (1)
- 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)

- X. REPORT OUT FROM CLOSED SESSION (7:08pm): Outside Counsel Duane Bennett reported that there was no reportable action.
- XI. COMMISSIONER COMMENTS:
(*Timestamp 1:20:54*) Commissioner Alec Beyer requested confirmation of dates for future meetings.
(*Timestamp 1:21:42*) Commissioner James Justus congratulated Olga Golub on her birthday.
- XII. ADJOURNMENT: The meeting adjourned at 7:11pm.

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING MINUTES
Wednesday, February 21, 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=Fk-5quYBozo> to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran
1st Vice Chair Dennis Brown
2nd Vice Chair Doug Case
Octavio Aguilar (arrived at 5:16pm)
Bonnie Benitez
Alec Beyer
Cheryl Canson

Lupe Diaz
Dwayne Harvey
James Justus

Excused:

Laila Aziz
Brandon Hilpert
Clovis Honoré
Dennis Larkin
Darlanne Mulmat
Yvania Rubio

Absent:

Christina Griffin-Jones

Staff Present:

Danell Scarborough, Interim Executive Director
Duane Bennett, CPP Outside Counsel (attended virtually)
Olga Golub, Chief Investigator
Alina Conde, Executive Assistant
Yasmeen Obeid, Community Engagement Coordinator

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:54pm.
 - II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call, established quorum.
 - 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 January 17, 2024 – Tabled; will be amended and placed on the next meeting agenda on March 6th.

V. NON-AGENDA PUBLIC COMMENT:

Ada Rodriguez (**Timestamp 3:01**) – Newly appointed Commissioner introduction.

VI. CABINET REPORT

1. Chair Report:

CPP 4 new Commissioner Candidates are still working their way through the final approval process and taking the oath of office.

- The CPP has two openings for commissioners in the Low-and-Moderate Income category. The deadline for applicants has been extended until Friday, March 1, 2024, at 11:59 p.m. If anyone is eligible for this category and is interested in joining the Commission on Police Practices, please submit your nomination directly to applytocpp@sandiego.gov.
- The CPP has started to include more information on the Findings Letters sent to complainants. The CPP may not only include how the CPP voted but also include comments that the CPP noted in the case review. All letters will be reviewed by Outside Counsel Duane Bennett.

2. IA Meeting Report - The Cabinet, Interim Executive Director and Chief Investigator met with the new Internal Affairs Captain and staff after the last CPP meeting. 2nd Vice Chair Doug Case stated the meetings will be meeting one week after CPP Meetings to ensure adequate time for IA to review any comments or concerns regarding case review.

- IA confirmed that regular patrol vehicles do not have dash cameras due to high costs associated with them.
- The Cabinet shared a concern with BWC files naming conventions in Google Drive. IA Captain Jeffrey Peterson agreed that there should be uniformity and agreed to revise current practice. He advised that there will be a recommendation to IA to name BWC files by the officers' last names.
- Chief Investigator inquired about IA process of handling incomplete and anonymous complaints in light of the fact that they are requesting complainants to sign a perjury statement. Capt. Peterson explained that perjury statements are not required to move forward with complaints.

- Chief Investigator also inquired about IA's process to approaching complaints that lack details when they are filed. Capt. Peterson explained that IA makes an effort to obtain additional information to ascertain complaints if significant information is missing. If it is determined that the complaint is for another agency, IA will advise complainants which jurisdiction to contact. IA will also advise complainants if they are not able to accept their complaint because of jurisdictional limitations. For example, IA is unable to investigate and address complaints against the entire department as whole.
 - Chief Investigator requested clarification of informal resolution process offered to complainants by the Department as an alternative to a formal investigation. Capt. Peterson explained that informal resolution typically involves a supervisor having a conversation with complainants and is more intended to provide complainants the ability to air their concerns. Not all complainants want their concerns investigated formally and may be satisfied with this option. Chief Investigator Golub shared an observation from cases reviewed so far that informal resolution option is not always clearly explained to complainants.

VII. NEW INTERNAL AFFAIRS CAPTAIN

- A. Introduction to CPP and Community - IA Captain Jeffrey Peterson (**Timestamp 11:49**)
- B. Commissioner Comments (**Timestamp 13:29**)

VIII. NEW BUSINESS

- A. Conflict of Interest Policy and Form
 1. Presentation of Draft Conflict of Interest Policy and Form
 2. Public Comment: None
 3. Discussion (**Timestamp 24:22**)
 4. Motion: Commissioner Alec Beyer moved to approve the Draft Conflict of Interest Policy and Form. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 10-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Canson, Diaz, Harvey, and Justus
Nays: None
Abstained: None
Absent: Aziz, Hilpert, Honoré, Griffin-Jones, Mulmat, and Rubio
- B. Community Hearings
 1. Information regarding recommendation timeline. The CPP will hold its first Community Hearing on March 6th at 6:00 pm focused on police pursuits.
 2. Public Comment - None
 3. Discussion (**Timestamp 34:29**)
 4. Motion: Chair Gloria Tran moved for approval of Community Hearings concept, with the caveat that dates may extend into second half of the year for topics previously voted on by the CPP: Pretext Stops, 4th Waiver,

Special Operations Unit, De-escalation. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 10-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Canson, Diaz, Harvey, and Justus
Nays: None
Abstained: None
Absent: Aziz, Hilpert, Honoré, Griffin-Jones, Mulmat, and Rubio

IX. AD HOC COMMITTEE REPORTS

A. Ad Hoc Bylaws Committee

1. Update – Co-Chairs Bonnie Benitez and Alec Beyer reported that they have taken into consideration all feedback from the Commission. All comments have been added to a new revised version to be completed by March 6th CPP Meeting. Requested any more feedback from the Commission to be sent to the co-chairs as soon as possible.
2. Public Comment – None

B. Ad Hoc Operating Procedures Committee

1. Update – Co-Chair Doug Case reported that the Committee has not met recently due to Commissioners travel plans. There will be a meeting on February 28th at 6:00pm. The Committee hopes to get through the rest of the Investigations and Procedure.
2. Public Comment – None

C. Ad Hoc Personnel Committee

1. Update on Executive Director Hiring Process – Chair Dennis Brown reported that the City Council will take over the hiring process. They have created an Ad Hoc Committee for the Recruitment of the Executive Director to the Commission on Police Practices. It will be an inclusive Committee that will include the Ad Hoc Personnel Committee members. Councilmembers von Wilpert and Campillo will serve on the committee. The first meeting of the committee is on February 28th at 2:00pm in council chambers and will be open to the public.
2. **Virtual Public Comment:**
Evie Kosower (**Timestamp 46:26**) – Requesting more information regarding the role of City Council members with the hiring process.
3. Commissioner Discussion (**Timestamp 47:52**)

X. 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 or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

- I. San Diego Police Department Feedback on Case Specific Matters
- II. Officer Involved Shooting (0)
- III. Category II Case Audit Reports (2)
- IV. Discipline Reports (2)
- V. Category I Case Review Reports (1)
- 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)

XI. REPORT OUT FROM CLOSED SESSION (6:40pm): Outside Counsel Duane Bennett reported that there was no reportable action.

XII. COMMISSIONER COMMENTS:

(Timestamp 56:33) Commissioner James Justus informed the Cabinet he received a reimbursement from the city.

(Timestamp 57:07) Commissioner Dwayne Harvey reiterated the importance of the next meeting on March 6th. Mr. Harvey also brought attention to another incident regarding SDPD and a police chase.

(Timestamp 58:59) Commissioner Alec Beyer wanted to confirm that the Saturday meetings are only going to be used as backup meetings. Mr. Beyer also requested notice of no quorum-no meeting in advance.

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

**Bylaws
City of San Diego
Commission on Police Practices**

Preamble

On November 3, 2020, the voters of San Diego approved Measure B creating a new independent Commission on Police Practices (CPP) replacing the Community Review Board on Police Practices (CRB). Per the City Charter amendment, the members of the CRB at the time of its dissolution became the initial CPP members. On October 3, 2022, the City Council, adopted an implementation ordinance specifying the number of Commissioners, term length, qualifications and selection process. These Bylaws are the operating procedures for the Commission's governance.

Article I. Name and Authority

Section 1. Name

The name of this Commission is the Commission on Police Practices, herein referred to as “the Commission.” The Commission was established by Measure B, approved by the voters in November 2020. The Commission on Police Practices is also known by the acronym “CPP.”

Section 2. Authority

The Commission operates in accordance with the following documents, listed in hierarchical order:

United States Constitution

California Constitution

California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)

San Diego City Charter, including but not limited to Article V, Section 41.2 - Commission on Police Practices

San Diego Municipal Code, including but not limited to Chapter 2, Article 2, Division 55 – Office of the Commission on Police Practices, and Chapter 2, Article 6, Division 11 – Commission on Police Practices

CPP Standard Operating Procedures (“rules and regulations” referenced in the charter)

San Diego City Council Policies

City of San Diego Administrative Regulations

Memorandum of Understanding (MOU) between City of San Diego and San Diego Police Officers Association

CPP Bylaws

CPP Special Rules of Order

CPP Operational Standing Rules

CPP Administrative Standing Rules

Robert's Rules of Order, Newly Revised

National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics (Attached hereto as Exhibit A)

Parliamentary procedures of this Commission will be in accordance with these Bylaws and any Special Rules of Order adopted by the Commission. The default parliamentary authority for procedures that are not covered in these Bylaws or the CPP Special Rules of Order shall be the current edition of Robert's Rules of Order, Newly Revised.

Article II. Purpose, Mission, Duties, Powers, and Objectives

Section 1. Purpose and Mission

The purpose of the Commission on Police Practices is to provide an independent investigation of officer-involved shootings and in-custody deaths, and an unbiased evaluation of all complaints against the San Diego Police Department and its personnel, in a process that will be transparent and accountable to the community. The Commission will also evaluate and review SDPD policies, practices, training and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

Section 2. Duties

Per the City Charter, the Commission shall have the following mandatory duties:

- A. To establish operating procedures for its governance and the Commission's investigatory proceedings consistent with all applicable laws including the Charter, the Ralph M. Brown act, the California Public Records Act, and all laws, rules, regulations, and collective bargaining agreements between the City and its recognized employee organizations that provide rights to City employees.
- B. Independently investigate and evaluate all deaths occurring while a person is in custody of the SDPD, all deaths resulting from the interaction with an officer of the SDPD, and all SDPD officer-related shootings.
- C. Prepare operating procedures for Commission investigators and/or Commissioners to have immediate access to the scene or area of: (1). An SDPD police officer involved shooting; (2). Death or deaths resulting from an interaction with one or more SDPD police officer(s); (3). Death or deaths

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occurred while a person was in the custody of the San Diego Police Department; and (4). Investigations by SDPD of the events listed in items 1-3 of this section.

- D. Make findings upon the completion of any investigation, complaint review or evaluation.
- E. Receive, register, review and evaluate all complaints against SDPD officers, except that the Commission will not review and evaluate complaints where the complainant has requested that the matter be handled without investigation, or where no specific allegation or police officer can be identified.
- F. Review and evaluate all factual findings and evidentiary conclusions of the SDPD arising from investigations of police misconduct, including Internal investigations not resulting from a complaint, and all disciplinary decisions resulting from sustained findings.
- G. Review and evaluate SDPD's compliance with federal, state and local reporting laws and requirements.
- H. Comply with all applicable federal, state, and local laws and regulations, including the City's Civil Service Rules, Personnel Regulations, Administrative Regulations, and collective bargaining agreements between the city and its recognized employee organizations in any interaction with City employees.
- I. Maintain a training program for individuals interested in appointment to the Commission. Upon appointment, Commission members must also complete training upon their appointment to ensure their working knowledge of applicable laws and rules.
- J. Forward to the Police Department a copy of any complaint received by the Commission that identifies an employee of the Police Department within five calendar days of the Commission's receipt of the complaint.
- K. Retain complaints and any reports or findings relating to complaints for at least five years or any longer period required by state law.
- L. Engage in outreach to address community groups and inform the public on the duties and responsibilities, policies, and ongoing operations of the Commission, including a roundtable, in a community location to solicit public input on Commission function(s).
- M. Establish operating procedures for: (1). the preparation and submission of a semi-annual report to the Mayor and City Council regarding the exercise of the Commission's duties and powers; (2). Allowing the community to evaluate the commission's processes and performance; (3). the development, data

collection, tracking, and reporting of community policing standards; (4). describing the commissions Communications with complainants regarding the status of their complaints; (5).Covering public Communications on the Commission's internet website, including providing to the public, as soon as practicable, as much information as permitted by law, on the status of the Commission's investigation of each complaint, the list of all complaints received, the Commission's findings on the complaints it investigated, and all of the commission's recommendations.

Section 3. Discretionary Powers

The Commission shall have the discretion to:

- A. Conduct independent investigatory proceedings, subpoena witnesses, and authorize enforcement of the subpoena;
- B. Investigate complaints against SDPD officers (in addition to the required investigations stated above), unless the complainant has requested that the matter be handled without an investigation, provided that the Commission determines that the complaint arises from any one of the following:
 - (1). an incident in which the use of force by a SDPD officer resulted in great bodily injury;
 - (2). dishonesty by a SDPD officer including an allegation of perjury, filing false reports, and destruction, falsifying or concealing evidence;
 - (3). an incident that has generated substantial public interest or concern;
 - (4). an incident where the data shows a pattern of misconduct by a SDPD officer; or
 - (5). an incident where data shows a pattern of inappropriate policies, procedures, or practices of the Police Department or its member;
- C. Review, evaluate and investigate allegations of inappropriate sexual conduct, physical assault or domestic violence by SDPD officers;
- D. Make recommendations to the Chief of Police on the discipline of individual officers about whom complaints have been made or about whom the Commission has conducted an investigation
- E. Review and evaluate the Police Department's administration of discipline of police officers arising from other matters not involving alleged misconduct;
- F. Review and evaluate the policies, procedures, practices and actions of the SDPD;
- G. Make specific recommendations to the Chief of Police, the Mayor and the City Council on any policies, procedures, practices and actions of the SDPD;

- H. Develop and implement a mediation program that enables complainants to resolve their issues with a police officer who is a subject of a complaint, through face-to-face alternative dispute resolution involving a trained mediator;
- I. Establish an operating procedure to directly receive and investigate complaints by members of the public against Police Department employees who are not police officers;

Section 4. Outreach and Education

It is the objective of the Commission to operate transparently, to keep the community informed about the activities of the Commission, and to provide opportunities to receive public input on the Commission's operations. It is the further objective of the Commission to encourage persons with complaints about the actions of SDPD sworn personnel to file a complaint, to widely publicize the procedures for filing complaints and to make the process as simple as possible, and to enact mechanisms to ensure that persons filing complaints and witnesses will be able to do so without fear of retaliation or adverse consequences.

Section 5. Independence

The Commission on Police Practices maintains and defends an independent posture within which objective, balanced review, investigations, and evaluation processes will be assured. The ultimate usefulness of the Commission depends on independence from political pressure, independence from community pressure, and independence from influence or control by SDPD. In this regard, actual independence and perceived independence are equally important. Any action or activity that could present an appearance of compromised independence should be avoided. Commission independence is essential to earn the trust of the community and fulfill the mandate from the initial creation of the Commission by citizen initiative.

Article III. Membership

Section 1. Selection and Appointment

- A. There will be up to 25 Commissioners who must reside within the City of San Diego with the following categories:
 - (1) Nine Commissioners, one from each Council District
 - (2) Two Commissioners aged 18 to 24 at the time of appointment
 - (3) Five Commissioners residing in low to moderate income neighborhoods
 - (4) Nine Commissioners at large without additional age or residence restriction
- B. Effective June 30th, 2024, appointment to CPP will be to a specific seat within a category for a 2-year term, with re-appointment for up to 3 additional consecutive 2-year terms. Only half of the Commissioners will be eligible for

reappointment in any one year.

- C. The process for appointment to CPP will be determined by the San Diego City Council. The primary concern for appointment of Commissioners will be to maintain full membership of the Commission. Recruiting to fill vacancies will focus on candidates for the specific seats that are vacant.
- D. Members of the Commission shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties. Prior to assuming the duties of office, members must subscribe to the Oath of Office administered by the City Clerk's Office and sign the oath card. All Members who are reappointed to the Commission must retake the Oath of Office and sign a new oath card. Once members take the Oath of Office and sign the oath card, they are considered voting members of the Commission.

Section 2. Responsibilities

Members have the following responsibilities:

A. Meeting Attendance

The substantive work of the Commission cannot be accomplished in the absence of a quorum. In order to accomplish the work of the Commission, members are expected to be in attendance and participate in meetings. Meeting attendance shall be in accordance with the Brown Act. Any member with an unexcused absence from at least three (3) consecutive meetings of the full Commission may be removed from the Commission per Article III, Section 3.B. of these bylaws. Members may request to be excused from a meeting by contacting the Chair or Executive Director no later than 12 noon on the day of the meeting. An excused absence can be granted by the Chair for the following reasons:

- (1). Illness or health
- (2). Out of Town
- (3). Work/School, but not on a regular basis
- (4). Religious observance
- (5). Extraordinary Circumstances

B. Case Review

Members may be assigned by the Chair or their designee to review and evaluate complaints and investigations of misconduct in accordance with the current Operational Standing Rule for Case Review.

C. Committee Participation

Members are required to participate on at least one of the standing committees of the Commission.

D. Training

Members are required to pursue and complete educational opportunities as

determined by the Training and Continuing Education Committee. Commissioners must sign a confidentiality agreement. Commissioners can not take part in closed session meetings or review cases without signing the confidentiality agreement.

E. Community Outreach

Members shall participate in community outreach activities as determined by the Community Outreach Committee.

Members can speak in public about the role of the Commission to provide education for the community. Only the Commission Chair is the spokesperson for the Commission on issues that require public comment.

F. Ethical Conduct

To promote public trust, integrity, and transparency, members are expected to adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. The NACOLE Code of Ethics includes Personal Integrity, Independent and Thorough Oversight, Transparency and Confidentiality, Respectful and Unbiased Treatment, Outreach and Relationship with Stakeholders, Agency Self-examination and Commitment to Policy Review, and Primary Obligation to the Community. The complete NACOLE Code of Ethics is attached as Exhibit A of these bylaws.

Any actual or perceived conflict of interest during case review shall be avoided. Conflict of interest exists when a member has an outside financial interest or a personal relationship with someone involved in the case, or has intimate knowledge of the facts of the case. Members shall avoid any situation where they have a conflict of interest by immediately notifying the Chair or Executive Director requesting either to be excused from review of the case or to have the case reassigned. Active involvement in other boards, committees or organizations could pose an actual or perceived conflict of interest with membership on the Commission. Commission Members shall disclose all potential conflicts to the Chair or Executive Director immediately.

Section 3. Removal

A. Voluntary Resignation

Any Member of the Commission can voluntarily resign by sending a letter or email of resignation to the Commission Chair and the Executive Director. A member's written notice of resignation is required by the City Clerk and becomes a matter of public record. Once the letter has been received, the position shall be considered vacant.

B. Removal for Cause

A member may also be removed for cause including but not limited to the following reasons: (1) misuse of position as a Commission Member; (2) misuse of police-issued documents; (3) violation of state laws of confidentiality; (4) misconduct or conviction of a crime that impedes the

member's ability to serve as an effective and impartial Commission member; (5) unexcused absences from at least three consecutive meetings or by failure to complete case review as assigned; (6) violation of the NACOLE Code of Ethics; or (7) a conflict of interest.

Upon receiving information that a member has engaged in behavior that may subject the member to the removal for cause action, the Cabinet shall investigate or arrange for an investigation of the situation. If after the investigation, it appears that cause exists for removal, the member shall be invited to meet with the Executive Director and the Cabinet. After that meeting, the Cabinet shall determine whether to proceed with removal proceedings. If it is determined to proceed, the matter will be placed on the next regular Commission Open Meeting agenda. The member will have an opportunity to present a defense and answer questions. By a two-thirds vote, the Commission may recommend to the City Council that the member be removed. The affected member shall not be entitled to cast a vote in the matter. A hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

Article IV. Officers

Section 1. Officers of the Commission

The officers of this organization shall be Chair, First Vice Chair, and Second Vice Chair. These elected officers shall be referred to collectively as the Cabinet.

No individual shall hold more than one office at any time. An individual may serve no more than two consecutive terms in the same office, and becomes eligible again to serve in that office after a period of two years commencing at the conclusion of their second term.

Section 2. Election and Succession

A. Election

Officers are elected at the last Open Meeting of the fiscal year to serve a one-year term in conjunction with the next fiscal year. The Nominating Committee (see Article VI, Section 3.A) will present at least one nomination for each office. Prior to the vote for each office, additional nominations will be taken from the floor. Officers will be elected individually in order of precedence, starting with the Chair.

Officers must receive a majority vote of the Commission. If no candidate receives a majority, then a runoff will be held between the candidates with the two highest numbers of votes.

If the last scheduled Open Meeting of a fiscal year is not held, officers shall continue to serve until their successors are elected and assume office.

B. Vacancies

If the office of Chair becomes vacant, the First Vice Chair becomes Chair for the

unexpired term. If the office of First Vice Chair becomes vacant, the Second Vice Chair becomes First Vice Chair for the unexpired term. If the office of Second Vice Chair becomes vacant, an election, with nominations taken from the floor, will be held at the next Open Meeting of the Commission to fill the office for the remainder of the unexpired term.

If the offices of Chair, First Vice Chair and Second Vice Chair all become vacant at the same time, the Executive Committee shall appoint a Commission Member to serve as Acting Chair for a period of sixty days, during which time elections will be held to fill the vacancies for the unexpired term. Such elections will take nominations from the floor and elect officers individually in order of precedence by roll call vote. Notice of such elections shall be given thirty days ahead of the election date.

Section 3. Powers and Duties

The officers of this organization shall fulfill the duties of office while always acting for the good of the entire Commission.

A. Chair

The Chair shall have the following powers and duties:

- (1). To serve as Chair for all meetings, Closed and Open, of the Commission.
- (2). To serve as Chair for all meetings of the Executive Committee.
- (3). To serve as a member of the Cabinet.
- (4). To set the agenda for all Commission, Executive Committee, and Cabinet meetings in consultation with the Executive Director.
- (5). To act as the spokesperson for the Commission, to make official statements for the Commission, or to delegate this responsibility to another Commission Member.
- (6). To coordinate with the Executive Director on communication between the Commission and the Mayor, the San Diego City Council and the Chief of Police.
- (7). To appoint Chairs and members for all Committees of the Commission.
- (8). To be ex officio member and ensure effective functioning of all committees of the Commission.
- (9). To perform such other duties as may be conferred by vote of the Commission

B. First Vice Chair

The First Vice Chair shall have the following powers and duties:

- (1). To fulfill the duties of the Chair in the absence of the Chair.
- (2). To serve as a member of the Executive Committee.
- (3). To serve as a member of the Cabinet.

- (4). To oversee training of new members with the Training and Continuing Education Committee.
- (5). To perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

C. Second Vice Chair

The Second Vice Chair shall have the following powers and duties:

- (1). To fulfill the duties of the Chair in the absence of the Chair and 1st Vice Chair.
- (2). To serve as Chair for the Executive Committee Meeting in the absence of the Chair and First Vice Chair.
- (3). To serve as a member of the Executive Committee.
- (4). To serve as a member of the Cabinet.
- (5). To act as or designate a Parliamentarian for the Commission. The proposed parliamentarian is subject to approval by a majority vote of the Commission.
- (6). To perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

D. Cabinet

The Cabinet shall

- 1) Investigate allegations of impropriety against any Commission Member and make recommendations resulting from such investigations
- 2) Provide supervision of and consultation with the Executive Director to ensure the Commission fulfills its purpose, mission, duties, powers, and objectives.

Article V. Meetings

Section 1. General

Meetings of the Commission shall be held regularly in order to carry out the objectives and purposes of the organization. Notice of time, place and agenda shall be provided to the Commission and the public at least 72 hours before the scheduled time of every meeting in accordance with the Ralph M. Brown Act.

Section 2. Regular Meetings

Regular Meetings are normally held at least once per month to transact business and to hear presentations. Regular Meetings provide a forum in which to communicate with the public, to advise the community on the business of the Commission, and to hear public testimony on issues under the Commission's purview. Individual cases are not discussed in open meetings.

Section 3. Closed Sessions

Closed Sessions are held pursuant to California Government Code Section 54957 to provide a confidential environment in which (1) to review complaints and investigations regarding SDPD Officers in accordance with California Penal Code Section 832.7 or (2) to discuss personnel or other information that is specifically exempt from public disclosure by law. Attendance by anyone other than Commission members and staff is by invitation.

Section 4. Special Meetings

Special Meetings can be held as needed. A Special Meeting may be called by the Chair, the Cabinet, or by a majority vote of Commission members. Notice of a Special Meeting shall state the topic(s) to be discussed, and no other business may be considered during the Special Meeting.

Section 5. Voting and Quorum

Only Commission members can vote on issues before the Commission and are counted to determine the presence of a quorum. The Chair is not required to vote; however, the Chair may vote whenever their vote will affect the result.

No formal action can be taken without a quorum. The requirement for a quorum shall be a majority of filled seats on the Commission.

Article VI. Committees

Section 1. General

Committees of the Commission shall be formed to carry out the primary objectives of the Commission and to maintain functions necessary to sustain the Commission. Committees shall limit their business to the purpose identified in this document or the purpose identified at their inception. Committees shall conduct their business in a manner consistent with these Bylaws and the Standing Rules of the Commission. Committees shall not take any final action on behalf of the Commission or issue any official communication. The Chair may appoint community members as advisors to a Committee.

Committees fall into two categories: Standing Committees and Ad Hoc Committees. Standing Committees require a constant presence to carry out long term ongoing functions of the Commission. Ad Hoc Committees either support periodic functions of the Commission that do not require a constant presence for service or are formed to accomplish specific, short term tasks that are not within the assigned function of any Standing Committee or any other Ad Hoc Committee.

Committee Chairs of all committees shall be members of the Commission. Unless otherwise specified herein, Standing Committee Chairs shall be appointed by the Commission Chair to serve a one-year term. Ad Hoc Committee Chairs shall be selected by a majority vote of the Ad Hoc Committee members, and can serve until their committee is disbanded. Standing Committee Chairs have the following tasks:

- A. Conduct Committee meetings at least quarterly or more often as needed.

- B. Support the Brown Act requirement for public notice with an agenda in advance.
- C. Report on Committee activities at Open Meetings and make recommendations for Commission action.
- D. Contribute a summary of Committee activities and accomplishments for the CPP Semi-annual Reports.
- E. Serve as a member of the Executive Committee.

Section 2. Standing Committees

Notice of Standing Committee meeting time, place and agenda shall be provided to Committee members and the public at least 72 hours before the scheduled meeting time. Except for the Executive Committee, Standing Committees are limited to no more than seven (7) members.

A. Executive Committee

The Executive Committee has continuing jurisdiction over the effective and ethical functioning of the Commission. The Chair of this Committee is the Commission Chair. Members of the Executive Committee are the elected officers of the Commission and Standing Committee Chairs. Regular meetings of the Executive Committee shall be held monthly, or at the discretion of the Chair. The Executive Committee shall have the responsibility for facilitating the annual performance review of the Executive Director. The Executive Committee may advise the Executive Director on finance and budget issues.

B. Policy Committee

The Policy Committee shall evaluate recommendations from Commission Members and members of the community for improvements to SDPD policy, procedure, training or administration of discipline of police officers. The result of the evaluation shall be presented to the Commission. The Policy Committee may recommend Commission action to forward suggested improvements to the Chief of Police.

C. Training and Continuing Education Committee

The Training and Continuing Education Committee shall develop and implement a training program for new Commission Members. The Committee will arrange presentations on subjects of interest at the Regular Business Meetings of the Commission. The Committee also arranges additional training opportunities and field trips for the Commission.

D. Community Outreach Committee

The Community Outreach Committee shall supports the Commission's outreach and education objectives to inform the public and seek feedback regarding the Commission's work.

E. Rules Committee

The Rules Committee shall evaluate recommendations from Commission Members for amendments to these Bylaws, to Special Rules of Order, to Standing Rules and to other operational procedures. The Rules Committee is responsible to ensure that a proposed amendment does not violate or conflict with any existing provision in these Bylaws or any other rules that govern the Commission. The result of the evaluation shall be presented to the Commission.

F. Recruitment Committee

The Recruitment Committee shall engage in activities to recruit new members for the Commission, inform interested individuals about the Commission, interview prospective Commission Members, and select nominees to recommend to the City Council.

Section 3. Ad Hoc Committees

Ad Hoc Committees may be formed as needed by the Commission Chair or by a majority vote of the Commission for an assigned specific task. Unless extended by a vote of the Commission, each Ad Hoc Committee is disbanded at the completion of the assigned task. Ad Hoc Committees are limited to no more than seven members.

A. Nominating Committee

The Nominating Committee is a recurring ad hoc committee that shall be formed annually to facilitate election of officers. Three members of the Nominating Committee shall be elected by the Commission with nominations taken from the floor. The Nominating Committee shall recruit Commissioners who are willing and qualified as candidates for each office. The Nominating Committee shall present to the Commission at least one nomination for each office prior to the last scheduled Open Meeting of the fiscal year. The Nominating Committee shall be disbanded following the election of Commission officers.

Article VII. Administration

Section 1. Executive Director

The Executive Director is appointed by the City Council and serves at the will and direction of the Commission. The Executive Director or their designee is responsible for facilitating the work of the Commission, including, but not limited to, the following tasks:

- A. Interface with community members, responding to inquiries and receiving

complaints.

- B. Direction of day-to-day operations of the Commission.
- C. Liaison between the Commission and City departments, in particular SDPD and the City Attorney's Office.
- D. Maintenance of records and preparation of reports, including semiannual reports to the Mayor and City Council.
- E. Hire and supervise Commission staff, independent contractors, and consultants.
- F. Arrange for the preparation of and dissemination of all meeting notices for CPP and committee meetings as required by the Ralph M. Brown Act.
- G. Attend all CPP meetings, and provide staff support for committee meetings.
- H. Serve as custodian of the Commission's records, in compliance with all applicable laws related to records retention, protection, confidentiality and disclosure.
- I. Arrange for the preparation of and dissemination of the minutes of all CPP board and committee meetings.

The Commission shall conduct a formal performance evaluation of the Executive Director on an annual basis in a manner consistent with the evaluation process used by the City's Personnel Department.

Section 2: Independent Legal Counsel

The Commission shall retain its own Legal Counsel, who is independent of the City Attorney for legal support and advice in carrying out the Commission's duties and actions. The Legal Counsel may be a Commission employee or independent contractor hired by the Executive Director, with the approval of the Cabinet.

Article VIII. Amendment

Section 1. CPP Bylaws

Bylaws describe organizational structure, eligibility requirements of the members, the terms, responsibilities and powers of the officers, types of meetings, specification of a

quorum, identity of standing and ad hoc committees, the duties and responsibilities of each committee, and identity of a parliamentary authority. Amendment of these Bylaws requires a two-thirds vote of Commission Members at a regularly scheduled open Commission meeting. Proposed amendments must be submitted by a Commission member as defined in and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members at least ten days before the meeting where the vote will be taken.

Section 2. CPP Special Rules of Order

Special Rules of Order define and clarify parliamentary procedures that are different from the specifications of the identified parliamentary authority. Special Rules of Order may be adopted, amended, or deleted by a two-thirds vote of Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members at least ten days before the meeting where the vote will be taken.

Section 3. CPP Operational Standing Rules

Operational Standing Rules define and clarify operational procedures for any interface between this organization and all other City Departments. Operational Standing Rules may be adopted, amended, or deleted by a majority vote of Commission Members at a regularly scheduled open Commission meeting. Proposed amendments must be submitted by a Commission member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members at least ten days before the meeting where the vote will be taken. Commission-approved Operational Standing Rules become effective when reviewed and approved by the City Council.

Section 4: CPP Administrative Standing Rules

Administrative Standing Rules define and clarify internal procedures for this organization. Administrative Standing Rules may be adopted, amended, or deleted by a majority vote of Commission Members at a regularly scheduled open Commission meeting. Proposed amendments must be submitted by a Commission member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission Members at least ten days before the meeting where the vote will be taken.

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: MARCH 12, 2020
NUMBER: 1.03 – TRAFFIC
SUBJECT: PURSUIT PROCEDURES
RELATED POLICY: 1.03
ORIGINATING DIVISION: TRAFFIC
NEW PROCEDURE:
PROCEDURAL CHANGE: **MINOR CHANGES**
SUPERSEDES: DP 1.03 – MAY 28, 2019

I. PURPOSE

This Department procedure establishes guidelines to enhance the effectiveness of a pursuit and reduce the likelihood of incidents that could lead to potential liability.

II. SCOPE

This procedure applies to all sworn and Communications Division members of the Department.

III. BACKGROUND

- A. A police vehicle pursuit exposes the officers, fleeing violators, pedestrians, and occupants of other motor vehicles to the potential risk of death, serious injury, or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the City may be found liable in civil actions. Should improper emergency vehicle operations rise to the level of criminal negligence, officers could be subject to criminal prosecution.
- B. During a pursuit, the violator frequently refuses to give up and the officer feels an obligation to succeed in the pursuit. This psychological phenomenon can cloud one's judgment and may cause the officer to continue the chase beyond the point where common sense and good judgment would require the pursuit to be terminated.

- C. When engaged in a pursuit, officers must balance the seriousness of the violator's suspected crime against the inherent risks of engaging in a pursuit, including potential for death or injury, and the potential for damage to personal or City property if the chase is continued. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Frequently, termination of a pursuit in the interest of safety is most appropriate.

IV. **DEFINITION**

- A. 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).

V. **PROCEDURES**

- A. Initiating a Pursuit
 - 1. 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.
 - 2. 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: 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; and whether the identity of the suspect is known and can be apprehended at a later time.
 - 3. When a motorcycle unit initiates a pursuit, it shall be relieved when the first marked four-wheel police vehicle can assume the pursuit.

B. Participating in a Pursuit

1. A police vehicle shall not be used in a pursuit unless the vehicle is equipped with emergency lights that are activated to position three, and has a siren sounding as reasonably necessary (21055 CVC).
2. Officers engaged in a pursuit have a duty to drive with due regard for the safety of all persons using the highway (21056 CVC).
3. Only two units shall be actively involved in a pursuit unless a field supervisor, Field Lieutenant, or the Watch Commander approves additional units.
4. Uninvolved units shall remain alert to the location of the pursuit, but shall not join the pursuit unless requested by the primary pursuit unit, or if authorized by a field supervisor.
5. Officers driving vans, trucks and non-pursuit-rated sport utility vehicles should be aware that the vehicles may not handle as well as pursuit-rated vehicles. They should consider turning over the pursuit to the first available unit driving a pursuit-rated vehicle, or terminating the pursuit.
6. Officers with prisoners or non-law enforcement passengers should not engage in a pursuit unless the offender poses an immediate life threatening risk to public safety.

C. Communications Procedures and Responsibilities

When a pursuit begins, the following radio procedures will apply:

1. Communications Dispatch will announce “Emergency Traffic Only”, which will be repeated every 30-60 seconds (or as often as reasonably needed), and assign a field supervisor as the supervisor of record to assume control and monitor the pursuit. Any field supervisor may cancel unnecessary “Code 3” cover units or terminate the pursuit, when circumstances require it.
2. Communications Lead Dispatcher will notify the Field Lieutenant, and the Watch Commander; each will monitor every pursuit. The Field Lieutenant will monitor pursuits under most circumstances, when available. The Field Lieutenant and Watch Commander may order termination, if warranted.

3. The pursuing officer(s) shall remain on the original radio talk group unless directed otherwise. The second assisting unit behind the primary unit should “call the pursuit.” Whenever possible, passenger officers should operate the radio allowing the driver to concentrate on driving tactics and officer safety.
4. Once a pursued vehicle is overtaken by a law enforcement helicopter, the aircraft can assist by broadcasting ongoing radio updates along the route of travel. If a canine unit is involved in the pursuit, the radio dispatcher shall broadcast that information for officer safety purposes.
5. If an officer is requested to deploy spike strips or stop sticks, Communications must be advised of the deployment location. The dispatcher shall immediately rebroadcast this location to pursuing units accompanied by “Alert Tone 2.” This allows for pursuing units to tactically prepare for the apprehension of the suspect(s) while avoiding the tire deflation devices placed in the roadway. Communications will re-broadcast any spike strip/stop stick location updates accompanied by “Alert Tone 2.”
6. Officers not actively engaged in the pursuit should remain off the air, giving priority radio traffic to pursuing units.
7. If a field supervisor orders a pursuit to be terminated, it shall be terminated immediately. The Communications dispatcher will rebroadcast that the pursuit has been terminated.

VI. PURSuing OFFICER'S RESPONSIBILITY

- A. The initiating pursuit unit or ABLE shall state, on the radio, specific information identifying the location, direction, suspect(s), involved vehicle, what the vehicle is wanted for, the pursued vehicle’s speed, and a description of the area through which the pursued vehicle is traveling.
- B. Speed

Many pursuits begin after an officer observes a vehicle traveling at an excessive speed, while others stem from suspects attempting to evade capture for criminal activity. Pursuits frequently involve high-speed driving maneuvers as suspects attempt to evade officers. The majority of these pursuits involve one or more additional police vehicles, and result in several vehicles traveling at a speed near or greater than the speed the initiating officer identified as hazardous, or at a speed that becomes hazardous during the course of the pursuit.

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, and sporting events. 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. Officers responding to assist in a pursuit shall drive with due regard for public safety (21056 CVC).

VII. TACTICS

- A. Driving on the wrong side of a divided roadway is generally prohibited, except in the most grievous circumstances when imminent danger to life exists. Driving the wrong way on freeways is strictly prohibited. Officers shall not pursue in opposing lanes of traffic on any freeway or divided highway separated by a raised island and/or center divider. Emergency vehicle operators may not be immune from prosecution if involved in a wrong-way collision that results in injury or death (21651 CVC).
- B. Due to the extreme hazards and potential risks for serious injury, police vehicles, generally, may not be used to “box in”, “ram” or “bump” suspect vehicles in any pursuit situation. A supervisor's approval shall be obtained prior to implementing any such action.
- C. Officers shall not use a police vehicle to perform a Pursuit Intervention Technique (PIT) Maneuver under any circumstances.
- D. Only one cover unit may follow the primary pursuing unit unless additional cover units are authorized by a supervisor. The cover unit(s) shall use emergency lights and siren in compliance with 21055 CVC and 21056 CVC.
- E. When appropriate, a better-positioned unit may become the cover (second) unit. When the primary pursuit and cover unit(s) are in position, all others shall drop out of the pursuit and cease “Code 3” operation, unless directed otherwise by a supervisor.

- F. Additional units should be prepared to:
 - 1. Provide adequate cover for a pursuing unit for purposes of officer safety, keeping radio traffic to a minimum;
 - 2. Become the primary unit if the original pursuing unit loses the suspect vehicle or becomes disabled, notifying Communications that they are the primary pursuit unit; and,
 - 3. Attempt to station themselves at strategic points when the suspect is stopped.
- G. The pursuit unit(s) shall not be passed by other units unless the supervisor authorizes the maneuver. The primary pursuit unit should remain in position until the status is relinquished to another unit, either by the primary pursuit unit or as directed by a supervisor.
- H. Pursuit Conclusion and Tactics
 - 1. 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.
 - 2. Having sufficient personnel for a high-risk vehicle stop involved in the pursuit will allow for a safe and smooth transition from the actual pursuit into the high-risk vehicle stop tactic in an effort to safely arrest or detain the occupants of the pursued vehicle, while also maximizing officer and public safety. Depending on the circumstances, supervisors or officers at the scene should determine who will be the contact, cover, and coordinating officers when engaging in a high-risk vehicle stop.

VIII. TERMINATING THE PURSUIT

- A. 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.
- B. 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:
 - 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.
- C. Officers ordered to terminate the pursuit shall immediately discontinue “Code 3” operation and fully abandon the pursuit. Officers shall not “trail” or follow the suspect after being ordered to terminate the pursuit. Officers will return to their assigned service area while obeying all traffic laws (21052 CVC). The Communications dispatcher will rebroadcast that the pursuit has been terminated.
- D. Officers are prohibited from pursuing vehicles across the International Border into Mexico under any circumstances. Pursuits shall be terminated before reaching the Border. In order to terminate the pursuit safely before crossing the Border, the pursuit should be terminated before the last U.S. exit, (Siempre Viva for I-905 or Camino de la Plaza for I-5). Southern Division and the appropriate Border agencies will be notified by Communications of any approaching pursuits.

IX. SUPERVISORY RESPONSIBILITY

- A. Upon notification of a pursuit in progress, the field supervisor, Field Lieutenant, or Watch Commander shall verify the following:
1. 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.

2. Supervisors should respond to the location at the end of the pursuit to ensure compliance with post-pursuit reporting requirements. Supervisors should debrief officers and ensure injuries, vehicle and property damage, and any use of force are properly documented.
3. Verify the speed of the pursuit, and make a determination as to whether it is safe to continue the pursuit given the same factors used to initiate the pursuit, and any other changing factors necessary to ensure public safety, officer safety, safety of the fleeing violator(s), and effective pursuit tactics.
4. Verify that no more units than necessary are involved. The primary pursuit unit and a cover unit are usually sufficient for the actual pursuit. Additional units may be added to the pursuit only upon the supervisor's authorization. The supervisor of record must state on the air that he or she is authorizing additional units to become involved in the pursuit, and the specific number authorized. Supervisors should cancel any units operating Code 3 that have not been authorized. The additional authorized units shall identify themselves over the radio.
5. Factors to be considered by the supervisor in deciding whether to add units include the number and type of vehicles being pursued, the seriousness of the offense, the number of occupants in the vehicle being pursued and the danger occupants of the vehicle(s) being pursued continue to pose to others.
6. When more than two units are permitted to participate in a pursuit, the supervisor shall direct the additional units to discontinue the pursuit as soon as possible, based upon tactical requirements and safety aspects.
7. 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. If a situation arises where supervisors do not agree over whether to terminate a pursuit, the Field Lieutenant or Watch Commander shall make the final determination on whether to terminate the pursuit. Lacking a response from the Field Lieutenant or Watch Commander, the supervisor of record shall make the final determination on whether to continue or terminate the pursuit.

X. JOINT AGENCY AND INTER-JURISDICTIONAL PURSUITS

- A. County-wide pursuit protocols have been established for inter-agency pursuits within the County of San Diego (See DP 2.01 Communications, Assignment of Talkgroups and Proper Radio Procedures.) The initiating agency should generally retain jurisdiction and responsibility for a pursuit in progress, in the event the pursuit enters another agency's jurisdiction.
- B. San Diego Police Department (SDPD) units shall not join in an active pursuit initiated by another agency unless specifically requested and then only with the approval of a field supervisor, Field Lieutenant, or Watch Commander.
- C. The Communication Centers of the other agencies shall be promptly notified of any pursuit approaching their jurisdiction by the SDPD Communications Lead Dispatcher, but such notification shall not constitute a request for assistance. The primary unit or the field supervisor shall be responsible for determining if assistance is needed from another agency and shall specify what is needed to accomplish the task.
- D. The SDPD Communications Lead Dispatcher shall promptly direct pursuit assistance requests to the respective agency. Pursuing units and supervisors shall consider relinquishing the pursuit to that agency when their units are in position to assume control.
 - 1. If the primary pursuit unit wishes to relinquish the pursuit to another agency, that agency must be willing to accept it. Such acknowledgment shall be announced on the radio talkgroup in use.
 - 2. If the pursuit is actually turned over to another agency, the initiating officer shall abandon the pursuit totally, but must remain available to coordinate with the arresting units if the suspect is arrested.
- E. Except when the Canine Unit's assistance is specifically requested by the California Highway Patrol (CHP), when a pursuit enters another law enforcement jurisdiction (including military facilities), personnel of this Department shall immediately abandon the pursuit when a supervisor of that agency orders termination of the pursuit. Officers shall cease Code 3 operation and return to their service area. This includes pursuits on the freeway assumed by the CHP.
- F. In joint agency pursuits, there shall be no more than two pursuing units directly involved, including vehicles from other agencies.
 - 1. A field supervisor of this Department shall assume command of such pursuits to assess safety considerations, ensure compliance with Department policy, and coordinate with supervisors of other involved agencies.

2. The field supervisor shall direct operations for all officers involved, or transfer that responsibility to the supervisor of the agency taking over responsibility for the pursuit.
3. Whenever possible, communication between different agencies should be established car-to-car. The appropriate talkgroup will be determined by SDPD Communications. Pursuits initiated by SDPD will primarily remain on the radio talkgroup of the unit who initiated the pursuit, or any available frequency as directed by the Communications Dispatcher.
4. Pursuits initiated by other agencies, utilizing a non-SDPD dispatcher, will remain under the jurisdiction of that agency even upon entering San Diego City limits. Upon notification, the Lead Dispatcher shall select and patch an appropriate SDPD tactical talkgroup with the controlling dispatcher's agency.
5. Field supervisors, the Field Lieutenant, and the Watch Commander may order a pursuit entering San Diego City limits terminated if they recognize a condition that constitutes an immediate and life-threatening danger to the officers or public. The Lead Dispatcher shall communicate any such directive to the dispatcher of the other agency.
6. The Lead Dispatcher will format an incident for the nearest area command for which the pursuit is approaching. The incident will initially be aired on the SDPD primary talkgroup for informational purposes only. Once aired, field personnel shall monitor the appropriate SDPD tactical frequency for any and all updates, keeping the primary talkgroup and dispatcher clear for normal operations.
7. The assigned SDPD talkgroup for inter-agency incidents, when SDPD is the assisting and not the controlling agency, will be PATCH. PATCH is located in the new Standard Supervisor, Investigation, and Patrol Fleet Map Primary Zone in Mode 14.

XI. AIR SUPPORT UNIT ASSISTANCE

- A. When units become involved in pursuits, Communications shall request aerial assistance from ABLE. If ABLE cannot respond, a request should be made via radio on the LAWAIR frequency or intercom for Sheriff's ASTREA. The Communications dispatcher is responsible for notifying the Air Support Unit of all vehicle pursuits.

- B. ABLE aircrews provide valuable information to ground units concerning direction of travel, suspect actions, suspect descriptions and apprehension strategies. Aircrews should alert responding units to upcoming traffic congestion, hazards, or other factors which might endanger the safety of ground officer(s) or the public. Overall control of the pursuit shall remain with the primary ground unit and field supervisor.
- C. ABLE crews shall assist in coordinating ground resources, report on the progress of the pursuit, and provide information to assist in determining whether or not to continue the pursuit, etc. In some cases, it may be prudent to discontinue the pursuit by ground units and allow the aircraft to continue in a “tracking mode” until the suspect can be taken into custody under more favorable conditions. The aircrew shall never assume the role of the primary pursuit unit, as it is not considered an authorized emergency vehicle as defined by Section 165 CVC.
- D. The aircrew shall videotape all pursuits while on scene unless prohibited by other operations and/or safety procedures. If the pursuit supervisor determines there is a need, he or she may make arrangements with an Air Support Unit sergeant to obtain a DVD video copy of the pursuit for training, evidentiary, and/or administrative review purposes. These DVDs remain the property of the San Diego Police Department and shall not be copied or released to members of the public or media without the approval of the Chief of Police. Original video tapes of incidents recorded by ABLE are impounded at ABLE Base for evidentiary purposes.

XII. SHOOTING AT VEHICLES

Shooting at or from moving vehicles is prohibited, except when reasonably necessary to protect persons from death or serious bodily injury (DP 1.05, Firearms Procedure).

XIII. TIRE DEFLATION DEVICES/SPIKE STRIPS

- A. Any officer or supervisor actively involved in a pursuit may request a spike strip/ stop stick deployment. The Communications dispatcher will simulcast for “any available spike strip unit.” Any officer trained in the deployment of tire deflation devices should switch to the pursuit frequency and coordinate with the field supervisor in charge of the pursuit. Once the deployment location is selected, the dispatcher will advise all pursuing units of this location, accompanied by “Alert Tone 2.” Pursuing units should prepare for apprehension of suspects after the suspect vehicle has been disabled. A high-risk traffic stop should then be completed.

- B. Tire deflation devices shall not be used to stop motorcycles, mopeds, or other similar types of vehicles. In addition, they should generally not be used on any vehicle transporting hazardous materials (2402.7 CVC), any passenger or school bus transporting passengers, or any vehicle that, by design, may pose an unusual hazard to innocent parties. However, in exceptional cases, spike strips/stop stick may be justified based upon the specific circumstances involved (i.e., hijackings, kidnapping, etc.). In such cases, tire deflation devices should be considered a last resort when all other reasonable pursuit termination tactics have been exhausted.

XIV. BARRICADING ROADWAYS

- A. Barricading a roadway must be considered a use of force likely to result in death or serious bodily injury. This method may be used only as a last resort to apprehend a dangerous known felon who poses an immediate serious threat to the safety of the public.
- B. Barricading a roadway is strictly prohibited unless approved by a field supervisor, Field Lieutenant, or the Watch Commander. In the case of joint agency pursuits, barricading a roadway is prohibited unless specifically authorized by the agency having jurisdiction over the pursuit.
- C. Under no circumstances may a roadway be barricaded by occupied vehicles or vehicles belonging to private citizens. If barricading is deemed necessary, police vehicles or more suitable equipment may be used. The Communications dispatcher must notify all officers by radio broadcast of the barricaded roadway location. "Alert Tone 2" shall be used during this broadcast to alert officers of the potential hazard.

XV. GENERAL PRECAUTIONS

- A. If a police vehicle "bottomed out" during a pursuit, the driver shall inspect it for possible damage and notify a supervisor. If damage occurred, the supervisor shall direct the preparation of the appropriate documentation (i.e., Vehicle Damage and/or Collision Report). The supervisor should consider having a damage and safety inspection conducted at the police garage prior to allowing the vehicle to return to the field. Any questions regarding such incidents and reporting requirements should be directed to the Fleet Safety Sergeant.

- B. Apprehension of Suspect(s)
 - 1. At the conclusion of a pursuit, officers should use caution when attempting to apprehend an offender or their passenger(s). Safety of the public and peace officers during the effort to capture an offender are important factors. Officers must exercise self-control, and adhere to existing Department Procedures regarding the Use of Force (DP 1.04), Handcuffing, Restraining, Searching and Transporting (DP 6.01), and Crime Scene Protection and Preliminary Investigation Reporting (DP 6.06).

XVI. PURSUIT REPORTING AND ANALYSIS REQUIREMENTS

- A. Vehicle Code Section 14602.1 requires that all police pursuits, including non-collision pursuits, be reported on a California Highway Patrol Pursuit Report CHP-187A (12-05). An SDPD Pursuit Data Sheet must also be completed. A combined CHP-187A/SDPD Pursuit Data Sheet form is available on the LAN system at F:\Templates\Patrol Based Forms\Traffic Reports\CHP187 Pursuit Report.dot. A PDF version, entitled NewCHP187a.pdf. The CHP-187A/SDPD Pursuit Data Sheet form, that can be printed and completed by hand, is available at the same location and shall be prepared on all pursuits initiated or assumed by officers of this Department.
 - 1. The driver of the unit who initiated the pursuit, or assumed the pursuit from another agency, is responsible for filling out the top half of form CHP-187A. This form shall be submitted to the driver's immediate supervisor for approval prior to the end of the officer's workday. The supervisor shall ensure the entire incident history number is entered in the box designated for "Vehicle Pursuit Number" at the top right of the form.
 - a. Identification numbers of San Diego Police Department drivers involved in the pursuit shall be included on the form (line "15"). Officers' names shall not be used. Information on officers of other law enforcement agencies shall not be listed, since other involved agencies will submit their own forms.
 - b. The reporting officer shall list up to five violations (section 25) for which the suspect/driver was arrested or cited, listing the most serious violation first. In multi-agency pursuits, this may require contacting the agency that made the actual apprehension to obtain the charge information.

2. The pursuing officer's immediate supervisor shall complete the CHP-187A/SDPD Pursuit Data Sheet form and include a brief synopsis of the event and a factual evaluation concerning compliance with the Department's pursuit policy. Violations shall be identified and listed in the report narrative. The report should be forwarded to the Commanding Officer for his/her approval and signature within three days of the incident. The original report shall be forwarded to the Fleet Safety Sergeant, Traffic Division, MS 732, within five days. Commands are not required to retain a copy of the completed report. The reporting supervisor shall complete a Blue Team entry for the incident.
 3. The Fleet Safety Sergeant is the collection point for statistical data and the repository for Department-wide pursuit reports. The Fleet Safety Sergeant conducts a post-pursuit review and analysis of each Pursuit Report, and provides feedback to area station Captains when needed. The Fleet Safety Sergeant shall provide statistical pursuit data on a quarterly basis, and shall compare current data to the prior year's activity. The Fleet Safety Sergeant coordinates with each command on pursuit report discrepancies and directs the mailing of collected CHP-187A/SDPD Pursuit Data Sheet forms to: California Highway Patrol, Production Controls, P.O. Box 942898, Sacramento, CA 94298-0001, within 30-days of the pursuit occurrence.
- B. The Communications Division shall electronically maintain a pursuit incident log (via the Computer Aided Dispatch [CAD] system).
- C. Pursuit Collision Reporting

An SDPD Traffic unit shall conduct the collision investigation of record on all injury, and non-injury traffic collisions resulting from pursuits that occur within the City of San Diego. This includes pursuits initiated by SDPD units, other law enforcement agencies, and pursuits resulting in collisions initiated by other law enforcement agencies that SDPD becomes involved in. If the collision involves serious injury or death, a Traffic Division supervisor will respond to the scene and notify the TIU Sergeant and the Fleet Safety Sergeant. The Traffic Supervisor will ensure proper resources are present for a thorough investigation and provide necessary information to the pursuit unit's supervisor for completion of a detailed Pursuit Report (CHP-187A/SDPD Pursuit Data Sheet). Traffic collisions occurring outside City of San Diego jurisdiction (freeway, other city) shall be investigated by the agency having jurisdiction unless they request SDPD to complete the official investigation.

The investigation of a traffic collision(s) in other jurisdictions resulting from a pursuit initiated by SDPD units shall be the responsibility of the agency within whose jurisdiction the collision occurs. If the other agency is unable to take the report, an SDPD Traffic Unit shall be dispatched to complete the report of record (within San Diego County only). In addition, if the collision involves an SDPD unit outside of our jurisdiction, a Traffic Unit and Traffic Supervisor will respond to complete an Administrative Investigation on a CHP-555 form.

The county-wide protocol for initiating pursuing units is for the initiating agency to handle arrests related to the pursuit, and the agency of jurisdiction to handle the collision investigation. The Commanding Officer of Traffic Division may assign Traffic Division personnel to conduct a concurrent investigation if jurisdictional issues hinder a thorough collision investigation.

XVII. MANDATORY TRAINING REQUIREMENTS

NEW

- A. Section 17004.7(b) (1) of the California Vehicle Code mandates annual vehicle pursuit training for all sworn employees. 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.

NEW

- B. Pursuant to CVC 17004.7(b) (2), 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.