

COMMISSION ON POLICE PRACTICES

Wednesday, July 17, 2024

4:30pm-7:30pm

REGULAR BUSINESS MEETING

AGENDA

Mountain View Recreation

Center

641 S Boundary Street

San Diego, CA 92113

Commissioners: Octavio Aguilar, John Armantrout, Bonnie Benitez, Alec Beyer, Dennis Brown, Cheryl Canson, Doug Case, Stephen Chatzky, Armando Flores, Christina Griffin-Jones, Dwayne Harvey, Brandon Hilpert, Clovis Honoré, James Justus, Daniel Mendoza, Darlanne Mulmat, Lupe Lozano-Diaz, Ada Rodriguez and Gloria Tran.

Staff: Executive Director Paul Parker, Outside Counsel Duane Bennett, Chief Investigator Olga Golub, Executive Assistant Alina Conde, Administrative Assistant Jon’Nae McFarland, Community Engagement Coordinator Yasmeen Obeid

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

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

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

<https://sandiego.zoomgov.com/j/1610950576>

Meeting ID: 161 095 0576

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

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

In-Person Public Comment on Matters Not on the Agenda: You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Commission has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

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

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

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

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

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the

Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

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

- I. CALL TO ORDER/WELCOME (Chair Tran)
- II. CPP COMMISSION ROLL CALL (Executive Assistant Conde)
- 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 July 3, 2024
- V. NON-AGENDA PUBLIC COMMENT (Community Engagement Coordinator Yasmeen Obeid)
- VI. CHAIR/CABINET REPORT (Chair Report)
- VII. EXECUTIVE DIRECTOR REPORT (Executive Director Paul Parker)
- VIII. POLICE PURSUIT AD HOC COMMITTEE (Ad Hoc Committee Chair Case)
 - A. Preliminary Pursuit Policy Recommendations
 - B. Public Comment
 - C. Discussion
- IX. PRETEXT STOP COMMUNITY HEARING (Chair Tran)
 - A. Reminder of date/time/place: Wednesday, August 7, 2024, at 5 pm, Location: George L. Stevens Senior Center (operated by the 4th District Seniors Resources Center)
 - B. Public Comment
 - C. Discussion
- X. SAN DIEGO POLICE PROTEST POLICY – PROPOSED COMMUNITY HEARING DATE (Chair Tran)
 - A. Saturday, September 21, 2024, 10 am
 - B. Public Comment

C. Discussion

D. Action—vote on Protest Policy Community Hearing Date

XI. AD HOC OPERATING PROCEDURES (Ad Hoc Committee Chair Case)

A. Public Records Act (PRA) Procedure Final Draft Presentation

- Public Comment
- Discussion
- Action: Vote on Public Records Act (PRA) Procedure

B. Records Retention Final Draft Presentation

- Public Comment
- Discussion
- Action: Vote on Records Retention

C. Next Steps (Ad Hoc Committee Chair Case)

XII. CLOSED SESSION

A. Public comment

B. Outside Counsel Duane 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. IA Report

A. San Diego Police Department Feedback on Case Specific Matters

II. Shooting Review Board Reports (0)

III. Officer-Involved Shooting (0)

IV. Discipline Reports (6)

V. Case Review Group 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)

XIII. REPORT FROM CLOSED SESSION (Outside Counsel Duane Bennett)

XIV. COMMISSIONER COMMENTS (Time Permitting)

XV. ADJOURNMENT

Materials Provided:

- DRAFT Minutes from Regular Meeting on July 3, 2024
- Chair Report—CPP Accomplishments
- Pursuit Policy—Preliminary Report on Policy Recommendations
- DRAFT Operating Procedures
 - Public Records Act (PRA) Procedure
 - Records Retention

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

Commission on Police Practices

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

Wednesday, July 3, 2024

4:30pm-7:30pm

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

Click https://youtu.be/6grPOA_q584 to view this meeting on YouTube.

CPP Commissioners Present:

Chair Gloria Tran
1st Vice Chair Dennis Brown
2nd Vice Chair Doug Case
John Armantrout
Bonnie Benitez
Alec Beyer
Stephen Chatzky
Lupe Diaz (arrived at 4:38 pm)

Armando Flores (arrived at 5:34 pm)
Christina Griffin-Jones
Brandon Hilpert
Clovis Honoré
James Justus
Daniel Mendoza
Darlanne Mulmat
Ada Rodriguez

Excused:

Octavio Aguilar
Cheryl Canson
Dwayne Harvey

Absent:

None

CPP Staff Present:

Paul Parker, Executive Director
Danell Scarborough, Interim Executive Director
Duane Bennett, CPP Outside Counsel
Olga Golub, Chief Investigator
Yasmeen Obeid, Community Engagement Coordinator
Alina Conde, Executive Assistant
Jon’Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:30pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and 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 June 18, 2024
 1. **Motion:** Commissioner Brandon Hilpert moved for approval of the CPP Regular Meeting Minutes of June 18, 2024. Commissioner James Justus seconded the motion. The motion passed with a vote of 14-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Benitez, Beyer, Chatzky, Griffin-Jones, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez
Nays: 0
Abstained: 0
Absent/Excused: Aguilar, Canson, Diaz, Flores, Harvey
- V. NON-AGENDA PUBLIC COMMENT:
In Person Public Comment:
Peter (*Timestamp 2:52*) Spoke on an incident he recently faced with SDPD.
- VI. WELCOME OF NEW EXECUTIVE DIRECTOR
 - A. Public Comment - None
 - B. Comments – 1st Vice Chair spoke about the hiring of new Executive Director Paul Parker who introduced himself to the Commission. (*Timestamp 4:35*)
 - C. Discussion (*Timestamp 10:40*)
 - D. Thank you to interim Executive Director Danell Scarborough (*Timestamp 11:16*)
- VII. SAN DIEGO POLICE PROTEST POLICY
 - A. In Person Public Comment:
Kylee Belanger (*Timestamp 15:48*) Spoke about the work done on the item of Police protest policy and officer identification requirements.
Kate Yavenditti (*Timestamp 17:41*) Spoke about the work done on the item of Police protest policy and holding community meetings.
Samantha Jenkins (*Timestamp 18:55*) Spoke about the critical importance of the item of Police Protest Policy, use of non-lethal weapons, officer identification, and accountability measures.
Virtual Public Comment:
Jeanine (*Timestamp 20:39*) Spoke to the Commission regarding Police Protest Policy,

use of chemical agents, and recent UCSD protests.

Lily Ostrer (*Timestamp 22:47*) Spoke to the Commission regarding Police Protest Policy, clearer definitions of violence, chemical weapons, and use of force/violence.

Tazheen Nizam (*Timestamp 25:18*) Spoke to the Commission regarding Police Protest Policy and the use of hijabs during arrest/protesting.

Sarah Faruk (*Timestamp 27:34*) Spoke to the Commission regarding Police Protest Policy, officer identification, and information when families/elderly attend protests.

B. Policy Recommendations - (*Timestamp 30:10*) Commissioner Brandon Hilpert spoke on the recommendations and noted requests of the public comments.

C. Discussion (*Timestamp 38:44*)

D. **Motion:** Commissioner Christina Griffin-Jones moved to have a community meeting for the Protest Policy before elections. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 14-0-1.

Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Benitez, Beyer, Chatzky, Diaz, Griffin-Jones, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez

Nays: 0

Abstained: Chair Tran

Absent/Excused: Aguilar, Canson, Flores, Harvey

E. **Motion:** Chair Gloria Tran moved to table the item. Commissioner Brandon Hilpert seconded the motion. The motion passed with a vote of 15-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Benitez, Beyer, Chatzky, Diaz, Griffin-Jones, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez

Nays: 0

Abstained: 0

Absent/Excused: Aguilar, Canson, Flores, Harvey

VIII. POLICE PURSUIT AD HOC COMMITTEE

A. Ad Hoc Committee Update - (*Timestamp 47:58*) Ad Hoc Committee Chair Doug Case gave an update on the progress of the committee's action plan.

B. Public Comment - None

C. Discussion - None

IX. PRETEXT STOP COMMUNITY HEARING

A. Announce finalized date/time/place: Wednesday, August 7, 2024, at 5pm, Location: George Stevens Community Center

B. In person Public Comment:

Samantha Jenkins (*Timestamp 50:12*) Spoke about the importance of publicizing event to get public engagement.

C. Discussion (*Timestamp 51:20*)

X. HISTORY OF MEASURE B

A. Presentation - (*Timestamp 54:58*) Andrea St. Julian presented on the History of Measure B and Voters History.

B. Public Comment - None

C. Discussion (*Timestamp 1:34:14*)

XI. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Public Comment - None

B. Outside Counsel 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.

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|-------|---|
| I. | San Diego Police Department Feedback on Case Specific Matters |
| II. | Officer Involved Shooting (0) |
| III. | Category II Case Audit Reports (0) |
| IV. | Discipline Reports (6) |
| V. | Case Review 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) |

XII. REPORT OUT FROM CLOSED SESSION (7:39pm): Outside Counsel Duane Bennett reported that there was no reportable action.

- Chair Gloria Tran noted that the next meeting will be held at the Mountain View Recreation center on July 17th.
- Badges have been given out to the Commissioners for access to the Office of the Commission on Police Practices.
- Cabinet and Executive Director will appear at the Public Safety Committee on 7/10 at 2:00pm.
- OCPP put together an Awards and Recognition Ceremony in June for past CPP/CRB members.
-

XIII. COMMISSIONER COMMENTS:

- Commissioner Clovis Honoré (*Timestamp 1:51:55*) requested a report on status of staffing for the Office of the Commission on Police Practices.
- Commissioner Alec Beyer (*Timestamp 1:52:44*) spoke regarding independent investigations. Also, spoke regarding a communication that was sent out that he would like to discuss further.
- Commissioner Bonnie Benitez (*Timestamp 1:53:32*) spoke about balancing restrictions on time and keeping the Commission informed on updates. Commissioner requested both a Cabinet and Executive Director report at every meeting.

XIV. ADJOURNMENT: The meeting adjourned at 7:44 pm.



Commission on Police Practices

Chair Report—CPP Accomplishments

July 17, 2024

The Cabinet, Executive Director and Interim Executive Director appeared before the Public Safety Committee on July 10th, to update them on CPP happenings. Among the items we presented were a list of accomplishments since the new CPP Commissioners were seated in August.

- We do not have enough time to read them all, but they were included in the Agenda packet. Kudos to all of you for all the work you have done and the immense amount of time you have donated to the Community. THANK YOU!

CPP Accomplishments since August 2023

Since Commissioners took the Oath of Office on August 29, 2023, here are highlights of what the Commission has achieved:

- We have swiftly filled Commissioner vacancies. A big thank you to the City Council President's office, who spearheads the nominations.
- We set consistent days and times for meetings, so Commissioners and the Community know when the CPP meets
- We hold have full 3-hour Commission meetings twice a month
- We worked with staff to upgrade the quality of meeting logistics – such as the audio-visual aspects, so community members can watch online
- The Commission drafted and approved Bylaws
- And we drafted and approved Standard Operating Procedures, which will go to the City Council, then and meet and confer with the Police Officers Association
- With the guidance of our Outside Council, Mr. Duane Bennett, we drafted, approved, and implemented a Conflict-of-Interest Policy requiring Commissioners to disclose any knowledge of complainants or case facts and recuse from any involvement
- The CPP held a Special Meeting/Retreat to build relationships and support effective discussions and decision-making. It was the weekend after the January storms, so many of our commissioners were helping flood victims.
- Our Ad Hoc Training Committee developed two strong Training Academies for Commissioners: one to help onboard new Commissioners; and another to share core knowledge and skills for assessing cases, policy and procedure, legal, and community issues
- The Cabinet and staff participated in the National Association of Civilian Oversight of Law Enforcement (NACOLE) annual conference. We are making plans to attend this year's gathering in October.
- Our staff worked with the Human Resources Department to extend the City's Employee Assistance Program to Commissioners if needed to address potential trauma experienced during case review.

- The Office of the Commission on Police Practices participated in the Employ and Empower Program, mentoring 4 interns, who were integral members of our team.
- Provisioned and opened the new CPP offices. The suite is at 525 B. Street on the 17th floor. We plan to hold an Open House in the near future.
- We hosted a Recognition Ceremony for former Community Review Board Members and interim CPP Commissioners. We thank Chida Warren-Darby from the Mayor's Office for joining us and helping to honor these community volunteers for their service to the City.
- As required by the CPP Bylaws, at the last meeting of the fiscal year in June, we held Cabinet elections for the positions of Chair, 1st Vice Chair, 2nd Vice Chair for the new fiscal year, The current Cabinet was unanimously reelected.
- We hired an Interim Executive Director and a permanent Executive Director in the span of six months.
- We also hired Paralegals to support Outside Legal Counsel and to help with our Policy Reviews, specifically the Pursuit Policy and ahead of our Community Hearing on Pretext Stops
- Hiring processes are currently underway for:
 - 2 Investigators
 - Policy Manager
 - Senior Management Analyst
- To provide a place for community members to share their experiences surrounding various topic, we are holding Community Hearings.
 - We held the first on Police Pursuits in March.
 - An Ad Hoc Pursuit Committee is analyzing years of data and reviewing the San Diego Police Department's policy. A Preliminary Report will be presented at our July 17th meeting
- After the CPP reviewed cases and identified serious policy issues, we committed to hold Community Hearings.
 - The topic for our next one is Pretext Stops and 4th Amendment Waiver Searches, which go hand-in-hand. It is scheduled for Wednesday, August 7 at 5 pm at the George L. Stevens Senior Center.
- We also will hold Community Hearings on:
 - The SDPD Protest Policy
 - Special Operations Unit
 - De-Escalation Tactics
- We also held a Community Forum on March 16 to receive input from San Diego residents on the qualities, qualifications, and priorities expected in the permanent Executive Director.
- We hired an outside investigator to review 150 Expired Cases
 - He is looking to identify any trends
 - The report is expected in September
- We are happy to report that no cases have expired since the new CPP was seated.
- We reached the goal of reviewing cases within 9 months instead of the year limitation set by the Peace Officers Bill of Rights.

- Our expectation is that once the Operating Procedures are approved, the Commission will be able to weigh in on discipline in these cases.
- In addition, we updated the Finding Letters we send to complainants
 - They now contain more information regarding CPP actions on their case
 - We wanted complainants to have more insight into the CPP's decisions and make them aware their case was closely reviewed
- Our Chief Investigator Olga Golub, Executive Director Paul Parker, and Cabinet meet regularly with Internal Affairs Captain and Lieutenants to address issues of concern from case reviews.
- The Commission website was updated, including making it easy for residents to email commissioners.
- We added the ability to submit complaints to the Commission in 5 languages and trained the staff on using the Telephone Interpreter Resource, which offers quick access to interpreters of nearly any language.
- Since August 29, the CPP has reviewed 48 Cases, including Category I and Category II allegations, as well as Officer-Involved Shootings.
- The CPP Cabinet met with every City Council member and the Mayor so they can get to know CPP leadership. All showed support for the Commission.
- The Cabinet met and/or spoke with community members regarding concerns in various areas of the city.
- The Cabinet also met with the new Police Chief and opened a line of communication. The Cabinet and Executive Director will continue bi-monthly meetings

Preliminary Vehicle Pursuit Recommendations

The Commission on Police Practices created an ad hoc Pursuit Policy Committee with the objective of aligning SDPD’s Procedure 1.03 – Pursuit Procedures with nationwide best practices with the goal of improving both officer and community safety.

The Committee compared SDPD’s procedure against best practices and recommendations from the September 2023 report by the US Department of Justice’s Community Oriented Policing Services (COPS), the National Highway Traffic Safety Administration (NHTSA) with collaboration with the Police Executive Research Forum (PERF). ([COPS/PERF Report](#))

We also reviewed vehicle pursuit policies from 17 California and 7 nationwide agencies.

California	Nationwide
Anaheim	Baltimore
Bakersfield	Boston
Chula Vista	Chicago
Fresno	Houston
Irvine	New Orleans
Long Beach	Philadelphia
Los Angeles	Seattle
Los Angeles Sheriff	
Oakland	
Riverside	
Sacramento	
San Diego	
San Diego Sheriff	
San Francisco	
San Jose	
Santa Ana	
Stockton	

Policy Recommendations:

1. SDPD should only engage in vehicle pursuits for incidents that arose from a violent crime. Currently SDPD officers may initiate a vehicle pursuit for crimes as minimal as infractions and misdemeanors.

The Commission recommends SDPD change V. A. 1. to make clear that vehicle pursuits may only be initiated for violent felonies.

This aligns with the COPS/PERF report recommendation (1.2). In addition, many jurisdictions require a “violent felony” to initiate a pursuit. (Baltimore PD, Boston PD, Chicago PD, New Orleans PD, Philadelphia PD, San Jose PD and Seattle PD.)

Several others require “serious crimes” (Anaheim PD, Bakersfield PD, Chula Vista PD, Fresno PD, Irvine PD, Oakland PD, Riverside PD, Sacramento PD and Santa Ana PD.)

2. Emphasize that pursuits shall only be initiated for extremely serious allegations involving life or death situations to prioritize safety and minimize risks to all parties involved.

Chula Vista notes in their policy that officers should not assume that a fleeing individual is a serious criminal suspect.

3. SDPD should create a clear description of when a vehicle pursuit is no longer fresh and the circumstances when after termination of a pursuit a new pursuit may be initiated.

The Commission recommends that after a pursuit has been terminated, in order for a new pursuit to be initiated, a NEW violent felony must be committed, or if a supervisor approves a new pursuit.

This aligns with the COPS/PERF recommendation (1.3) and several cities have similar procedures (Boston and Seattle).

4. The Commission recommends that supervisors must actively monitor and approve vehicle pursuits. If a supervisor is not available, the pursuit will be terminated.

This aligns with the COPS/PERF recommendation (2.2), with multiple cities having similar policies suit (Anaheim, Bakersfield, Baltimore, Boston, Fresno, Houston, Long Beach, New Orleans, Oakland, and Seattle).

5. SDPD should create a Vehicle Pursuit Review Board, with at least one member of the public or the Commission on Police Practices, which will publish a publicly available quarterly report detailing vehicle pursuits SDPD officers engage or participate in. The Board will conduct a comprehensive review of pursuit data, identifying trends, evaluating tactics, and implementing improvements to pursuit policies based on the assessment.

This aligns with the COPS/PERF recommendation (4.5, 4.6), with New Orleans having a very clear post-pursuit process.

6. The procedure should explicitly state that the driving officer(s) may end a pursuit without authorization when they deem doing so is in the best interest of public safety. Officers who choose to terminate a pursuit will not be disciplined/reprimanded for a decision to terminate a pursuit.

The pursuing officer is in the best position to assess the risks in real-time and should not have to wait for confirmation from supervisors to terminate a pursuit if they deem it unsafe. (Chula Vista clearly notes that “no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved.”)

7. Clarify the procedure regarding disagreements in pursuit termination.

The policy has an approach when supervisors are not in agreement, leaving the decision to the Field Lieutenant or Watch Commander.

The Commission recommends that if there is a disagreement among officers or supervisors on whether to continue or terminate a pursuit, the decision should default toward safety (terminate). If an officer involved in the pursuit determines the pursuit is not safe, it should be terminated even if others disagree.

Officers who choose to terminate a pursuit will not be disciplined for a decision to terminate a pursuit.

8. The procedures should emphasize that drivers, including exempt drivers under CVC 21055, must still operate their vehicles with the degree of care imposed by common law. CVC Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway. This ensures that their actions do not impose an unreasonable risk of harm on others.
9. The Commission would recommend that examples of what constitutes reasonable and prudent behavior for police pursuit drivers under various circumstances to guide their decision-making during pursuits. For example, officers should consider time of day, traffic, pedestrians, or school zones nearby when determining if it is appropriate to engage in a pursuit. (Boston's policy does a good job outlining these considerations.)
10. We recommend that the procedure be updated to detail the circumstances and conditions under which a supervisor may override procedure and approve pursuit intervention tactics like blocking, ramming, boxing, and roadblocks.

Provide clear guidelines on when and how these tactics can be used effectively and safely. SDPD's current procedure does not elaborate when and/or under what circumstances are these tactics are permissible. (This is required by CVC 17004.7 (c)(6))

11. We recommend specific speed limits for pursuits in the policy to comply with the requirements of the CVC. Setting a speed limit helps mitigate risks and ensures the safety of all individuals involved in a pursuit.

Chula Vista and Stockton's policies list the factors that assist in determining the appropriate speed for a pursuit. (This is required CVC 17004.7 (c)(7))

12. Update the procedure to detail which police vehicles are and are not approved to be used in vehicle pursuits.

The operation of Police Department Vehicle SDPD Procedure mentions that there are vehicles that are manufactured as a "Police Pursuit Vehicle," which include being equipped with speed-rated tires. The vehicle pursuit policy states: "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." Since there are specific vehicles intended for vehicle pursuits, it is reasonable that a police vehicle that is

not rated as a pursuit vehicle should not be used in a pursuit due to the risk of the officer and the public. (Chicago PD's procedure details the vehicle requirements clearly.)

13. The purpose of SDPD Pursuit Procedures is indicated as: "This Department procedure establishes guidelines to enhance the effectiveness of a pursuit and reduce the likelihood of incidents that could lead to potential liability."

The Commission recommends changing the purpose of the policy to focus on safety for both the public and officers. "Reduce the likelihood of incidents that could lead to potential liability" should be changed to "Ensure the safety and protection of officers, members of the community, and property."

Training Recommendations:

1. Incorporate interactive elements such as case studies, simulations, and scenario-based exercises into the training sessions to enhance engagement and facilitate active learning.

This approach can provide officers with practical experience and help them apply theoretical knowledge to real-life situations.

2. In coordination with the proposed Vehicle Pursuit Review Board, conduct post-pursuit debriefings or "lessons learned" discussions within the department to analyze the outcomes of past pursuits, identify areas for improvement, and reinforce key policy guidelines.

This reflective practice can help officers learn from real scenarios and apply those insights to future pursuits.

3. Implement regular policy refreshers after pursuits to reinforce the importance of adherence to vehicle pursuit procedures. These refresher sessions can serve as additional training and a reminder of the policy guidelines and promote consistency in decision-making among officers.
4. Keep comprehensive training records that document mandatory department-wide required annual training, training when the pursuit procedure is updated, as well as a date when the policy was reviewed. This practice ensures that all officers are informed about policy changes and are accountable for staying up to date with the latest procedures.

Practices:

1. **Distribution of Lessons Learned:** The department should distribute lessons learned and outcomes of high-profile vehicle pursuits to all personnel. This dissemination of information fosters a culture of continuous learning and improvement, enabling officers to apply insights from past pursuits to enhance future responses. By conducting thorough reviews and providing training summaries, outcomes, and overviews, the department can prevent the recurrence of similar incidents and improve overall response strategies.
2. **Periodic Policy Review:** Utilizing lessons learned from the Vehicle Pursuit Review Board, identify any areas for improvement in policy, training, or procedures. Evaluate pursuit

outcomes to assess the effectiveness of the policy changes in reducing risks and protecting public safety.

3. **Technology:** Explore the use of technology such as GPS tracking, drone surveillance, pursuit management software, training simulations/virtual reality to aid in monitoring and controlling pursuits. Entertain implementing systems that can remotely disable a fleeing vehicle (OnStar, remote disabling devices) if deemed necessary to prevent further harm.

Other Recommendations:

- SDPD Pursuit Procedures indicate that the Fleet Safety Sergeant conducts post-pursuit reviews and analysis of each Pursuit Report and provides feedback to division Captains where needed. The Fleet Safety Sergeant also provides statistical pursuit data on a quarterly basis, comparing current data to the prior year's activity.

The Commission requests to receive this data on a quarterly basis once complied. Additionally, if past quarterly reports are available, the Commission requests to receive those for the last 5 years.

- Based on the evaluation of the San Diego Police Department (SDPD) vehicle pursuit training and data, as well as SDPD 8 core values, it is recommended that the department consider pursuing Law Enforcement Accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA). This accreditation will not only enhance the department's standards and practices but also demonstrate a commitment to excellence in law enforcement.

CALEA membership requires the members/departments to perform yearly vehicle pursuits analysis.

Benefits of CALEA Accreditation:

1. **Enhanced Credibility:** CALEA accreditation signifies adherence to rigorous standards and best practices, enhancing the department's credibility and public trust.
2. **Improved Operations:** Accreditation promotes efficient and effective policies, procedures, and training, leading to improved operational outcomes.
3. **Risk Management:** Accreditation assists in identifying and mitigating risks, ensuring a safer environment for officers and the community.

Conclusion:

Reflecting on the comprehensive review of SDPD's Procedure 1.03 – Pursuit Procedures, the Commission on Police Practices has identified critical areas for alignment with nationwide best practices. Our goal is to enhance both officer and community safety by incorporating proven, effective policies.

Our key recommendations include:

1. Limiting vehicle pursuits to incidents involving violent felonies.

2. Emphasizing the importance of supervisory oversight.
3. Creating a Vehicle Pursuit Review Board.
4. Implementing robust training and review processes.

These steps align with the recommendations from the COPS/PERF report and practices from leading police departments.

However, it has become apparent that the police department's current method of providing data is hindering our ability to fully support the community and foster organizational growth. Disorganized data not only slows down our analysis but also impedes the implementation of meaningful policy changes. To truly understand and improve the impact of our policies, we must assess them through comprehensive data collection and analysis.

We strongly recommend that the department hires a data analysis firm or onboards an expert to help gain perspective on these critical situations. This step is crucial to ensure that our policies result in actual change and measured growth. By adopting a more structured approach to data management, the department can significantly enhance its ability to implement effective policies and ensure the safety of both officers and the community.

These recommendations matter for the entire City of San Diego because they directly impact public safety and trust in law enforcement. Effective vehicle pursuit policies can prevent unnecessary risks to both officers and civilians, reducing the likelihood of accidents and injuries. Additionally, clear and well-enforced policies demonstrate the department's commitment to accountability and transparency, which are essential for rebuilding and maintaining trust within the community.

Implementing these recommendations is not just about compliance with best practices; it is about demonstrating a genuine commitment to the safety and well-being of everyone in San Diego. The Commission remains dedicated to supporting these efforts for the betterment of our community, and we urge the SDPD to consider these policy recommendations seriously. By doing so, the department can take significant steps toward rebuilding trust and fostering a safer, more secure environment for all.

Number	Recommendation	SDPD Uses	Citation	Notes	Compare
Agency Philosophy and Policy Standards					
1.1	Agency policy should clearly define what constitutes a vehicle pursuit.		Page 2: IV. A.		
1.2	Agencies should adopt restrictive vehicle pursuit philosophies that permit pursuits only for a limited and serious set of circumstances, which should be clearly and specifically articulated. This guide recommends adopting a standard that permits pursuits only for violent crimes and where failure to immediately apprehend the suspect presents an imminent threat to the public based on the suspect's criminal actions (not the danger created from the suspect's driving as they flee from police, even if the officer believes an individual in the suspect's vehicle is armed and dangerous). This philosophy must be reinforced throughout the agency's policy, training, and organizational culture.		Page 2: V. A. 1. Page 6: VIII. B	SDPD Policy, V A.1, states: "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." That isn't even close to the recommendation.	Yes
1.3	Agency policy should acknowledge that there may be exceptional situations for reckless drivers where police intervention is warranted to protect the public from a driver who poses an imminent, egregious hazard to the community. The policy should stress that these situations are rare and that the key question to ask is whether a pursuit makes the situation better or worse. For example, if a suspect begins driving more recklessly after police intervention, it is important to discontinue the pursuit.				
1.4	Agency policy should articulate the point at which a vehicle involved in a violent crime, such as a carjacking, is no longer considered "fresh" because of the amount of time that has elapsed since the crime and should be treated as a stolen vehicle for purposes of the vehicle pursuit policy.				Yes
1.5	Agency policy should list key factors in assessing the risk of a pursuit and make clear that officers must assess these factors both before initiating a pursuit and continuously as the situation changes. This continuous assessment must be documented in the written report after the pursuit so reviewers can evaluate the officer's decision-making. Finally, officers should receive both classroom and scenario-based training on the policy to ensure they are well versed on relevant factors and rely on their training, rather than split-second responses, to make decisions.		Page 2: V. A. 2.		
1.6	Agency policy should direct officers not to engage in a vehicle pursuit if the suspect's identity is known, the suspect can be apprehended later, and delayed apprehension does not significantly increase the risk to the community. When this information becomes known during the vehicle pursuit, the policy should direct officers to discontinue immediately.		Page 2: V. A. 2.		
1.7	Agency policy should direct officers to discontinue a vehicle pursuit once the suspect's location is no longer known or when the distance between the suspect and the officer is so great that continued pursuit would be futile.		Page 7: VIII. B. 4.		
1.8	Agency policy should state that only officers who have received the required training are authorized to engage in a pursuit.		Page 15: XVII.	All SDPD officers are trained for pursuits and have annual refresher training.	
1.9	Agency policy should direct officers not to participate in a vehicle pursuit if anyone other than a sworn officer is in the police vehicle. This restriction demonstrates the agency's awareness that pursuits are not worth risking others in the officer's vehicle.		Page 3: V. B. 6.		
1.10	Agency policy should prioritize using resources that can track a suspect remotely and direct officers to disengage from a pursuit once remote tracking (e.g., by aviation, including drones or GPS [global positioning system]) is active.		Page 4: VI. A Page 10: VI.	Policy states that ABLE will never become primary unit, but will take over for radio communication.	
1.11	Agency policy should discourage or prohibit officers from becoming involved in a vehicle pursuit if the suspect is riding a motorcycle. The superior ability of a motorcycle to maneuver around traffic and travel on pathways (such as sidewalks) where patrol vehicles cannot follow often makes pursuit futile and can increase the risk to both the suspect and the public in the path of the pursuit. Pursuing a motorcycle should be permitted only if there is an elevated risk to the community if the suspect remains at large and officers can conduct the pursuit in a reasonably safe manner (e.g., not at high speeds or traveling on the wrong side of the road).			Policy only states tire spike strips will not be used on motorcycles	
1.12	Agency policy should discourage officers who are riding motorcycles or driving unmarked vehicles from participating in vehicle pursuits. Unmarked vehicles should be permitted to engage in a pursuit only if they are equipped with the proper emergency equipment (e.g., lights and siren).		Page 3: V. B. 1.		
1.13	Agency policy should direct officers to disengage from a pursuit if the police vehicle sustains damage that adversely affects vehicle operation or experiences an equipment failure that limits communication or makes continued driving dangerous.		Page 12: XV.	Policy states if a police vehicle "bottoms out" that it will be inspected for damage. Does not state it will disengage from pursuit.	
1.14	Agency policy should address interjurisdictional pursuits--both those entering their jurisdiction and those traveling beyond it. Officers should not engage in another agency's pursuit unless it meets their own agency's criteria. Officers must make the same risk assessment of the environment and obtain supervisor approval as they would when initiating (and continuing) their own pursuit. Also, as with any pursuit, a supervisor who authorizes participation in an interjurisdictional pursuit should be held accountable for that decision upon review of the pursuit. Finally, the policy should address any considerations, notifications, etc., needed when officers pursue a suspect beyond the agency's jurisdiction.		Page 9: X.	VIII. D. Explicitly prohibits pursuits from crossing the US/Mexico international border	
2.1	Agency policy should detail precisely what information must be communicated by the primary unit once the decision has been made to initiate a pursuit. Training should reinforce the need for this information, which should include the identity of the primary pursuit unit; the initial reason for the (attempted) stop; the location, direction, and speed of the pursuit; the weather and road conditions; the traffic conditions (light, moderate, heavy) on the roadway; a description of the pursued vehicle, including license plate number if known; a description of the suspect's driving behavior (e.g., speeding, swerving between vehicles, or making rapid lane changes); the number, description, and identity (if known) of the vehicle's occupants; any information concerning the known presence or use of firearms, overt threat of force, or other unusual hazard.		Page 4: VI. A. Page 4: VI. A. Page 4: VI. A. Page 2: V. A. 2. Page 2: V. A. 2. Page 4: VI. A.		
2.2	Agency policy should require supervisor approval for continuing a vehicle pursuit and place responsibility on both the primary officer and the supervisor for ensuring the critical initial information is communicated. Not all agencies will have an on-duty supervisor available at all times to manage a pursuit. Such agencies should still attempt to find ways to ensure supervisory oversight of pursuits. For example, this oversight could include placing the responsibility with someone other than a field supervisor. The policy should also provide the following direction:		Page 6: VIII. B.	Policy does require an officer to consider situations where a stop should be discontinued, but does not explicitly state that a supervisor must approve continuation of pursuit.	Yes

Number	Recommendation	SDPD Uses	Citation	Notes	Compare
	If the primary officer does not provide the supervisor with the necessary information, the supervisor should direct the officer to immediately discontinue the vehicle pursuit.				
	If a supervisor is not available to monitor and direct the pursuit, the pursuit should be terminated.				Yes
2.3	Agencies must train supervisors how to assess the initial pursuit information using a critical decision-making model to determine whether continuing the pursuit is justified. This training should occur upon promotion to a supervisory position, and it should be delivered on a recurring basis to ensure supervisors maintain these skills. The policy should direct supervisors to discontinue the pursuit unless they determine that the reason for the pursuit meets the policy requirements (i.e., violent crime and imminent threat) and that the need to apprehend the suspect immediately outweighs the risks of the pursuit. The policy should also emphasize that getting enough information to make an informed decision is the supervisor's responsibility.			Policy is not clear - need details and clarification from SDPD Training	
2.4	Agency policy should make clear that anyone, regardless of rank, involved in the pursuit can decide that it should be discontinued if, in their assessment, the risks of the pursuit are no longer justified. In addition, the policy should communicate what officers are expected to do once this decision is made. At a minimum, these actions should include: turning off emergency lights and siren; communicating their location to the dispatcher; reducing speed and complying with all traffic laws; verbally acknowledging the instruction to terminate the pursuit.		Page 7: VIII. C. Page 7: VIII. C.	Policy does not clearly state this, but does require officers to consider multiple factors in their decision making process of terminating a pursuit.	
2.5	Agencies should include in policy and develop a practice of having officers meet a supervisor at an agreed-upon location to debrief the incident as soon as practical.		Page 8: IX. A. 2.		
2.6	Agencies should train officers on why discontinuing a vehicle pursuit may be the most prudent course of action. This includes providing information about how their decisions can affect a suspect's actions (e.g., cause them to slow down) and the risk to the public.		Page 5: IV. B.		
2.7	Agency policy should direct supervisors to consider the officer's experience in pursuit driving when deciding whether to authorize continuing the pursuit. Supervisors should also be responsible for assessing the officer's emotional state throughout the pursuit and should direct the officer to discontinue the pursuit if the officer appears unable to control their emotions.				Research
2.8	Agency policy should clearly indicate that the supervisor is responsible for managing the pursuit and have a process for getting a supervisor involved as early as possible. This responsibility includes not only authorizing the continuation or discontinuation of the pursuit but also authorizing and managing additional resources and intervention tactics. Not all agencies will have an on-duty supervisor available at all times to manage a pursuit. Such agencies should still attempt to find ways to ensure supervisory oversight of pursuits. For example, this could include placing the responsibility with someone other than a field supervisor.		Page 7: IX.	Policy states that Field Supervisor, Field Lt or Watch Commander are ultimately in control and can stop a pursuit.	
2.9	If a supervisor is actively engaged in the pursuit, someone other than the supervisor must provide oversight and direction. Depending on the situation, this may not be a field supervisor but rather the watch commander or a higher-level supervisor who has some authority over the person in the pursuit.			Policy does not discuss a supervisor being part of the pursuit.	
Pursuit Interventions, Pursuit Alternatives, and Technology for Managing Pursuit Risks					
3.1	Agency policy should emphasize preventing pursuits when possible and describe how tire deflation devices (TDD) can be used as a pursuit alternative. Agencies should train officers how to use this tactic effectively, including how to operate safely around occupied vehicles and the public and how to remove the device once the suspect is in custody or the driver is free to go. The policy should also state that only officers who have been trained to do so may use these devices.		Page 11: XIII. A.		
3.2	Agency policy should require supervisor approval prior to deployment of a TDD for a fleeing vehicle, and a supervisor should also be involved in deciding where and when it is deployed. To the extent possible, a supervisor should be responsible for tracking the location of the involved officers. Supervisors should ensure that communications (dispatch) are notified when a TDD is deployed and given the location, whether the deployment was successful, and updated speeds if the vehicle is mobile. Supervisors should receive training on the decision-making process of TDD approval.		Page 11: XIII. A & B	Policy states "any officer or supervisor" actively involved in a pursuit may request spike strip deployment.	
3.3	Agency policy should outline the key factors for officers to consider in deciding whether to use a TDD, as well as how to do so most safely and effectively. These factors include suspect speed, road surface, weather, suspect vehicle type, and whether the target area is populated. Agencies should consider their own TDD deployment data to help them determine maximum safe speeds for deployment.			Policy does state spike strips should NOT be used on motorcycles, mopeds or similar.	
3.4	Agency policy should restrict the use of TDDs only to those officers who have completed specialized training in their deployment. This training should include hands-on practice in addition to any online or classroom instruction and should prepare officers for identifying and evaluating important situational factors in deciding whether to deploy TDDs. In addition, refresher training should be provided at least annually.		Page 11: XIII. A & B	Does not clearly lay out what training consists of, need more details about SDPD Training in this regard.	
3.5	In agencies that have aviation resources, policy should direct personnel to request that resource at the earliest time possible. This responsibility should be placed on all personnel involved in the pursuit, including dispatchers, the pursuing officers, and the managing supervisor. Agency training should instruct officers on how and when to make such a request, and it should clearly state that once the aviation resource begins tracking the suspect vehicle, the officers should discontinue their pursuit. At that point, aviation resources may guide ground vehicles to remain in the area and wait for the vehicle to stop.		Page 10: XI. A-D		
3.6	Agency policy and training should also address situations where a vehicle pursuit is not permitted but an aviation resource can be engaged to track the suspect until the vehicle has stopped, the suspect has exited the vehicle, and officers can take the suspect into custody.		Page 11: XI. C		
3.7	Agencies should explore the use of tagging and tracking technology to assist in vehicle pursuits. Such technology can help minimize the duration of a pursuit or avoid one entirely.			Need discussions with SDPD - don't believe this is utilized in San Diego	
3.8	For agencies that adopt tagging and tracking technology, the policy should direct personnel to request and deploy the device at the earliest time possible. Only officers who have received the proper training should be permitted to deploy the device. Agency policy and training should instruct officers on how to request a deployment, assess the considerations for deployment, and develop a plan to track the suspect and apprehend them once they stop and exit the vehicle.			Need discussions with SDPD - don't believe this is utilized in San Diego	
3.9	Agency training should inform officers what types of vehicles may be equipped with pre-installed tracking technologies and how they can contact the provider to gather location information.			Need discussions with SDPD - don't believe this is utilized in San Diego	

Number	Recommendation	SDPD Uses	Citation	Notes	Compare
3.10	Agencies should take stock of what technologies are currently available to assist officers in conducting vehicle-related investigations and ensure that vehicle pursuit training addresses how these technologies can help locate and apprehend offenders.			Need discussions with SDPD - don't believe this is utilized in San Diego	
3.11	Agency policy should require supervisor approval prior to PIT maneuver use. Officers should communicate the current situation, including speeds, vehicles, and environment; articulate the need for using the PIT maneuver; and advise the supervisor where and how they plan to execute it. The seriousness of the crime for which the suspect is wanted is highly relevant in this determination and must be included in communication to the supervisor. This information affords the supervisor an opportunity to assess all the relevant factors and exercise control over the pursuit.		Page 5: VII. C.	SDPD Procedure prohibits PIT maneuvers.	
3.12	There is no empirical evidence to support a maximum speed at which PIT maneuvers should be attempted. Therefore, agencies should consider the high-risk nature of the PIT maneuver when determining the best course of action for their agency. While no empirical data exist, it is clear that the higher the speed, the more dangerous the PIT and the greater the likelihood of injury or death. PIT maneuvers should not be authorized for speeds above those on which the officers have been trained.		Page 5: VII. C.	SDPD Procedure prohibits PIT maneuvers.	
3.13	If an agency chooses to permit the PIT, policy should outline the key factors officers should consider in deciding whether to use the maneuver and how to do so in the safest and most effective manner possible. Examples include suspect speed, road surface, the presence of a reinforced bumper on the officer's vehicle, suspect vehicle type, passengers, and whether the target area is populated.		Page 5: VII. C.	SDPD Procedure prohibits PIT maneuvers.	
3.14	If an agency chooses to move forward and allow the PIT, policy should restrict its use to only those officers who have completed specialized training. This training should include behind-the-wheel practice (how to drive) in addition to any online or classroom instruction (when to drive) and should prepare officers for identifying and evaluating important situational factors in deciding whether using the maneuver is appropriate. Officers should be required to perform the PIT maneuver in training. Finally, this training should be recurring to maintain officer proficiency.		Page 5: VII. C.	SDPD Procedure prohibits PIT maneuvers.	
3.15	Executives must consider their community's expectations in deciding whether to authorize the use of the PIT maneuver. Agencies that authorize PIT maneuver use must commit to implementing the right policy, properly training their officers, and holding those officers accountable when their decisions and conduct are inconsistent with agency policy and officer training.		Page 5: VII. C.	SDPD Procedure prohibits PIT maneuvers.	
3.16	Agency policy should prohibit roadblocks, boxing-in, channelization, ramming, and any other tactic that involves using a law enforcement vehicle to forcibly stop a fleeing suspect vehicle. Agencies may consider allowing officers to box in a suspect vehicle that is stopped (or nearly stopped) to prevent the suspect from fleeing.		Page 5: VII. B.	SDPD Procedure states this may not be done, but requires supervisor approval before implementing such action.	
3.17	Agency policy should prohibit shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle or the driver is attempting to use the vehicle as a weapon of mass destruction in an apparent terrorist attack.		Page 11: XII. and 1.04 Page 8. V. H. 5.	Covered in more detail by a separate policy - 1.04 Use of Force.	
Post-Pursuit Reporting - Data Collection, Review and Accountability					
4.1	Agencies must ensure that their pursuit reports include all the key information needed to evaluate the incident—what happened, why it happened, and the decision points along the way. Reports should articulate the actions of both the officers and the fleeing suspect and should describe the environment and changes as the pursuit progressed. An officer's or reporting supervisor's pursuit report should be completed within 48 hours of the pursuit.		Page 14: XVI. A. 2.	Policy requires report to be completed within 3 days (not 2 per recommendation).	
4.2	Agencies should develop a system of tracking when vehicles flee but are not pursued by officers, such as by marking these events with a code in the computer-aided dispatch (CAD) system. This provides an additional method of evaluating pursuit policy and training by providing a baseline for the number of incidents that could have resulted in a pursuit.			Need to confirm details with SDPD, policy does not discuss this.	
4.3	Supervisors play a crucial role in reviewing vehicle pursuits, so agency leaders should outline expectations for supervisors, including debriefs. Each pursuit, regardless of outcome, should be reviewed promptly for adherence to training and policy. A formal review process should follow those debriefs. Supervisors must review the totality of the circumstances along with radio communications to determine whether officer actions followed training and policy.		Page 14: XVI. A. 3.		
4.4	All supervisors should be trained in how to conduct a pursuit review and understand agency expectations and the importance of the review.			Not clear. Need to confirm with SDPD Training.	
4.5	Agencies should create a pursuit review board to strengthen the quality and thoroughness of administrative reviews. Through this board, agencies should conduct sentinel event reviews of a small portion of their pursuits to identify systemic issues in policy or practice and implement solutions. Agencies should also consider closely reviewing pursuit crashes and developing Early Identification Systems to facilitate early intervention on issues of policy or practice. Agencies should also review video footage of pursuits in other jurisdictions and discuss how their agency should handle similar situations. Policy reminders, remedial training, and training examples can all be derived from comprehensive reviews of pursuits. Pursuit reviews should also be used to gather data to justify the current pursuit policy and recognize officers for good driving and decision-making when warranted.		Page 14: XVI. A. 3.	Although there is some post-pursuit review, there is no pursuit review board within the department. The Fleet Safety Sgt collects the data. ABLE footage of pursuits can be used for training (XI. D.)	Yes
4.6	Agencies should conduct reviews of pursuit data at the agency level on at least a quarterly basis. A lessons-learned approach is important here so that agencies can eliminate unnecessary risks and reduce their liabilities as officers follow policies. A risk manager or internal affairs should maintain a list of cases filed against officers and the agency to document the nature and extent of claims and their outcomes. Research partnerships can help agencies build the capacity to collect and analyze data on vehicle pursuits.		Page 14: XVI. A. 3.	Policy doesn't require this. On a quarterly basis, the Fleet Safety Sgt will provide statistical pursuit data and compare it from the prior year's activity.	
4.7	Agencies should develop methods of identifying de facto or ghosted pursuits. These methods will allow the agency to take corrective action or provide remedial training for officers who fail to meet expectations and will discourage others from attempting such pursuits.			Not clear. Need to confirm with SDPD Training.	
Vehicle Pursuit Training					
5.1	Agencies should ensure officers receive regular vehicle pursuit training that covers the agency's policy, data on pursuits, driving tactics, legal considerations, and decision-making skills. Officers who are not current on their pursuit training should not be permitted to engage in a pursuit. Agencies should also develop specialized training for other personnel (e.g., supervisors, communications personnel, air support officers, watch commanders) who may play a role in a pursuit or pursuit review.		Page 15: XVII.		
5.2	Supervisors should seek informal training opportunities for all staff, such as debriefing a public incident in another patrol area or even an outside agency.			More research needed, discussion with SDPD Training	

Number	Recommendation	SDPD Uses	Citation	Notes	Compare
5.3	Agencies should select a critical decision-making model. The PERF Critical Decision-Making Model (CDM), for example, could be adapted for a specific agency. The CDM can guide all aspects of an officer's decision-making process and has been found particularly useful in dynamic, high-stress situations like vehicle pursuits. The use of a decision-making model can assist officers and supervisors in deciding whether to initiate a pursuit, gathering and evaluating information during the pursuit, and deciding whether to discontinue the pursuit. Training should address each of these decisions individually. A decision-making model is also useful for remedial training when officers do not meet expectations during a pursuit.			More research needed, discussion with SDPD Training	
5.4	In-service training on an agency's vehicle pursuit policy should occur at least annually and should include both classroom and online components. Any time an agency changes the policy, the training unit (or whoever is responsible for training development and delivery in the agency) should develop a course on those changes and deliver it agency-wide as soon as possible. Training on the pursuit policy should also be part of the emergency driving course for academy recruits.		Page 15: XVII.		
5.5	Training should help officers understand the importance of the policy and the agency's commitment to it and emphasize that the policy reflects the agency's ultimate goal of ensuring the safety of officers, suspects, and the community (i.e., the sanctity of human life).			More research needed, discussion with SDPD Training - this is one of the other steps our team is looking to review.	
5.6	Agencies should use shorter, targeted training sessions to deliver key information about the pursuit policy. Such microlessons can introduce newly added elements of an existing policy or address an issue that has been identified across the agency.			More research needed, discussion with SDPD Training	
5.7	Agencies should ensure academy and in-service driver training incorporates scenario-based instruction. Scenarios should focus on realistic situations that officers experience in the field, and all officers should receive pursuit training at least every two years.			More research needed, discussion with SDPD Training	
5.8	Agencies with limited ability to provide practical refresher training should consider purchasing, sharing, or leasing a driving simulator that can incorporate scenario-based and decision-making training.			More research needed, discussion with SDPD Training	
5.9	Agencies should develop training to instruct all officers on why and how to minimize or avoid the risks of a pursuit by using surveillance and alternative tactics to apprehend suspects.			More research needed, discussion with SDPD Training	
5.10	Agencies must develop training for every tactic and tool authorized for use by policy in a vehicle pursuit. Beyond the basic mechanics of how to use such tools, this training should cover the risks their deployment poses to the suspect, the deploying officer, and the public.			More research needed, discussion with SDPD Training	
5.11	Officers should not be permitted to use any tactic or tool until they have received training. At least annually, officers should be retrained and tested on their knowledge and skill in executing the tactic or tool to maintain their proficiency.		Page 15: XVII.	Section B states officers must complete training annually.	
Community Engagement: Education, Input, and Transparency					
6.1	Agencies should educate their communities on the vehicle pursuit policy. This education should include helping the community understand the tradeoffs involved in initiating a pursuit and how the agency has decided to balance the risks (i.e., the agency's pursuit philosophy).				
6.2	Agencies that have adopted a restrictive pursuit policy should communicate to the public that the policy does not neglect the safety and interests of the community. They also should highlight the technologies and investigative techniques at their disposal to track down offenders and hold them accountable.				
6.3	Agencies should make their vehicle pursuit policies available to the public by posting them online, providing as much information as possible.			Posted on SDPD's Data and Transparency website: https://www.sandiego.gov/sites/default/files/103.pdf	
6.4	Agencies should engage with the community on the pursuit policy in multiple ways, including hosting community presentations or attending town hall meetings, offering civilian police academies, engaging with police advisory boards, having discussions with neighborhood watch captains, or reaching out to community stakeholders and city leaders.				
6.5	When a vehicle pursuit results in death or significant injuries or otherwise attracts public attention, agencies should conduct a critical incident briefing with the community. Agencies should provide as much accurate information as possible to explain what happened and what they will do to prevent similar outcomes in the future.				
6.6	Agencies should prepare a response strategy to ensure victims receive the services they need when a vehicle pursuit results in the injury or death of a bystander. This is a high priority—agencies should be prepared to reach out to victims and meet with them.			Need to gather more information from SDPD. This doesn't appear to be happening.	
6.7	Agencies should include data on vehicle pursuits in an annual report. Such information should include, at a minimum:			TBD - all of this is pending the data we receive from SDPD	
	overall counts;				
	the reasons for initiating the pursuit;				
	how many pursuits were terminated by officers or supervisors;				
	how many pursuits resulted in collisions, injuries, deaths, or property damage;				
	the number of suspects identified;				
	the number of drivers who fled but were not pursued;				
	the ultimate outcome of the case (e.g., whether an arrest was made);				
	the results of the administrative review (e.g., how many pursuits were within policy).				

City of San Diego Commission on Police Practices

**PUBLIC RECORDS REQUESTS AND COMMUNICATIONS
PROCEDURE**

DRAFT

The Commission on Police Practices (the Commission) is committed to accountability, transparency and providing access to public records pursuant to the California Public Records Act (CPRA). The California Public Records Act gives the public the right to access records created and maintained by public agencies in the course of their normal business.

Public Records

Pursuant to Government Code Section 6252(e), a public record is defined as “any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

Public records requests may be used to obtain information or records, which include a wide variety of documents and other materials (including print, photographic, and electronic formats) that were created or obtained by the Commission and are, at the time the request is filed, in the Commission’s possession and control. The CPRA excludes certain categories of law enforcement records from disclosure.

CPRA Request Submissions

Many Commission records are available online or must be obtained by the specific process below.

A person may submit a CPRA request by submitting their request directly on the City online records portal; by mail, email, telephone, or facsimile to the Commission; or by describing their request in person to a the Office of the Commission on Police Practices staff member.

The process of submitting the CPRA request via the City online records portal is described in more detail below:

1. Navigate to NextRequest link: <https://sandiego.nextrequest.com/>.
2. Make a new public records request by clicking Make Request.
3. Request a public record request by adding a description, selecting a department, and adding personal information.
4. Upon submitting the request, the requester will receive email notifications regarding the status of the request.

The portal is for public records requests for the City of San Diego only. Records Requests on the portal are public. Requesters’ information is not published on the portal; however, the information is public and may be released in response to a public records request.

In accordance with the City of San Diego’s Master Retention Schedule, Public Records Act requests and the records provided in response in NextRequest, are deleted from the portal after

five years from the date of closure. The requester is not required to include a City department when submitting a request, however if they are aware of one or more departments that may have records for the request, they may list them in the request. City staff will assign the request to all applicable departments.

The Commission allows anyone to submit a CPRA request. Requesters are strongly encouraged to provide online contact information, if available. This will allow Commission staff to send electronic notifications regarding the status of a request.

To facilitate the CPRA request, the Commission strongly encourages the requester to:

1. Describe the nature of the record being requested and/or provide the name or identification number of the records to the best of the requester's knowledge.
2. Search prior requests on the portal or the documents page for previously published records (<https://sandiego.nextrequest.com/documents>).
3. Be as specific as possible with the types of records that the requester is requesting.
4. Provide the time frame or date range the requester is interested in. For example: Fiscal Year 2024 or from February 2024 to present.
5. When possible, identify the officers or employees that may be involved in the subject matter. List all known departments or employees that may be involved in the subject matter.
6. Where applicable, provide information concerning incidents, dates of incidents, specific addresses, block numbers, intersections or locations.

The Commission is subject to California laws relating to public records. All information contained in a CPRA request, including a requester's information, is considered public record, and may be subject to public inspection, pursuant to Government Code Section 6252(e).

Anonymous Requests

CPRA requests may be submitted anonymously; however, the Commission will not be able to provide updates or seek clarification on anonymous CPRA requests. It will be the requester's responsibility to check with the Commission for records that are posted publicly or in response to a particular request.

If the requester submits a request via the City online records portal without contact information, the portal will not allow the requester to receive updates for the request and the requester will not be able to log in to access documents. It will be the requester's responsibility to check the portal for records that are posted publicly on the portal in response to the request. If the City needs clarification on the request in order to respond to the request and the requester provide no way to contact them, the request may be closed without a response.

Not City of San Diego Records

The following are not records of the City of San Diego. The requester may contact the agencies identified below for these records.

1. Vital records (birth, death, marriage records): County of San Diego at <https://arcc.sdcounty.ca.gov/Pages/recorder.aspx>
2. Court records (including divorce records): San Diego Superior Court at <http://www.sdcourt.ca.gov/>
3. Property records (property tax and real estate ownership records): County of San Diego at <https://www.sdttc.com/>

Investigatory Privilege

The California Constitution provides the right of every person to inspect the public records in any Commission's custody or control, including certain law enforcement records. Absent an exemption recognized under state or federal law, the public's right to disclosure must be broadly construed by public agencies.

Section 6254(f), known as the "Investigatory Privilege," is a common exemption from the disclosure of law enforcement records under the CPRA. However, the exemption does not represent an absolute privilege. Not all information maintained by the Commission is exempt from disclosure under section 6254(f).

On the other hand, material otherwise disclosable under section 6254(f) may still be withheld under the Investigatory Privilege if disclosure of that material would:

1. Endanger the safety of a witness or other person involved in an investigation or;
2. Endanger the successful completion of the investigation (or a related investigation).

Additionally, the Commission is not otherwise required, irrespective of the information that must be disclosed under section 6254(f), to disclose the analysis or conclusions of its investigating officers or information discussed by the Commission in closed sessions authorized under the Government Code and Brown Act.

Certain information may also be prevented from disclosure under Government Code section 6255, where a determination is made that the record in question is exempt from disclosure or that "on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."

Where the Commission deems it appropriate and does not serve as the custodian of records in regards to a Public Records request, the Commission may forward the request to the Police Department or other appropriate City department for response.

Records that may be disclosed under the Public Records Act include:

Crime/Incident reports: Information that must be made available to the general public includes: the time, substance and location of the complaints or request for assistance; the time and nature of law enforcement's response; the time, date and location of occurrence; the time and date of report; factual circumstances surrounding the crime or incident; a general description of injuries, property and/or weapons involved; and the name and/or age of victim (unless their identity must remain confidential under state law).

Generally, victims and their authorized representatives have greater access than the public, including: the names, addresses and statements of involved persons and witnesses to the incident (not including confidential information) and a description of any property involved.

Arrest records: Information that must be made available includes: the name and occupation of the arrestee; a physical description; date of birth; the time and date of the arrest; factual circumstances surrounding arrest; amount of bail; the time and manner of release or the location where the arrestee is held; and all charges, including outstanding warrants, parole or probation holds.

Exempt from arrest records is the arrestee's personal identifying information (i.e. Social Security number, phone number), criminal history and current address.

Audio and video footage: Assembly Bill 748, effective July 1, 2019, amended Government Code section 6254(f) to provide greater public access to audio and video recordings, including body worn camera footage from police cameras. Various incident recordings, including both the discharge of a firearm at a person by an officer, and incidents in which the use of force by an officer resulted in death or great bodily injury to a person, must generally be made publicly available within 45 days.

Disclosure may be delayed during an active criminal or administrative investigation, if the disclosure would substantially interfere with that investigation.

The Commission may refer requesters to the Police Department for access to any audio or visual recordings, while maintaining a reasonable expectation of privacy for those depicted in the recording. Agencies are expected to use technology that redacts or distorts images or audio depending on the circumstances. If an agency cannot adequately protect a subject's privacy with the use of such redaction technology, then the entire recording may be withheld.

Police Officer Records

Penal Code section 832.7 was amended to make certain peace officer personnel records disclosable under the CPRA. In general, police officer personnel records are exempt from disclosure except pursuant to a *Pitchess*/discovery motion or other court order.

Penal Code section 832.7 makes some of these records available in response to a CPRA request, including:

1. Reports, investigations and findings related to an incident involving an officer's discharge of a weapon, or the use of force resulting in death or great bodily injury.
2. Any record related to sustained findings that an officer engaged in sexual assault against a member of the public.
3. Any record related to an incident in which sustained findings were made that an officer was dishonest in reporting, investigating, prosecuting a crime, or in regards to the investigation of another peace officer.

The Penal Code also defines the types of records that must be disclosed in these instances, including:

1. Investigative reports, photographic, audio and video evidence, transcripts or recordings of interviews, and autopsy reports.
2. Materials compiled and presented for review to the district attorney or anyone else charged with determining whether to file criminal charges against an officer or a course of disciplinary action.
3. Documents setting forth findings or recommended findings.
4. Copies of disciplinary records relating to the incident.

The Commission may withhold or delay disclosure of these records if the records involve incidents that are the subject of active investigations or deliberations. Records may be redacted if there "there is a specific, articulable, and particularized reason to believe that disclosure" would pose a significant danger to the physical safety of the peace officer or another person.

Text of Penal Code Section 832.7

832.7. (a) Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by a state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section does not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by a state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):

(A) A record relating to the report, investigation, or findings of any of the following:

- (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- (ii) An incident involving the use of force against a person by a peace officer or custodial officer that resulted in death or in great bodily injury.
- (iii) A sustained finding involving a complaint that alleges unreasonable or excessive force.
- (iv) A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

- (B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.
- (ii) As used in this subparagraph, “sexual assault” means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.
- (iii) As used in this subparagraph, “member of the public” means any person not employed by the officer’s employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency involving dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

(D) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

(E) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search.

(2) Records that are subject to disclosure under clause (iii) or (iv) of subparagraph (A) of paragraph (1), or under subparagraph (D) or (E) of paragraph (1), relating to an incident that occurs before January 1, 2022, shall not be subject to the time limitations in paragraph (11) until January 1, 2023.

(3) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Records that shall be released pursuant to this subdivision also include records relating to an incident specified in paragraph (1) in which the peace officer or custodial officer resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident.

(4) A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure pursuant to this subdivision.

(5) If an investigation or incident involves multiple officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, an officer shall not be released pursuant to subparagraph (B), (C), (D), or (E) of paragraph (1), unless it relates to a sustained finding regarding that officer that is itself subject to disclosure pursuant to this section. However, factual information about that action of an officer during an incident, or the statements of an officer about an incident, shall be released if they are relevant to a finding against another officer that is subject to release pursuant to subparagraph (B), (C), (D), or (E) of paragraph (1).

(6) An agency shall redact a record disclosed pursuant to this section only for any of the following purposes:

(A) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of whistleblowers, complainants, victims, and witnesses.

(C) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force by peace officers and custodial officers.

(D) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

(7) Notwithstanding paragraph (6), an agency may redact a record disclosed pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

(8) An agency may withhold a record of an incident described in paragraph (1) that is the subject of an active criminal or administrative investigation, in accordance with any of the following:

(A) (i) During an active criminal investigation, disclosure may be delayed for up to 60 days from the date the misconduct or use of force occurred or until the district attorney determines whether to file criminal charges related to the misconduct or use of force, whichever occurs sooner. If an agency delays disclosure pursuant to this clause, the agency shall provide, in writing, the specific basis for the agency's determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. This writing shall include the estimated date for disclosure of the withheld information.

(ii) After 60 days from the misconduct or use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who engaged in misconduct or used the force. If an agency delays disclosure pursuant to this clause, the agency shall, at 180-day intervals as necessary, provide, in writing, the specific basis for the agency's determination that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. The writing shall include the estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner.

(iii) After 60 days from the misconduct or use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against someone other than the officer who engaged in the misconduct or used the force. If an agency delays disclosure under this clause, the agency shall, at 180-day intervals, provide, in writing, the specific basis why disclosure could reasonably be expected to interfere with a criminal enforcement proceeding, and shall provide an estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner, unless extraordinary circumstances warrant continued delay due to the ongoing criminal investigation or proceeding. In that case, the agency must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest in prompt disclosure of records about misconduct or use of force by peace officers and custodial officers. The agency shall release all information subject to disclosure that does not cause substantial prejudice, including any documents that have otherwise become available.

(iv) In an action to compel disclosure brought pursuant to Section 6258 of the Government Code, an agency may justify delay by filing an application to seal the basis for withholding, in accordance with Rule 2.550 of the California Rules of Court, or any successor rule, if disclosure of the written basis itself would impact a privilege or compromise a pending investigation.

(B) If criminal charges are filed related to the incident in which misconduct occurred or force was used, the agency may delay the disclosure of records or information until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea pursuant to Section 1018.

(C) During an administrative investigation into an incident described in paragraph (1), the agency may delay the disclosure of records or information until the investigating agency determines whether the misconduct or use of force violated a law or agency policy, but no longer than 180 days after the date of the employing agency's discovery of the misconduct or use of force, or allegation of misconduct or use of force, by a person authorized to initiate an investigation.

(9) A record of a complaint, or the investigations, findings, or dispositions of that complaint, shall not be released pursuant to this section if the complaint is frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or if the complaint is unfounded.

(10) The cost of copies of records subject to disclosure pursuant to this subdivision that are made available upon the payment of fees covering direct costs of duplication pursuant to subdivision (b) of Section 6253 of the Government Code shall not include the costs of searching for, editing, or redacting the records.

(11) Except to the extent temporary withholding for a longer period is permitted pursuant to paragraph (8), records subject to disclosure under this subdivision shall be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure.

(12) (A) For purposes of releasing records pursuant to this subdivision, the lawyer-client privilege does not prohibit the disclosure of either of the following:

- (i) Factual information provided by the public entity to its attorney or factual information discovered in any investigation conducted by, or on behalf of, the public entity's attorney.
- (ii) Billing records related to the work done by the attorney so long as the records do not relate to active and ongoing litigation and do not disclose information for the purpose of legal consultation between the public entity and its attorney.

(B) This paragraph does not prohibit the public entity from asserting that a record or information within the record is exempted or prohibited from disclosure pursuant to any other federal or state law.

(c) Notwithstanding subdivisions (a) and (b), a department or agency shall release to the complaining party a copy of the complaining party's own statements at the time the complaint is filed.

(d) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

(e) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement they know to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by

the employing agency pursuant to this subdivision is limited to facts contained in the officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or their agent or representative.

(f) (1) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

(2) The notification described in this subdivision is not conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(h) This section does not supersede or affect the criminal discovery process outlined in Chapter 10 (commencing with Section 1054) of Title 6 of Part 2, or the admissibility of personnel records pursuant to subdivision (a), which codifies the court decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

(i) Nothing in this chapter is intended to limit the public's right of access as provided for in *Long Beach Police Officers Association v. City of Long Beach* (2014) 59 Cal.4th 59.

Commission internal procedures for records under the California Public Records Act

1. Once a CPRA request is submitted, it must be analyzed and acted upon in a timely manner by the Commission.
2. When a copy of a record is requested, the Commission must determine within ten days whether to comply with the request and must inform the requester of its decision within that ten days of whether the documents will be disclosed. If the decision is to deny disclosure, the reasons for the denial must be provided to the requester. Where necessary, because either the records or the personnel that need to be consulted regarding the records are not readily available, the initial ten-day period to make a determination may be extended for up to fourteen days. If possible, records deemed subject to disclosure should be provided at the time the determination is made or within ten days. However, if immediate disclosure is not possible the agency must provide the records within a reasonable period of time, along with an estimate of the date that the records will be available. This means that it is not required, in all instances, that records be produced within ten days. On the other hand, the determination and notification of disclosure must be communicated to the requester within ten days.

Since the Commission has ten days from receipt to analyze the request and determine whether disclosure will be made, the staff person designated to handle CPRA requests should be devoted to this specific function.

3. Records may also be inspected at the Commission office. A requester does not have to give notice in order to inspect public records at the Commission office during normal working hours. However, if the records are not readily accessible, or if portions of the records must be redacted in order to protect exempt material, the Commission must be given a reasonable period of time to perform these functions prior to inspection.

4. CPRA requests for police officer records should be immediately forwarded to affected police officers and the Police Department prior to disclosure of records. Peace officer personnel records will not be released by the Commission except as afforded by law and/or California Evidence Code sections 1403-1047.
5. The CPRA contains no provision for a charge to be imposed in connection with the mere inspection of records. Copies of records may be obtained for the direct cost of duplication, unless the Legislature has established a statutory fee. The direct cost of duplication includes the pro rata expense of the duplicating equipment utilized in making a copy of a record and, conceivably, the pro rata expense in terms of staff time (salary/benefits) required to produce the copy. The cost recovery of a staff person's time in researching, retrieving and mailing the record is not included in the direct cost of duplication. However, if the Commission must compile records, or extract information from an electronic record or undertake programming to satisfy a request, the requester must bear the full cost, not merely the direct cost of duplication. The right to inspect and copy records does not extend to records that are exempt from disclosure.
6. Commission personnel designated to handle CPRA requests should consult with the General Counsel or legal counsel for specific guidance as necessary, particularly in regards to records exempted from disclosure. If the Commission withholds a record because it is exempt from disclosure, the Commission must notify the requester of the reasons for withholding the record. However, the Commission is not required to provide a list identifying each record withheld and the specific justification for withholding the record.
7. Materials or documents related to deliberations of the Commission in an authorized closed session are exempted from disclosure under Government Code section 54963.
8. Exempt material must not be disclosed to any member of the public if the material is to remain exempt from disclosure. Once exempted material has been disclosed to any member of the public, including a public member of an ad hoc committee, etc., it generally becomes available upon request to any and all members of the public. Confidential disclosures to other governmental agencies in connection with the performance of official duties, or disclosures in legal proceedings are not disclosures to members of the public under the CPRA and do not constitute a waiver of exempt material.

Public Outreach and Communications

Consistent with Section 26.1114 (g) of the San Diego Municipal Code, the Commission establishes a procedure covering public communications on the Commission's Internet website.

Public reports on activities shall be made as soon as practical after regular Commission meetings. The Commission shall provide the public with as much information as permitted by

law pursuant to, but not limited to, Penal Code sections 832.5-832.8, Evidence Code sections 1040 et seq. and Government Code sections 6254 et seq.

Information included on the Commission's website shall include:

1. Status of the Commission's complaint investigations.
2. List of complaints received.
3. Findings of complaints investigated.
4. Commission recommendations.

The Commission may report on information after a closed session as permitted and authorized under Government Code sections 54950 et seq. The information reported shall be redacted or provided in a manner that protects confidentiality as afforded by law, including the identities of subject officers, witnesses and complainants.

City of San Diego Commission on Police Practices

RECORDS RETENTION PROCEDURE

DRAFT

The purpose of the procedure is to ensure accurate disposition of records by the Commission on Police Practices (the Commission). The Commission must classify, retain, and dispose of its records in accordance with applicable state and federal laws as well as local regulations, including but not limited to San Diego Municipal Code (SDMC) Chapter 2, Article 2, Division 26, City of San Diego Administrative Regulations (AR) 85.10 and 85.30, and City of San Diego City Clerk Administrative Guidelines.

Pursuant to SDMC §22.2602, the Commission must develop a Department Retention File Plan as well as follow the City Master Records Schedule.

AR 85.10 provides the following definitions, in part:

Department means every City department, including the City Council District offices and the Commission on Police Practices.

Disposition means a final administrative action taken with regard to records following their appraisal, including transfer from a *department* to the *City Clerk's Records Center*, permanent preservation, and destruction, also expressed by the term "dispose," as used in City of San Diego Administrative Regulation 85.10.

Clerk's Records Center, permanent preservation, and destruction, also expressed by the term "dispose," as used in this AR.

Duplicate record means a reproduction of an original *record*, regardless of whether the *duplicate record* is in the same physical form as the original.

Historical record means a *record* worthy of continued preservation because of its administrative, legal, operational, fiscal, or historical content.

Legal hold means a communication issued by the City as a result of current or anticipated litigation, a notice of audit, or a government investigation.

Master Records Schedule means the citywide comprehensive retention schedule that categorizes *record series* by business function, as adopted by the City Council (Council) and as may be amended from time to time.

Nonrecord means a *record* which is not required to be retained in the ordinary course of City business or is a temporary aid and does not appear in the *Master Records Schedule*. *Nonrecords* include, but are not limited to, the following:

- (1) Brochures, catalogs, pamphlets, and other documents usually received by mail that have no substantive value to the City.
- (2) Electronic mail, instant messages, and voicemail that are not created for the purpose of preserving documentary or informational content for future use by the City.

(3) Information received by the City from electronic mailing lists, services, third parties, and news groups.

(4) Notes, worksheets, and rough drafts used as temporary aids by City staff for their convenience and not retained in the ordinary course of business.

(5) Blank or obsolete copies of purchase requisitions, travel reimbursement requests, and other forms that would be considered *records* when completed for a specific business purpose.

(6) Materials and publications, such as copies of books or periodicals, that are acquired and maintained solely for general reference purposes rather than to support a specific City operation.

(7) Extra copies of documents already maintained in an official file.

Record means recorded information of any kind and in any form, created or received by the City, that is evidence of its operations. *Records* include paper and electronic documents, electronic databases, electronic mail, correspondence, forms, photographs, film, sound recordings, maps, and other documents that have administrative, legal, operational, fiscal, or historical value requiring retention of the *record* for a specified period of time.

Records series means a group of logically related *records* that typically consist of multiple documents, folders, or items which are used, indexed, or filed together, sent to storage upon becoming inactive, or not otherwise retained.

Retention period means the length of time a *record* must be kept to meet administrative, legal, operational, fiscal, or historical requirements.

Responsibilities of the Executive Director

1. As required in §22.2604, AR 85.10, City of San Diego City Clerk Administrative Guidelines, among other responsibilities, the Executive Director:
2. Appoints a Records Retention Coordinator for the Commission.
3. Ensures the Commission is in compliance with its statutory records retention obligations.
4. Reviews the Department Retention File Plan every three years, and recommends revisions to the City Clerk if there are changed administrative, legal, operational, fiscal, or historical requirements.
5. Works with the City Clerk on archiving historical records and preserving vital records.

General Provisions

Pursuant to SDMC §22.2606, the following records shall be permanently retained:

1. Records required to be permanently retained under local, state, or federal law or regulation.
2. The minutes, ordinances, or resolutions of the City Council or of a City board or commission.
3. Records required to be permanently retained under the Master Records Schedule.

Records for which a retention period is defined by local, state, or federal law or regulation shall be retained for that authority's stated retention period or expiration of the retention period in the Master Records Schedule, whichever is longer.

All records shall be retained for the retention period in the Master Records Schedule or until the termination of a legal hold, whichever is longer.

The Commission will follow the Department Retention File Plan included in Appendix A. As noted above, the Plan is subject to change and must be approved by the City Clerk. The most up-to-date version of the Plan must be followed as part of this procedure.

Appendix A

MASTER RECORDS SCHEDULE
 COMMISSION ON POLICE PRACTICES - DRAFT
 as of July 8, 2024

Master Record Schedule											Record Series Description (Purpose, Contents and File Arrangement)	Legal Citation	Notes	Form Needed?
Business Function	Record Series Number	Record Series Title	Retention Period			Kept in the Dept. (Y/N)	Outside Vendor Storage (Y/N) (ex. Underground Vault & Storage, Iron Mountain, Corovan)	Medium (Paper, Electronic Microfilm)	Vital Records (Y/N)					
Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15	Column16	Column17	Column18	Column19	Column20	Column21	
Administrative Records	ADM-1.1	Consultants (Selection or Hiring)	Closed + 3 years	-	Closed + 3 years	Yes	No	Paper/Electronic		Applications and resume.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-1.4	Daily Working files	Closed + 5 years	-	Closed + 5 years	Yes	No	Paper/Electronic		Daily Working Files consist of records which are used in both the program and administrative functions of the office to document the day to day activities according to established policy and procedure. In general, these files relate to services, special projects, various program functions, and activities which reflect the department's objectives. These include correspondence, memos, logs, reports, PRA Request Form & supporting documents, Route Slip, Board, Commission, Agency, Authority, Advisory Group, Community Group, or Task Force working files (inc. register, notice of vacancy and other docs), research and benchmarking, general Files.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-1.5	Email content considered Records	Creation Date of Email + 10 years	-	Creation Date of Email + 10 years	Yes	No	Paper/Electronic		All email messages that meet the criteria of a record as defined in San Diego Municipal Code section 22.2602 must be stored in a trusted system. If email content has administrative, legal, operational, fiscal, or historical value, it will be considered a record and must be moved and stored into the City's Electronic Document Management System (EDMS) to be kept for the retention period of Creation Date of Email + 10 years (ADM-1.5). However, if email is deemed to be a record that is required to be retained for longer than 10 years, it is the employee's responsibility to move the records to the applicable records series according to Department Retention File Plan (DRFP) and retain appropriately. NOTE: The City's email system is not intended for use as a records storage system. Email messages will be kept in the City's email system for 5 years per Resolution No. 313991 adopted on March 15, 2022.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-1.7	Maps, Plans and Photographs	Permanent	-	Permanent	Yes	No	Paper/Electronic		May include standard drawings and specification.	GC 34090 H&S 19850 GC 34090.7	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-1.8	Permit /Licenses/Application:	Expiration of Permit + 2 years	-	Expiration of Permit + 2 years	Yes	No	Paper/Electronic		Alcohol Beverage Control License, improvements (may include curbs, sidewalks, Application for excavation, fill, alteration, oversize load, parking, paving, Use Temporary (includes Special Events), abandoned/withdrawn application for project files), for Concealed Weapons, Uniform Fire Code, permits, hazardous materials storage, bicycle, pawn brokers, licenses (forms, licenses and permits required by federal and state agencies).	GC 34090	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-1.13	Docket, Agenda	End of Calendar Year + 5 years	-	End of Calendar Year + 5 years	Yes	No	Paper/Electronic		May include supporting documents.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-1.16	Manuals/Procedures	Destroy 2 years after revised, superseded, or rescinded	-	Destroy 2 years after revised, superseded, or rescinded	Yes	No	Paper/Electronic		Standard Operation Procedure (SOP), procedural manual, handbooks, pamphlets, visual aids, guidelines, org chart, Parking Citation Procedural Manual, etc.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-2.4	Payroll Documents and Reports	End of Fiscal Year + 3 years	-	End of Fiscal Year + 3 years	Yes	No	Electronic		May include leave slips, overtime slips, payroll records and other payroll related documents (timesheet, Out of Class Assignment-B form, merit increases notices), Department working copy of Salary Ordinance, and reports.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-2.6	Classified & Unclassified Position(s) Recruitment and Hiring	Closed + 7 years	-	Closed + 7 years	Yes	No	Paper/Electronic		Resume, application, interview files, examination materials, certification, employment announcement, racial/ethnic information, examination files (Examination Files Marking sheet, Examination Key Folder, Examination Rating and Scoring Sheet), rating sheets, panel member non-disclosure agreements, etc.	29 CFR 1607.2 -8 29 CFR 1627.3 & 1602.12 GC 12946	New Record Series	CC-09 Department In-House Destruction Request	
Administrative Records	ADM-2.10	Employee's Training	Expiration + 7 years	-	Expiration + 7 years	Yes	No	Electronic		May include mandatory/non-mandatory training files, certification and licensing, extended education, Elected Officials certification, Department Safety Training Files, etc.	GC 34090 GC 53235.2 8 CCR 3203(b)(1)	New Record Series	CC-09 Department In-House Destruction Request	

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Administrative Records	ADM-2.11	Department Personnel Files	End of Employment + 7 years	-	End of Employment + 7 years	Yes	No	Paper/Electronic	Department Personnel Files are records that the payroll specialist maintained for each employee(s) within the department. This file contains payroll documents, rewards and recognition documents, employee's performance reports, education and training records, and disciplinary records. File may include but not is limited to Emergency Notification form, counseling documentation, disciplinary action records, discretionary leave, letter of commendation or appreciation, name change records, payroll deduction forms, performance evaluation report, supplemental performance report, waivers or extensions of probationary period, payroll related records (merit increases notice, payroll change notices, timesheet correction notices, shift differential pay, bi-lingual pay, etc.). Refer to employee's applicable Recognized Employee Organization's Memorandum of Understanding (MOU) for more information. Any medical records that pertain to employee must be filed in a separate employees' medical file. When employee is changing department, employee's Department Payroll Personnel folder must be transferred to the receiving department. File Arrangement: Alphabetically by employee's last name.	GC 34090 GC 37207 29 CFR 516.2; 516.5-516.6 GC 12946 SB 807	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-2.13	Grievances	Closed + 7 years	-	Closed + 7 years	Yes	No	Paper/Electronic	May include employee's complaints, grievances and disciplinary files are records filed by either the employee or other department staff.	GC 34090 GC 12946 SB 807 GC12960 CCP337 CCP338	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-2.14	Employee Training History	End of Employment + 7 years	-	End of Employment + 7 years	Yes	No	Paper/Electronic	Employee training history encompasses a record of the various training sessions an employee has attended. These training programs serve several purposes: skill enhancement, compliance and certification, performance improvement and professional development. These include employee training history in Success Factors.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-2.16	Volunteers, Interns, and Workers paid by other Agencies Records	*Closed + 7 years	-	End of employment + 4 years	Yes	No	Electronic	Records of volunteers, interns, and workers either paid by the City or other agencies or organizations. Includes applications, background checks, agreements and records which demonstrate the time volunteers and unpaid interns spent participation in and contribution to the city. Records time and date for when the individual is on premises. Timesheets listing the dates and hours worked, in/out for the department and task assigned.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-3.2	Awards and Proclamation	End of Term + 2 years	-	End of Term + 2 years	Yes	No	Paper/Electronic	Awards and proclamations given by the Mayor or Council.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-3.4	Public Relations Files	Closed + 2 years	-	Closed + 2 years	Yes	No	Electronic	Routine press releases, speeches & clippings and social media files including but not limited to Twitter/X, Instagram, Facebook, etc.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-3.5	Boards, Commission & Committee Files	Permanent	-	Permanent	Yes	No	Paper/Electronic	May include but not limited to by-laws (if it exists), appointment memos and minutes. May also include documents generated as part of regular Commission business, including Commission Operating Procedures.	GC 34090(d) SDMC 22.2606	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-3.7	Boards, Commissions, & Committees Applications (not selected)	Closed or Completed + 2 years	-	Closed or Completed + 2 years	Yes	No	Paper/Electronic	Applications of Commissioners who were not selected.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-3.8	Boards, Commissions, & Committees Applications (selected)	Termination + 5 years	-	Termination + 5 years	Yes	No	Paper/Electronic	Applications of Commissioners who were selected.	GC 34090 GC 40801 GC 34090.7	New Record Series	CC-09 Department In-House Destruction Request
Environmental and Safety Records	ES-1.3	Safety Data Sheets	Calendar Year + 30 Years	-	Calendar Year + 30 Years	Yes	No	Paper/Electronic	Safety Data Sheets (SDS) is no longer in use. Require a record of the identity (Chemical name if known) of the substances or agent, where it was used and how long.	GC 34090 CCR 3204 (d)(1)	New Record Series	CC-09 Department In-House Destruction Request
Environmental and Safety Records	ES-1.4	Injury and Illness Files	Date of Event + 3 years	-	Date of Event + 3 years	Yes	No	Paper/Electronic	Notices of safety violations, reports of corrected safety violation, Employee safety training documents (person conducting training, name or ID of person(s) trained, training date and type of training), IIPP audit & inspection records, safety posting, safety meeting agenda (where applicable), periodic inspections rrecords.	GC 34090	New Record Series	CC-09 Department In-House Destruction Request

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Environmental and Safety Records	ES-1.5	OSHA (Completed Forms, Reports and Citation)	End of Calendar Year + 5 years	-	End of Calendar Year + 5 years	Yes	No	Paper/Electronic	Cal/OSHA Files are records of employee injuries and illnesses which must be reported to Cal/OSHA. State law requires that the City report all accidents where employee lost consciousness, required hospitalization, or required medical care and take time off from work following the medical care. Information is submitted to Compliance Department Occupational Safety and Health Division of the City as requested. Contents are Cal/OSHA 300, 301(Supervisor Injury/Illness Report), 300A.	29 CFR 1904.2, 1904.4, 1904.6 & 1904.10 Title 8 CCR 14300.33(a) GC 34090 OMB 1220-0029	New Record Series	CC-09 Department In-House Destruction Request
Environmental and Safety Records	ES-1.8	Safety Inspection Report	Closed + 3 years	-	Closed + 3 years	Yes	No	Paper/Electronic	Safety Inspection Report consists of records of the department safety inspection. This inspection is performed by the compliance officer. File is arranged by Inspection's date.	GC 34090(d) CCR 3203 (b)(1)	New Record Series	CC-09 Department In-House Destruction Request
Environmental and Safety Records	ES-1.9	Investigation/Incident Report	Date of Event + 5 years	-	Date of Event + 5 years	Yes	No	Paper/Electronic	Vehicle/Industrial Incident reports are records related to investigation or incident happened to the department staff. Included in this records are Supervisor Vehicle Accident Report or Industrial Incident Report. File is arranged by employee's name and date thereafter.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Administrative Records	ADM-3.5	Boards, Commission & Committee Files	Permanent	-	Permanent	Yes	No	Electronic	Internal and External Advisory/Action Committee/Subcommittee, Task Force or Staff Committee meeting files not directly administered by the Office of the Mayor and City Council Districts under Charter Section 43. May include but not limited agenda, minutes, meeting notes, policies and procedures, reports, member list and other related records created by this group.	GC 34090(d) SDMC 22.2606	New Record Series	CC-09 Department In-House Destruction Request
Environmental and Safety Records	ES-3.11	Internal Affairs Investigations	Closed + 5 years or *15 years	-	Closed + 5 years or *15 years	Yes	No	Paper/Electronic	This series applies to independent Commission investigations of employees of the San Diego Police Department as mandated and permitted by SDMC §26.1107. It also includes documents generated as part of Commission evaluation of San Diego Police Department Internal Affairs Investigations. Note: *15 years retention for investigation with Sustained findings.	PC § 832.5	New Record Series	CC-09 Department In-House Destruction Request
Environmental and Safety Records	ES-3.22	Shooting Investigations	Closed + 10 years	-	Closed + 10 years	Yes	No	Paper/Electronic	Case files associated with Commission independent investigations and reviews of officer-involved shootings	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Financial Records	FIN-1.1	Accounts (Receivable & Payable)	End of Fiscal Year + 5 years	-	End of Fiscal Year + 5 years	Yes	No	Paper/Electronic	Accounts (Receivable & Payable) document the day-to-day administrative activities of an office. May include, reimbursement (inc. payment request - delinquent account), expenditure made with department funds, restitution case payment and revenue, p-cards, travel expense, collection subject files, other source of revenue, (receipts initiated by City department for money received from the general public for fees and services), daily cash receipt files, security deposits, Bank Master Data, and other documents.	GC 34090(d) 29 CFR 516.5(c) 24 CFR 85.24	New Record Series	CC-09 Department In-House Destruction Request
Financial Records	FIN-1.2	Adopted Budget	Permanent	-	Permanent				Department adopted budget files.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Financial Records	FIN-1.12	Budget Working Files	Fiscal Year + 2 years	-	Fiscal Year + 2 years	Yes	No	Paper/Electronic	Budget working files contain documentation and working papers produced in the preparation, submission, and revision of the department's budget.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Legal and Policy Records	LP-1.3	Department Policy Files	Destroy 2 years after revised, superseded, or rescinded*	-	Destroy 2 years after revised, superseded, or rescinded*	Yes	No	Paper/Electronic	Department policy files are records which establish department policy and procedures or possess permanent historical or administrative value. That could document both the program and administrative functions of the department and could be of an ongoing or one time basis. This series contains correspondence of the department head and records of significant historical and administrative value that are generated by other department staff members. Includes memoranda, reports, notes, charts and other writing which document substantive program and administrative policies.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Legal and Policy Records	LP-1.7	Legislative Reports	Permanent	-	Permanent	Yes	No	Paper/Electronic	Department policy files are records which establish department policy and procedures or possess permanent historical or administrative value. That could document both the program and administrative functions of the department and could be of an ongoing or one time basis. This series contains correspondence of the department head, and records if significant historical and administrative values that are generated by other department staff members. Includes memoranda, reports, notes, charts and other writing which document substantive program and administrative policies.	GC 34090(e)	New Record Series	CC-09 Department In-House Destruction Request

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Legal and Policy Records	LP-1.8	Video, Audio Recording	Life of Video or Audio	-	Life of Video or Audio	Yes	No	Electronic		Recordings (Zoom, live, audio) of all Commission Regular Business Meetings, Ad Hoc Meetings, and Community Hearings.	GC 34090.7	New Record Series	CC-09 Department In-House Destruction Request
City Asset Records	CA-1.7	Inventory	Date of Event + 2 years	-	Date of Event + 2 years	Yes	No	Electronic		May include equipment, furniture, supplies, data spreadsheet, versatile inventory Reports.	GC 34090(d)	New Record Series	CC-09 Department In-House Destruction Request
Technical Reference Materials	-	Technical Reference Materials	Only those that are current and of significant value should be retained until superseded	-	Only those that are current and of significant value should be retained until superseded	Yes	No	Electronic		Technical Reference Materials include non-record publications such as journals, magazines, reference texts, and duplicate City documents such as the Municipal Code, Administrative Regulations, Procedural Manual, and City Council Policy Manual. File arrangement: Unarranged.	0	New Record Series	CC-09 Department In-House Destruction Request

Department Head: This Department Retention File Plan is a complete list of all records generated or maintained by this Department and is approved.

_____, DIRECTOR _____ Date

APPROVED BY:

_____, ELIZABETH MALAND, CITY CLERK _____ Date _____, DEPUTY CITY ATTORNEY _____ Date