



THE CITY OF SAN DIEGO

M E M O R A N D U M

**DATE:** June 23, 2022  
**TO:** Sharmaine Moseley, Executive Director, Commission on Police Practices  
Brandon Hilpert, Chair, Commission on Police Practices  
**FROM:**  David Nisleit, Chief, San Diego Police  
**SUBJECT:** Commission of Police Practices Recommendations

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On August 3, 2021, the In-Service Training Staff was asked to review the following recommendations brought forward by the San Diego Commission of Police Practices (CPP).

1. Chemical Agent Usage (1.06) - Require officers to provide a verbal warning prior to using chemical OC spray where possible. This would bring it in line with the Use of Force procedural (1.04) requirement for officers to provide a verbal warning prior to firing their firearm.

**Response:** Officers generally give direction prior to the use of chemical agents as outlined in Procedure 1.55 De-Escalation V(E) which states "Officers shall present lawful orders, request cooperation, and provide clear, concise direction to achieve voluntary compliance."

**This recommendation WILL be implemented, and Department Procedure 1.06 will reflect that officers should provide a verbal warning prior to deploying OC spray if possible.**

2. Maximum Restraint Time Limit (6.01) - Update this procedure to include a maximum time that an individual would be placed in the WRAP device to no more than 2 hours. (Currently there is no time limit stated.)

**Response:** The detained subject's behavior, (ie. Assaultive behavior, combative, violent due to drug/alcohol inebriation, etc.), will dictate the time they are in the WRAP device. The totality of the circumstances will determine the officer's choice to leave the suspect in the WRAP until a safe transfer to a secure location (jail, hospital, CMH) can be made. Therefore, the policy will not be changed to a strict time frame. The safety of the detained person, police officers, civilians, and medical staff will not be compromised.

**This recommendation will NOT be implemented**

Commission of Police Practices Recommendations

3. Utilization of Seatbelts on Prisoners (6.01) - Modify this policy to increase the requirements necessary prior to seatbelts not being utilized under the officer safety exemption. As this procedure stands today, we do not believe this procedure is enforceable.

**Response:** Procedure 6.01 states “Officers who do not secure a prisoner with a seatbelt should be prepared to clearly and specifically justify their actions.”

Officers may encounter situations where they place a subject in the rear seat of a patrol vehicle, but also have specific reasoning why they do not seatbelt the person. These could include such reasons as a combative subject, an immediate need to leave the area for the officer’s or subject’s safety, or any other exigent circumstance. There are even times when a subject may un-seatbelt themselves.

To address this issue, the procedure’s language will be changed to add: “*Officers who do not secure a prisoner with a seatbelt shall articulate clearly and specifically their reasoning in a report.*”

**This recommendation WILL be implemented**

4. Observation of Detainees in Sally Port - Require officers to check in on the status/welfare of detainees under their custody at least every 15 minutes.

**Response:** Procedure 6.01 XI G requires an Officer to continually monitor someone when they are in the backseat of a police vehicle. It states:

*“When the prisoner is in the back seat of a patrol vehicle, it is the responsibility of the arresting officer to ensure that the prisoner is monitored at all times. When it is necessary for an officer to conduct business away from their prisoner, the officer shall have another officer watch the prisoner and remove the ignition key. When prisoners are left in cars during hot weather, either the front windows shall be rolled completely down or the air conditioning will be left on for ventilation. The back windows shall not be rolled down.”*

The Department believes the word “continuous” establishes higher expectations for officers to monitor prisoners, and ensuring their welfare, than moving to a suggested 15 minute time interval. Officers are instructed “continuous” means constant and this requires them to enlist the help of other officers in the Sally Port or Watch Commanders office to assist with maintaining observations. An arresting officer can be away from a prisoner due to evidence collection/impounds or as result of completing booking paperwork.

The shift to a time interval will result in less monitoring and observations being made, and result in diminished care for those in custody and potentially increased risks. It will signal to officers they can leave the area for a certain time frame without making notification to another officer or watch commander, as long as they believe they will be back in 15 minutes (or other designated time frame) and this is not an acceptable. Prisoner need to be “continuously” monitored for their well-being.

**This recommendation will NOT be implemented.**

Thank you for providing us with your recommendations.