PRESS RELEASE

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After Skirting Deadline Chief Wahl Rejects CPP Recommendations to Restrict Harmful Pretext Stops

Chief Wahl rejects major component of the Commission recommendations aimed at promoting fairness and bias-free policing during traffic stops and investigative encounters.

Today, 63 days after receiving pretext stop policy recommendations from the Commission on Police Practices, the San Diego Police Department has submitted an untimely and tone-deaf response. With this reply, Chief Wahl accepts the spirit of the CPP's recommendations and rejects their substance. He supports the intent of the CPP recommendations and opposes their content.

At every point in the recommendations where the Chief believes that the Department is already meeting its responsibilities, he agrees with them. At each point where material change is required to fulfill the recommendation, he disagrees.

This hollow harmony is best illustrated by the Chief's response to Recommendation #1, which recommends prohibiting traffic stops solely for minor equipment or administrative violations. This recommendation would require the most change in Department practice and go the farthest toward creating a more equitable and community-responsive police practice in conducting traffic stops. It was the only Recommendation rejected in its entirety by Chief Wahl.

The rationale stated, focusing on such stops as an "important investigative tool," only accentuates the problem at the heart of these stops. They are supposed to be conducted to enforce laws designed to protect the public from a violation posing some danger. But Chief Wahl sees them as an investigative tool creating opportunity for new discoveries. Observation of minor infractions should not be used as an occasion to fish for major felonies. These fishing expeditions lead to harassment, unwarranted provocation and, in some instances, avoidable violent confrontations. Pretext stops are conducted, often under openly false pretenses, entirely at the discretion of police officers insufficiently trained in procedural justice and the deescalation skills that would mitigate their harmful consequences.

Similar concerns are raised by Chief Wahl's partial disagreement with Recommendation #3, where he actively defended the Department's practice of using these investigative pretext stops as an occasion to conduct field interviews, describing them as voluntary. However, Chief Wahl knows that these interviews occur under circumstances where members of the public are likely to view them as mandatory. Similarly, even though the SDPD's Calgang entries are permitted under state law, they have an open and obvious effect that hurts San Diegans – they sweep into CA state gang databases many innocent people who have no meaningful connection to gang activity whatsoever simply based on where they live, locations they've visited and even what color clothing they wear.

As with all harmful practices, the costs do not fall evenly upon all corners of the San Diego community. Those who suffer are the most vulnerable, the most targeted and the most underrepresented San Diegans – persons of color and those who have had prior contact with the criminal justice system. They are the ones ordered out of their cars, detained for lengthy periods, subjected to intrusive questioning and even put at risk of facing deadly force while these investigative tools are explored. The needless disruption of their lives far outweighs any perceived crime prevention benefit derived from using minor violations as investigative tools.

Chief Wahl's response to the CPP recommendations fails to seize an opportunity to embrace meaningful modifications of SDPD pretext stop practices that would strengthen the SDPD's legitimacy in the eyes of the

community. Instead, he has chosen to reinforce a practice that is known to subject many law-abiding members of the San Diego community to undue investigative stress and pressure.

> *“We urge San Diego city leaders to take the necessary action and the San Diego community to continue in the necessary conversation to rid our city of this dangerous, divisive and discriminatory daily practice of the San Diego Police Department.” said Roger Smith, Executive Director.*

About the Commission on Police Practices (CPP)

The Commission on Police Practices is an independent community oversight body for the San Diego Police Department. It has investigatory, review, and auditing authority to make factual determinations and issue advisory recommendations regarding officer conduct and SDPD policies and practices. Created by voter-approved Measure B, the Commission’s mission is to hold law enforcement accountable to the community and increase public trust, resulting in greater safety for both the community and law enforcement.

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