

Commission on Police Practices

COMMISSION ON POLICE PRACTICES

Wednesday, August 5, 2026

5:00pm-8:00pm

REGULAR BUSINESS MEETING AGENDA

Procopio Tower – Conference Room

525 B St.

San Diego, CA 92101

The link to join the meeting by computer, tablet, or smartphone at 5:00pm is:

[Microsoft Meeting Link](#)

Meeting ID: 261 185 347 325 169

Passcode: Zc2WU3LH

**Downloading the latest version of Microsoft Teams is required.*

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.

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/Teams.

- I. CALL TO ORDER/PUBLIC COMMENT INSTRUCTIONS (Chair Bonnie Benitez)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. APPROVAL OF MINUTES
 1. Regular Business Meeting – July 1, 2026

- IV. NON-AGENDA COMMUNICATIONS FROM THE CHAIR & EXECUTIVE DIRECTOR
- V. NON-AGENDA PUBLIC COMMENT (Direct Community Engagement & Internship Programs Yasmeen Obeid)
- VI. NON-AGENDA COMMUNICATIONS FROM STANDING COMMITTEE
 - A. Executive (Chair Bonnie Benitez)
- VII. NON AGENDA COMMUNICATIONS FROM COMMISSIONERS
- VIII. PRESENTATIONS
 - A. Use of Force Best Practices: The Law and How It Is Changing
Presenter: Professor Sharon Fairley
- IX. QUARTERLY REPORT FROM THE DIRECTOR OF COMMUNITY ENGAGEMENT & INTERNSHIP PROGRAMS
- X. STANDING COMMITTEE CHAIR APPOINTMENT
 - A. Training Committee
 - B. Rules Committee
 - C. Outreach Committee
 - D. Recruitment Committee
 - E. Policy Committee
- XI. FUTURE REGULAR BUSINESS AGENDA ITEM REQUESTS
- XII. NON-AGENDA PUBLIC COMMENT (Direct Community Engagement & Internship Programs Yasmeen Obeid)
- XIII. CLOSED SESSION
 - A. Public comment
 - B. 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.
 - a. SDPD Feedback on Case-Specific Matters – None
 - b. Review of Internal Affairs Investigations
 - 1. Case 2025-0499 (CATI)
 - 2. Case 2025-0807 (CATI)
 - 3. 2025-0268 (OIS)
 - c. Discipline Memos – None

XIV. REPORT FROM CLOSED SESSION

XV. NON-AGENDA PUBLIC COMMENT (Direct Community Engagement & Internship Programs Obeid)

XVI. ADJOURNMENT

Materials Provided:

- July 1, 2026 Regular Business Meeting minutes
- Calif Code 7286.5
- California Penal Code 835a
- SDPC Use of Force Training Slide Handout

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 make one Non-Agenda Public Comment per meeting. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The

order of speaking generally will be determined on a first-come, first-served basis. A member of the public may only provide one non-agenda comment per agenda.

We welcome all viewpoints and encourage open participation. However, to ensure everyone has a chance to be heard and that we can complete our work, we ask that speakers respect time limits and refrain from disruptive behavior. Continued disruption after warning may result in removal as permitted under state law.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the item you would like to comment on is introduced (or it is indicated that it is time for Non-Agenda Public Comment), raise your hand by tapping on the “Raise Your Hand” button on your computer or tablet. To raise your hand in a Microsoft Teams meeting on your smartphone (iOS or Android), tap the three-dot menu, then select the "Raise Hand" option. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When it is indicated that it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone.

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 72 hours of the conclusion of the meeting.

Comments received no later than 8am on 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.

Late-Arriving Materials: This paragraph relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of, or during, the meeting. Pursuant to the Brown Act, (California Government Code Section 54957.5(b)) late-arriving documents, related to the Commission on Police Practices’ (“CPP”) meeting agenda items, which are distributed to the legislative body prior to and/or during the CPP meeting are available for public review by appointment in the Office of the CPP located at Procopio Towers, 525 B Street, Suite 1725, San Diego, CA

92101. Appointments for public review may be made by calling (619) 533-5304 and coordinating with CPP staff before visiting the office. Late-arriving documents may also be obtained by email request to CPP staff at commissiononpolicepractices@sandiego.gov. Late-arriving materials received prior to the CPP meeting will also be available for review, at the CPP public meeting, by making a verbal request of CPP staff located in the CPP meeting. Late-arriving materials received during the CPP meeting will be available for reviewing the following workday at the CPP offices noted above or by email request to CPP staff.

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) 533-5304 or commissiononpolicepractices@sandiego.gov.

Requests for disability-related modifications or accommodation 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.

**COMMISSION ON POLICE PRACTICES
REGULAR BUSINESS MEETING
Wednesday, July 1, 2026**

Southeastern Live Well Center
5101 Market St.,
San Diego, CA 92114

Click <https://youtu.be/Cwo-xXA1GVQ> to view this meeting on YouTube.

CPP Commissioners' Present:

Chair Bonnie Benitez
Vice Chair of Policy Ada Rodriguez
Vice Chair of External Affairs David Burton
Vice Chair of Strategic Planning Armando Flores
Vice Chair of Commissioner Development
Darlanne Mulmat

John Armantrout
Doug Case
Steve Chatzky
Lupe Diaz (arrived at 5:20pm)
Elizabeth Inpyn
Clovis Honoré (left at 6:04pm)

Excused:

Dan Lawton
Chenyang Rickard
Jay Sener

Absent:

Cheryl Canson
Dwayne Harvey
Kirby Knipp
Imani Robinson

CPP Staff Present:

Roger Smith, Executive Director
Alina Conde, Executive Assistant
Jon'Nae McFarland, Administrative Aide
Aaron Burgess, Director of Policy & Media Relations
Ethan Waterman, Investigator
Ching-Yun Li, Investigator
Yasmeen Obeid, Director of Community Engagement & Internship Programs

- I. CALL TO ORDER/WELCOME: Chair Bonnie Benitez called the meeting to order at 5:03pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established a quorum.
- III. APPROVAL OF MINUTES (*Timestamp 9:44*)
 1. Regular Business Meeting – June 3, 2026
Motion: Commissioner Darlanne Mulmat moved to accept the amended June 3, 2026 CPP meeting minutes. Commissioner Doug Case seconded the motion. The motion passed with a vote of 10-0-0.
Yeas: Armantrout, Benitez, Burton, Honoré, Case, Chatzky, Flores, Inpy, Mulmat, Rodriguez
Nays: None
Abstentions: None
 2. Regular Business Meeting – June 13, 2026
Motion: Commissioner Ada Rodriguez moved to accept the amended June 13, 2026 CPP meeting minutes. Commissioner Doug Case seconded the motion. The motion passed with a vote of 10-0-0.
Yeas: Armantrout, Benitez, Burton, Honoré, Case, Chatzky, Flores, Inpy, Mulmat, Rodriguez
Nays: None
Abstentions: None

NON-AGENDA COMMUNICATIONS FROM CHAIR (*Timestamp 12:51*)

- Chair Bonnie Benitez expressed gratitude to fellow commissioners for trusting her as Chair for the coming year, highlighted past collaboration with Ada Rodriguez and Clovis Honoré, and acknowledged the staff, especially Executive Director Roger Smith.
- Emphasized the importance of engagement in case review, committee work, and community outreach, describing these as the most meaningful and impactful aspects of commission service.
- Outlined plans for running meetings efficiently, including time management, focused contributions from commissioners, inclusivity, and avoiding crosstalk, to protect the quality of deliberation.
- The Chair introduced the new officers and stated the intention to appoint them as liaisons and Chairs of standing committees, with more details to come in the August meeting.

NON-AGENDA COMMUNICATIONS FROM EXECUTIVE DIRECTOR ROGER SMITH: None

NON-AGENDA PUBLIC COMMENT (*Timestamp 19:13*)

- ❖ Francine Maxwell (In-Person) (*Timestamp 29:15*)
- ❖ Tasha Williamson (Virtual) (*Timestamp 32:45*)

NON-AGENDA COMMUNICATIONS FROM STANDING COMMITTEES

- **Executive Committee** (*Timestamp 18:55*): Reviewed the pretext stop meeting and discussed tightening recommendations and wording. Brainstormed ideas for a California story screening event.
- **Recruitment Committee** (*Timestamp 21:38*): Noted that one nominee withdrew due to a new job. City Council will consider appointments and reappointments on July 13th.

- **Outreach Committee** (*Timestamp 20:27*): Highlighted the impactful pretext stop outreach event with strong community participation. Attended a Juneteenth event to raise awareness of the commission. Plans to continue community engagement and announced the next outreach meeting.
- **Training Committee** (*Timestamp 22:10*): Staff are organizing community visits to replace the bus tour, aiming to start soon, possibly on Saturdays. Training status is updated on Google Drive; commissioners can request links or suggest training needs. The next training committee meeting is to be determined.

NON-AGENDA COMMUNICATIONS FROM COMMISSIONERS - None

IV. PRESENTATIONS (*Timestamp 36:13*)

A. Implicit Bias Training (*Timestamp 39:11*)

Presented by: Salina Villegas from the City's Department of Race and Equity
The Division of Race and Equity delivered a condensed one-hour training focused on implicit bias. The training included interactive exercises, reflection on personal commitments, and strategies to interrupt bias, such as seeking more information, inviting multiple viewpoints, and addressing systemic issues.

Public Comment

- ❖ Darwin Fishman (In-Person) (*Timestamp 1:40:21*)
- ❖ Giardin (In-Person) (*Timestamp 1:43:45*)
- ❖ Patricia De Arman (In-Person) (*Timestamp 1:45:17*)
- ❖ Cat (Virtual) (*Timestamp 1:48:42*)

V. DISCUSSION (*Timestamp 1:55:24*)

A. Pretext and Follow-up from June 13, 2026, Special Meeting (*Timestamp 1:55:33*)

1. Public Comment

- ❖ Francine Maxwell (In-Person) (*Timestamp 1:55:54*)
- ❖ Dave De Arman (In-Person) (*Timestamp 1:59:05*)
- ❖ Patricia De Arman (In-Person) (*Timestamp 2:00:52*)
- ❖ Cat (Virtual) (*Timestamp 2:06:17*)

2. Commissioner Comment - None

- The Commission discussed the impact and policy recommendations related to pretext stops, emphasizing racial disparities and the need for reform.
- Community members referenced the fatal outcome of pretext stops and called for accountability and policy changes.
- The Commission acknowledged the need to push for more comprehensive policy adoption and to monitor whether SDPD implements recommendations.

B. Report from the Grand Jury (*Timestamp 2:09:12*)

1. Public Comment - None

2. Commissioner Comment - None

C. New Executive Committee meeting dates - The Executive Committee meetings will now be held on the third Wednesday of each month from 4:30-6:00pm at the commission office. (*Timestamp 2:10:02*)

1. Public Comment - None

2. Commissioner Comment - None

VI. FUTURE AGENDA ITEM REQUESTS (*Timestamp 2:10:56*)

- (Commissioner Stephen Chatzky) Discussion of Automotive license plate readers.
- (Commissioner Armando Flores) Quarterly reports from the Police Chief's office

regarding Policy Recommendations.

VII. COMMISSIONER RECOGNITION (*Timestamp 2:11:53*)

VIII. NON-AGENDA COMMUNICATIONS FROM COMMISSIONERS - None

IX. CLOSED SESSION (NOT OPEN TO THE PUBLIC) (*Timestamp 1:13:07*)

A. Public Comment

❖ David Rico (In-Person) (*Timestamp 1:13:29*)

B. Chair Bonnie Benitez led the CPP into Closed Session

A. 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 832.5832.8 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.

a. SDPD Feedback on Case-Specific Matters – None

b. Review of Internal Affairs Investigations

1. Case 2025-0399 (CATI)
2. Case 2025-0532 (CATI)
3. Case 2025-0557 (CATI)
4. Case 2026-0060 (CATI)
5. Case 2026-0268 (OIS)

c. Discipline Memos – None

X. REPORT FROM CLOSED SESSION (8:02 pm)- Chair Bonnie Benitez reported that there was no reportable action.

XI. ADJOURNMENT: The meeting adjourned at 8:03 pm.

California Code, Government Code - GOV § 7286.5

Current as of January 01, 2026

- (a)
 - (1) A law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.
 - (2) A law enforcement agency shall not authorize techniques or transport methods that involve a substantial risk of positional asphyxia.
- (b) As used in this section, the following terms are defined as follows:
 - (1) “Carotid restraint” means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.
 - (2) “Choke hold” means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.
 - (3) “Law enforcement agency” means any agency, department, or other entity of the state or any political subdivision thereof, that employs any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
 - (4) “Positional asphyxia” means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.

California Penal Code § 835a.

Legislative findings and declarations; use of force to effect arrest, prevent escape, or overcome resistance; use of deadly force; definitions

Effective: January 1, 2026

- (a) The Legislature finds and declares all of the following:
 - (1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.
 - (2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
 - (3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.
 - (4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
 - (5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.
- (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

- (c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 - (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
- (2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
- (d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other de-escalation tactics.
- (e) For purposes of this section, the following definitions shall apply:
 - (1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
 - (2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
 - (3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

The Legal Framework Governing the Use of Force:

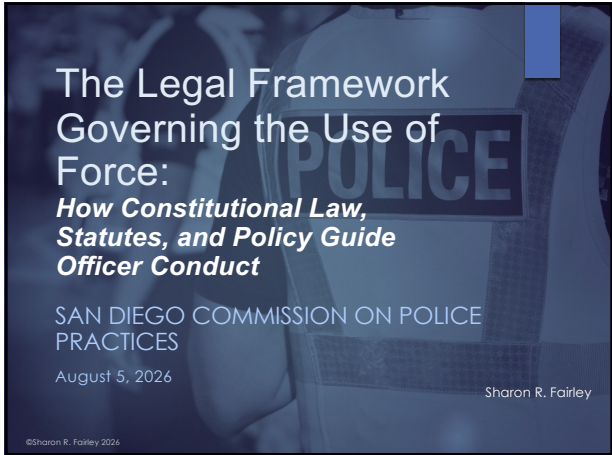
*How Constitutional Law,
Statutes, and Policy Guide
Officer Conduct*

SAN DIEGO COMMISSION ON POLICE
PRACTICES

August 5, 2026

Sharon R. Fairley

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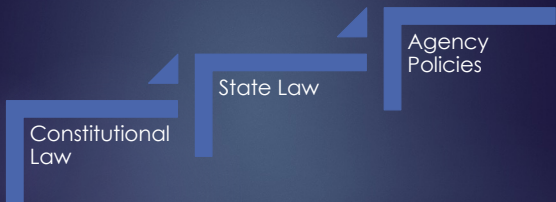
Agenda

- ▶ Introduction: The Legal Framework
- ▶ The Constitutional Standard
 - The Historical Evolution of Constitutional Law
- ▶ State Law Standards
 - Recent Changes in State Law
 - California Law Governing Use of Force
- ▶ Use of Force Policies
 - Policy Objectives
 - Key Policy Components
- ▶ Evaluating Use of Force
 - Understanding Use of Force Dynamics
 - Key Principles
 - Scenario: Applying the Legal/Policy Framework
- ▶ Wrap-up

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Legal Framework Governing Use of Force



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graph LR; A[Constitutional Law] --> B[State Law]; B --> C[Agency Policies]
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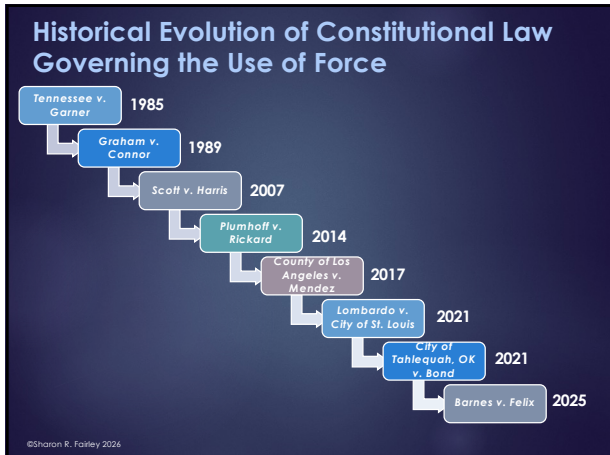
Constitutional Law

State Law

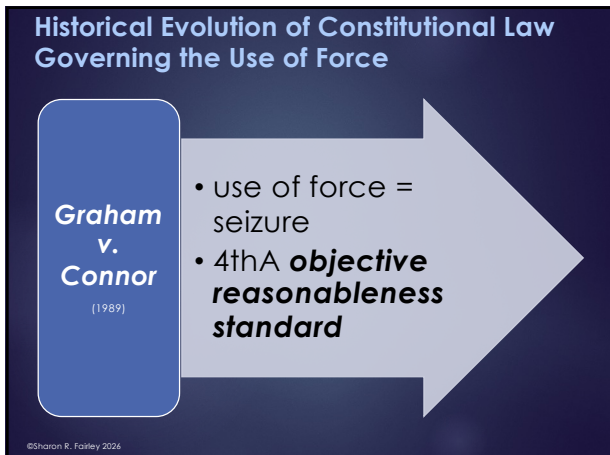
Agency Policies

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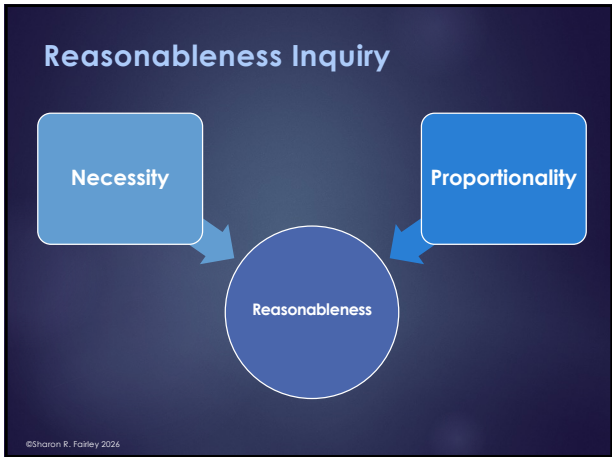
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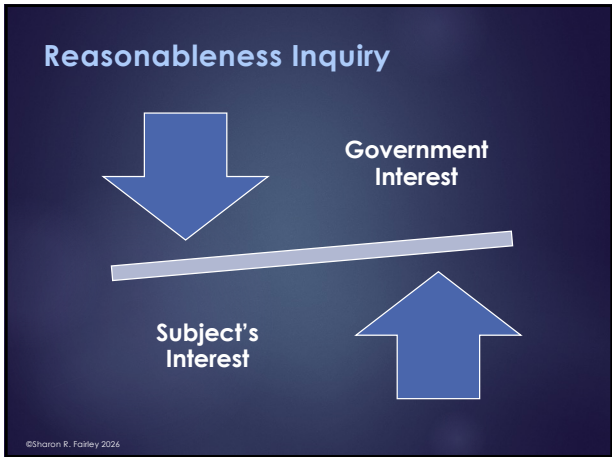
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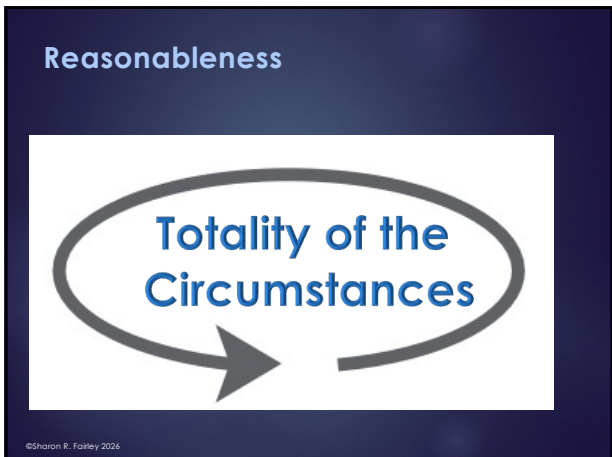
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Historical Evolution of Constitutional Law Governing the Use of Force

Tennessee v. Garner
(1985)

Constitutional standard for deadly force

"A police officer may not seize an unarmed, nondangerous suspect by shooting him dead."

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Use of *Deadly* Force: Constitutional Standard

Reasonable belief that force is necessary:

Imminent Threat Component

- ▶ To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

Fleeing Subject Component

- ▶ To apprehend a fleeing person
 - Where the subject poses a threat of serious physical harm to the officer or others
 - Where the subject threatens the officer with a weapon, or
 - Where there is probable cause to believe the subject committed a violent felony

Provided, where feasible, a warning has been given.

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Historical Evolution of Constitutional Standard

Barnes v. Felix
(2025)

Courts may consider pre-seizure conduct in assessing use of force

"A court deciding a use-of-force case cannot review the totality of the circumstances if it has put on chronological blinders."

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Supreme Court Decision

- ▶ Unanimous
- ▶ a law enforcement officer used excessive force during a stop or arrest is analyzed under the Fourth Amendment, which requires that the force deployed be objectively reasonable
- ▶ The inquiry into the reasonableness of police force requires analyzing the "totality of the circumstances."
- ▶ the "totality of the circumstances" inquiry has no time limit.

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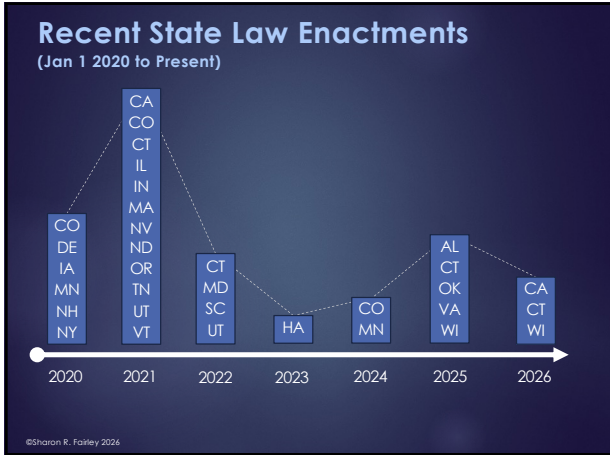
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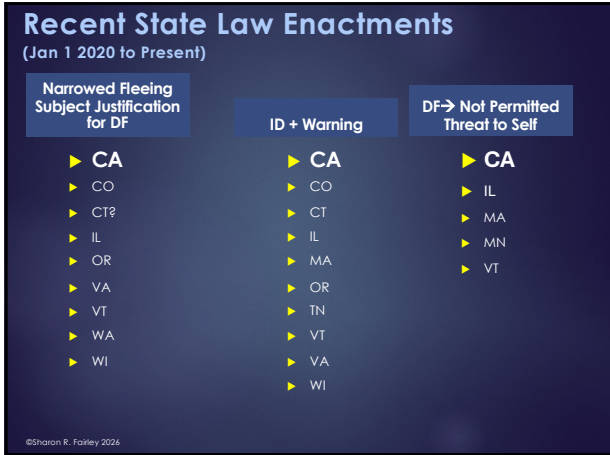
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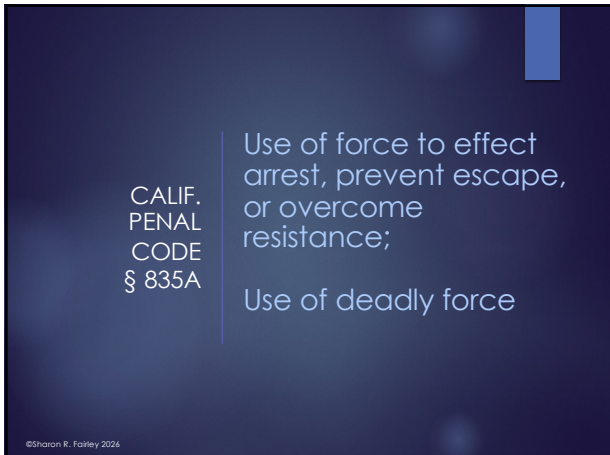
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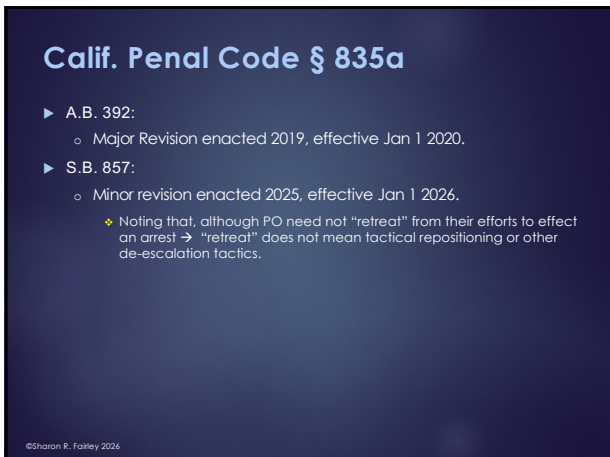
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Legislative Findings

- ▶ Authority to use physical force is a serious responsibility that should be exercised judiciously.... with respect for the sanctity of every human life
- ▶ Peace officers should use deadly force only when necessary in defense of human life
- ▶ Use of force should be consistent with law and agency policies
- ▶ Individuals with physical, mental health, developmental or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions as their disability may affect their ability to understand or comply with commands

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Use of Force: California State Law Standard

Objective Reasonableness Standard

➔

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape , or to overcome resistance

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Use of *Deadly* Force: California State Law Standard

Reasonable belief that force is necessary:

Imminent Threat Component

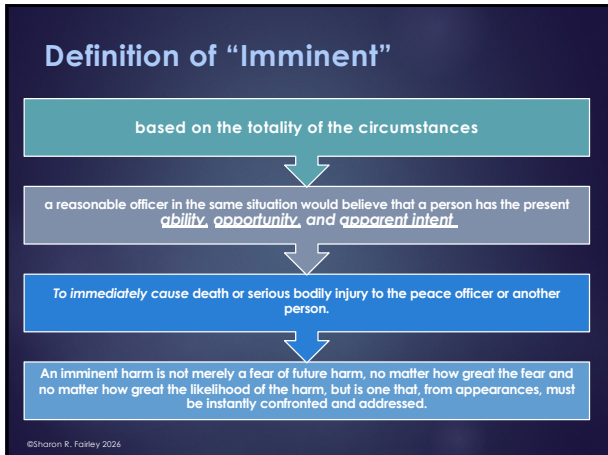
- ▶ To defend against an *imminent* threat of death or serious bodily injury to the officer or to another person.

Fleeing Subject Component

- ▶ To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury,
- ▶ if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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Use of Deadly Force - Considerations

Where feasible, officer must ... - Identify themselves - Provide Warning	Deadly force NOT PERMITTED against a subject who is merely a threat to themselves.	- PO making arrest need not retreat. - PO will not lose right to self-defense if force used is objectively reasonable
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CALIF. GOV. CODE § 7286.5	Carotid restraint or choke hold; unauthorized
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§ 7286.5.
Carotid
restraint or
choke hold;
unauthorized

- ▶ A law enforcement agency shall not authorize techniques or transport methods that involve a substantial risk of positional asphyxia.

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§ 7286.5.
Carotid
restraint or
choke hold;
unauthorized

"Positional asphyxia"

- ▶ means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing.
- ▶ This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity,
- ▶ including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.

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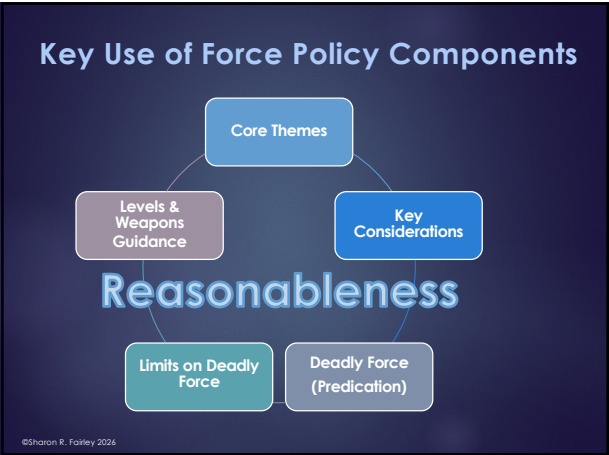
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Use of
Force
Policy

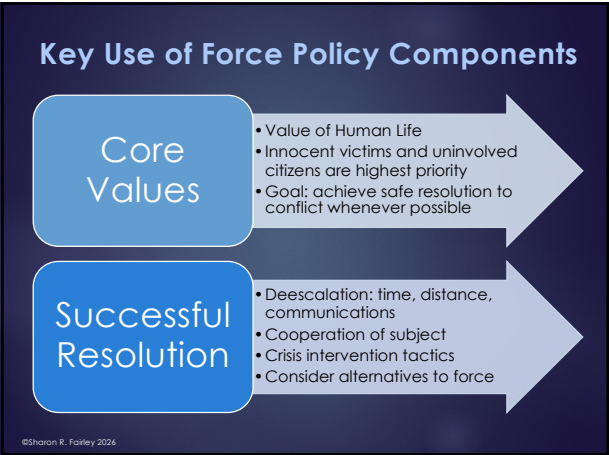
MISSION
VISION
VALUES

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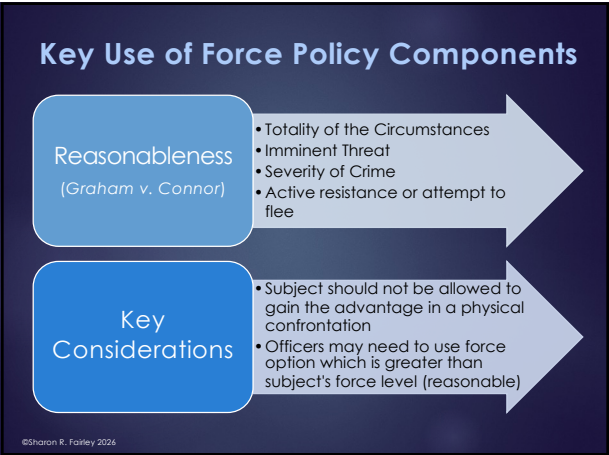
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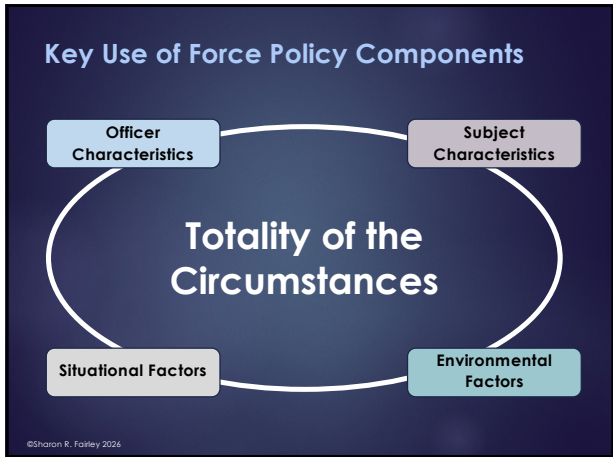
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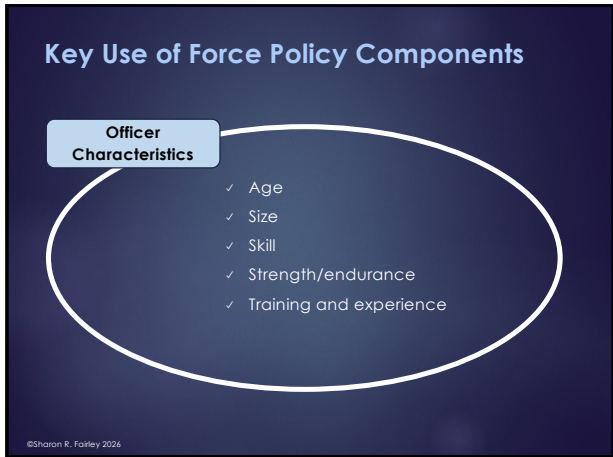
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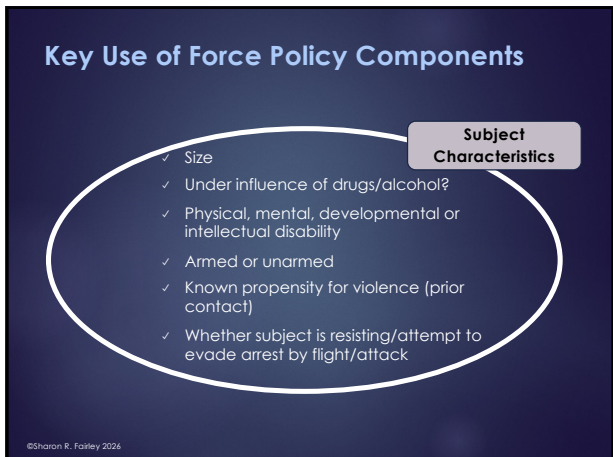
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Key Use of Force Policy Components

- ✓ Ground fighting
- ✓ Distance between subject(s) and officer(s)
- ✓ Availability of alternatives to force
- ✓ # of subjects/officers
- ✓ Proximity to weapons
- ✓ Nature of offense
- ✓ Opportunity/time for de-escalation

Situational Factors

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Key Use of Force Policy Components

- ✓ Confined spaces
- ✓ Environmental factors (location, terrain, lighting conditions)
- ✓ Crowd control situations
- ✓ Other exigent circumstances

Environmental Factors

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Use of Firearms

A *reasonable belief* that:

- ▶ a subject (or animal) poses an *imminent threat* of death or serious bodily injury to the officer or another person;

OR

- ▶ When necessary to apprehend a *fleeing suspect* if:
 - there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury,
 - and**
 - the officer reasonably believes the suspect is armed with a deadly weapon
 - and**
 - the suspect will cause death or serious bodily injury to another unless immediately apprehended;

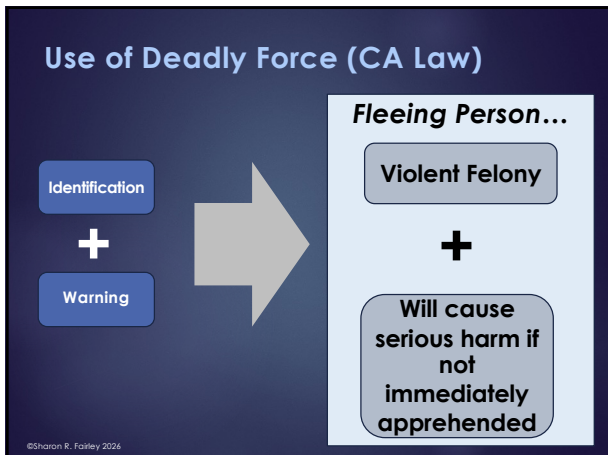
OR

- ▶ As permitted by Department Procedure 6.09, Handling of Injured Animals

Verbal warning → if feasible

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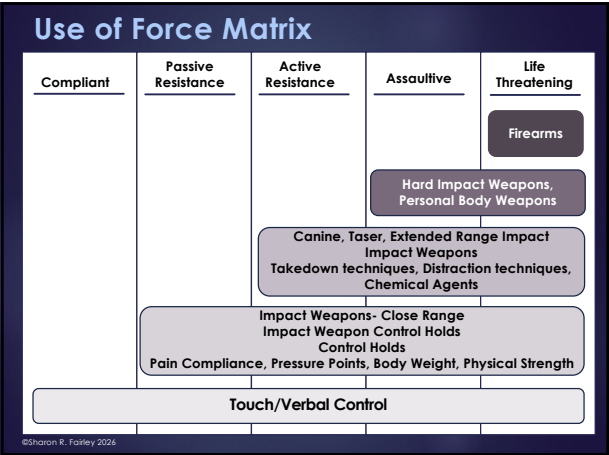
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- ### Use of Firearms – Factors that should be considered:
- ▶ Life-threatening behavior perceived by officer
 - ▶ Immediacy of the threat
 - ▶ Suspect age, size, skill, or disability
 - ▶ Environment (field of fire)
 - ▶ Presence of or perceived capabilities of the suspect's weapon
 - ▶ Officer's current level of training and capability with their weapon
 - ▶ Type of crime
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- ### Prohibitions
- ▶ Shooting at vehicle (without approval)
 - ▶ Shooting at an occupant of a vehicle (unless immediate threat)
 - ▶ Shooting from a moving vehicle
 - ▶ Warning shots (except under exigent circumstances)
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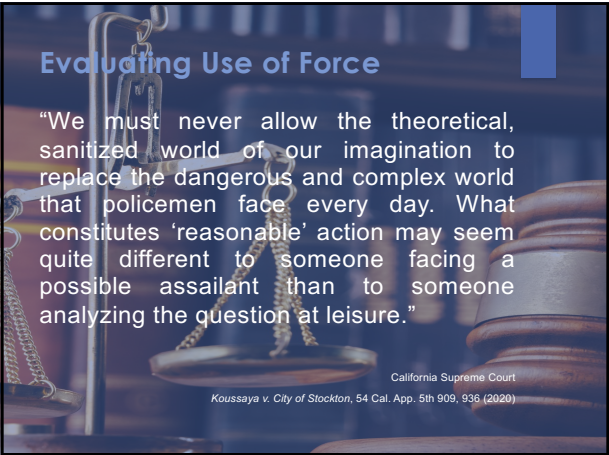
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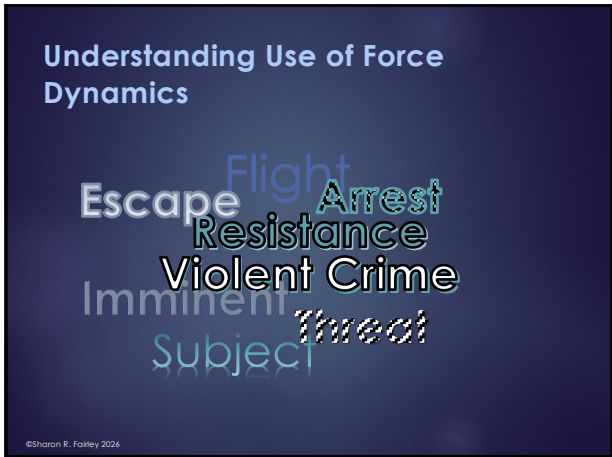
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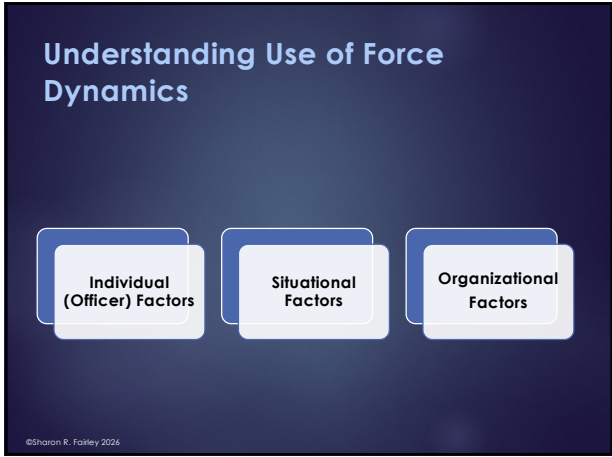
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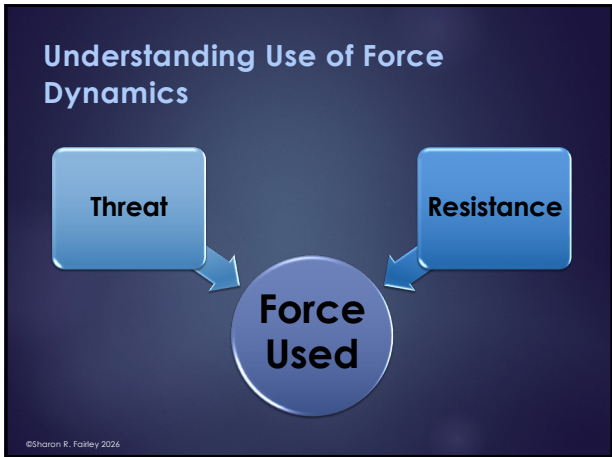
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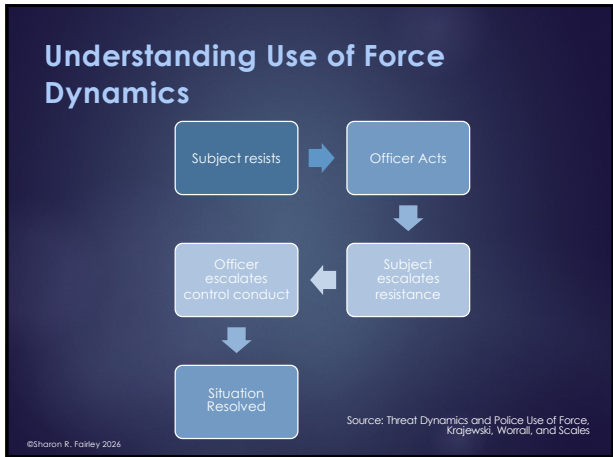
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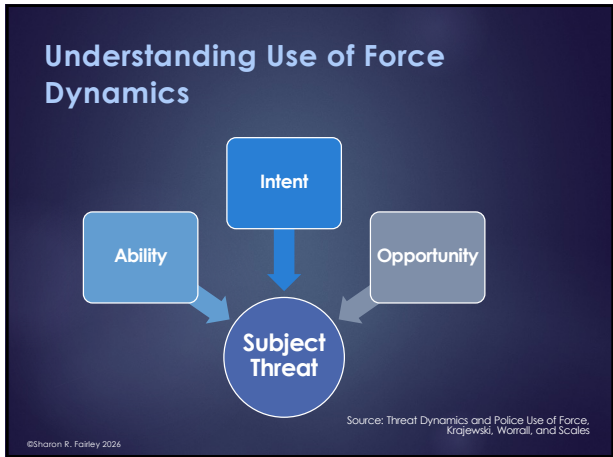
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De-escalation:
Core Principles

Protect

- Core mission = protect human life

Consider

- Draw on training, experience, judgment and available tools to diffuse the situation

Resolve

- Resolve incident with least amount of force necessary

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De-escalation

Communication/Relational techniques

- Patience
- Empathy
- Willingness to compromise

Tactics

- Time
- Distance
- Cover

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Evaluating Use of Force

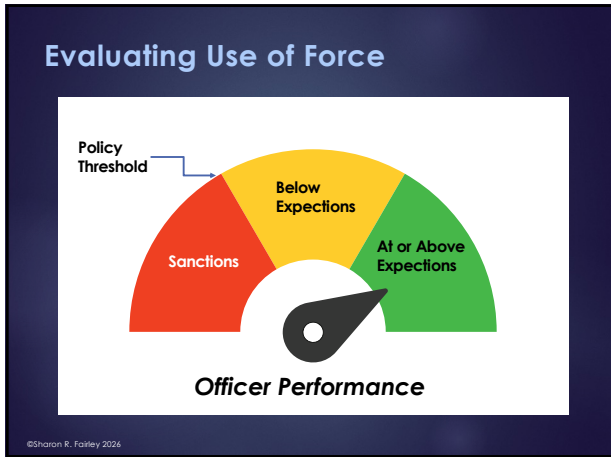
Individual Accountability

Individual Opportunities for Improvement

Identify Systemic Issues

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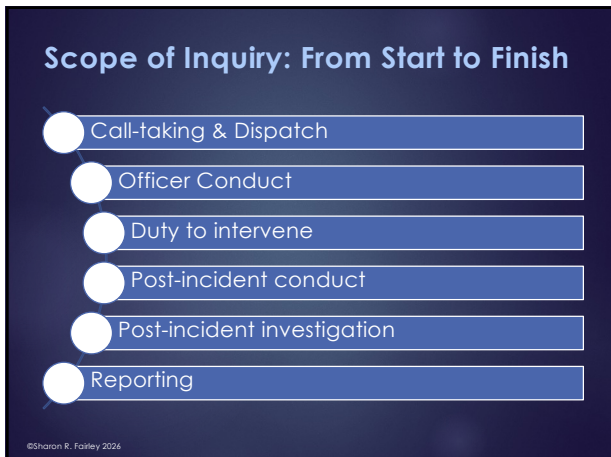
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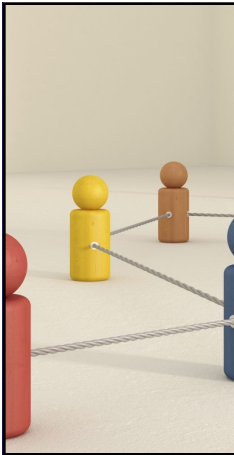
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Evaluating Use of Force

- ▶ Use of Force
 - Coordination
 - Communication
 - Controlled Conduct
 - Continuous assessment

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Evaluating Use of Force

- ▶ The conduct of each individual officer must be evaluating separately and independently
- ▶ Each potential policy violation must be considered separately and independently as to each accused officer.

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The “Core” Graham Factors

Severity of the crime:	• What was the seriousness of the suspected offense being investigated?
Immediacy of the threat:	• Did the suspect pose an immediate, credible threat to the safety of the officer or the public?
Active resistance or evasion:	• Was the suspect actively resisting arrest or attempting to evade capture by fleeing?

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"Totality of the Circumstances"

Subject vs. Officer Factors:

•The relative size, age, strength, and physical condition of the suspect compared to the officer.

Number of People:

•The ratio of officers to suspects (e.g., one officer confronting multiple subjects may reasonably require a different level of force).

Weapons Access:

•The proximity and accessibility of any weapons.

Mental/Medical State:

•Knowledge of the suspect's mental or medical crisis at the time (e.g., the suspect's behavior linked to a diabetic emergency as in the original Graham case).

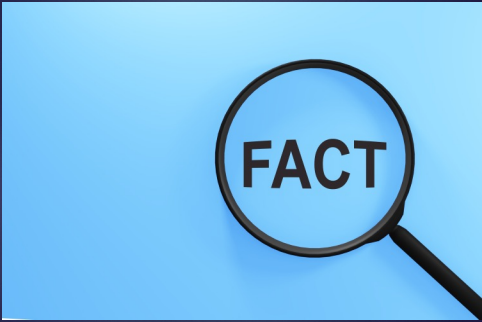
Time and Evolving Circumstances:

•How much time the officer had to make a decision and if the situation was tense, uncertain, and rapidly unfolding

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Evaluating Use of Force



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The Shooting of Francis Calonge



Chief Eddie Garcia
Chief of Police

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