

**COMMISSION ON POLICE PRACTICES**

**Tuesday, June 18, 2024**

**4:30pm-7:30pm**

**REGULAR BUSINESS MEETING  
AND AD HOC PERSONNEL COMMITTEE  
JOINT MEETING AGENDA**

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

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

<https://sandiego.zoomgov.com/j/1604485797>

**Meeting ID: 160 448 5797**

**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, Daniel Mendoza, Darlanne Mulmat, Clovis Honoré, James Justus, Lupe Lozano-Diaz, Ada Rodriguez, Yvania Rubio, and Gloria Tran

**Ad Hoc Personnel Committee:** Dennis Brown, Clovis Honoré, James Justus, Darlanne Mulmat

**Please be advised that the City of San Diego is presently engaged in a recruitment process to fill the position of Executive Director to the Commission on Police Practices (Commission), which is currently held by an interim director. The Commission does not have appointing authority or subject matter jurisdiction over the recruitment or appointment of the Executive Director. Under San Diego City Charter section 41.2, the City Council must appoint and establish the initial annual compensation for the Commission's Executive Director, who will then serve at the direction and will of the Commission following appointment. To recruit and make advisory recommendations related to the selection of an Executive Director, the City Council has established an Ad Hoc Committee that includes two Councilmembers and four members of the Commission. See San Diego Resolution R-315326 (Jan. 29, 2024). The public may find information and meeting notices related to the work of the Ad Hoc Committee at the following links:**

[https://docs.sandiego.gov/council\\_reso\\_ordinance/rao2024/R-315326.pdf](https://docs.sandiego.gov/council_reso_ordinance/rao2024/R-315326.pdf)

**The Ad Hoc Personnel Committee Meeting shall only jointly convene where all four commissioners of the committee are in attendance. If the Ad Hoc Personnel meeting is not convened, there will be no discussion or update at the meeting regarding the Executive Director selection or recruitment. No formal action may be taken by the Commission or the Personnel Committee regarding the Executive Director selection pursuant to the City Charter.**

**Staff:** Interim Executive Director Danell Scarborough, 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.

**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)
  - A. AD HOC Personnel Committee Roll Call

- 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 June 5, 2024
- V. NON-AGENDA PUBLIC COMMENT (Community Engagement Coordinator Yasmeen Obeid)
- VI. Cabinet Elections (Nominating Ad Hoc Committee Chair Benitez)
  - A. Public Comment
  - B. Nominations
    - 1. Chair
      - a) Discussion
      - b) Action—vote Chair position
  - C. Nominations
    - 1. 1<sup>st</sup> Vice Chair
      - a) Discussion
      - b) Action—vote 1<sup>st</sup> Vice Chair position
  - D. Nominations
    - 1. 2<sup>nd</sup> Vice Chair
      - a) Discussion
      - b) Action—vote 2<sup>nd</sup> Vice Chair position
- VII. AD HOC OPERATING PROCEDURES (Ad Hoc Committee Chair Case)
  - A. Presentation:
    - 1. SDPD Reporting and Compliance Procedures
  - B. Public Comment
  - C. Discussion
  - D. Action—Vote to approve procedure
- VIII. POLICE PURSUIT AD HOC COMMITTEE (Ad Hoc Committee Chair Case or Designee)
  - A. Ad Hoc Committee Update
  - B. Public Comment
  - C. Discussion
- IX. PRETEXT STOP COMMUNITY HEARING (Chair Tran)
  - A. Announce finalized date/time/place: Wednesday, August 7, 2024, at 5 pm, Location: George Stevens Community Center

- B. Public Comment
- C. Discussion

- X. SAN DIEGO POLICE PROTEST POLICY (Commissioner Hilpert)
  - A. Policy Recommendations
  - B. Public Comment
  - C. Discussion
  - D. Action—vote on policy recommendations to send to SDPD

- XI. COMMISSIONER TIME REPORTING (Interim Executive Director Danell Scarborough and Executive Assistant Alina Conde)
  - A. Presentation
  - B. Public Comment
  - C. Discussion

- XII. CLOSED SESSION
  - A. Public comment
  - B. 1<sup>st</sup> Vice Chair Dennis Brown – 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](http://www.sandiego.gov/cpp).

- I. San Diego Police Department Feedback on Case Specific Matters (0)
- II. Shooting Review Board Reports (0)
- III. Officer-Involved Shooting (0)
- IV. Discipline Reports (5)
- V. Case Review Team Reports (3)
- VI. Case-Specific Recommendations to the Mayor/Chief (0)
- VII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)
- VIII. Legal Opinion(s) Request & Response (0)

- XIII. REPORT FROM CLOSED SESSION (1<sup>st</sup> Vice Chair Dennis Brown)
- XIV. COMMISSIONER COMMENTS (Time Permitting)
- XV. ADJOURNMENT

**Materials Provided:**

- DRAFT Minutes from Regular Meeting on June 5, 2024
- DRAFT SDPD Reporting and Compliance Procedures
- DRAFT Protest Policy Recommendations

- Better Impact System – Time Management Presentation

**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](mailto: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, June 5, 2024**

**4:30pm-7:30pm**

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

Click <https://www.youtube.com/watch?v=EGVRcPVoO5U> to view this meeting on YouTube.

**CPP Commissioners Present:**

Chair Gloria Tran  
1<sup>st</sup> Vice Chair Dennis Brown  
2<sup>nd</sup> Vice Chair Doug Case  
John Armantrout  
Bonnie Benitez  
Alec Beyer  
Stephen Chatzky  
Lupe Diaz (arrived at 4:39 pm)

Armando Flores (arrived at 4:49pm)  
Dwayne Harvey (arrived at 4:32 pm)  
Brandon Hilpert  
Clovis Honoré  
James Justus  
Daniel Mendoza  
Darlanne Mulmat  
Ada Rodriguez  
Yvania Rubio (arrived at 4:50 pm)

**Excused:**

Octavio Aguilar  
Cheryl Canson  
Christina Griffin-Jones

**Absent:**

None

**Ad Hoc Personnel Committee Present:**

Committee Chair, 1<sup>st</sup> Vice Chair Dennis Brown  
Clovis Honoré  
James Justus  
Darlanne Mulmat

**CPP Staff Present:**

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

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:30 p.m.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established quorum.
  - A. Executive Assistant Alina Conde conducted roll call for the Ad Hoc Personnel Committee.
- 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. CHAIR'S REPORT
  - The CPP started the hiring process for two investigators, and the position of Policy Advisor is scheduled to open Friday, June 7<sup>th</sup>. The deadline to apply is June 23, 2024.
  - The Cabinet met with new Chief of Police Scott Wahl and among the issues addressed was open communication and a specific liaison within the department other than the Internal Affairs Captain. In addition, the Chief agreed to attend the Community Hearing on Pretext Stops, if his schedule allows. If not, he will send a high-ranking designee.
  - The CPP Community Hearing on Pretext Stops will be held on Wednesday, August 7<sup>th</sup>, 2024, at 5:00 pm at the George Stevens Recreation Center.
  - Staff is in the process of purchasing bullet proof vests for when Commissioners participate in a ride along. Staff will send the procedures for requesting a ride along and for borrowing the vests.
  - A Recognition Event (reception) to honor previous Community Review Board members will be held on Wednesday, June 26<sup>th</sup> at 5pm at office located at 525 B Street. All current Commissioners are welcome to attend.
- V. APPROVAL OF MEETING MINUTES
  - A. CPP Regular Meeting Minutes of May 15, 2024
    1. **Motion:** Commissioner James Justus moved for approval of the CPP Regular Meeting Minutes of May 15, 2024, with the amendment on item X. D. to correct Commissioner names to Benitez, Mulmat, and Harvey. Commissioner Ada Rodriguez 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, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, Rodriguez, and Rubio  
Nays: 0  
Abstained: 0  
Absent/Excused/Arrived Late: Aguilar, Canson, Diaz, Flores, Griffin-Jones



- VI. NON-AGENDA PUBLIC COMMENT: None
- VII. POLICE PURSUIT AD HOC COMMITTEE
- A. Ad Hoc Committee Update - (*Timestamp 8:06*) Ad Hoc Committee Chair Doug Case gave an update on the progress of the committee's action plan.
  - B. Public Comment - None
  - C. Discussion
- VIII. SAN DIEGO POLICE PROTEST POLICY
- A. Policy Recommendations - (*Timestamp 18:30*) Commissioner Brandon Hilpert noted recommendations the former Community Review Board, the ACLU, and MOGO (Community Advocates for Just and Moral Governance) submitted to the SDPD that were not accepted. He will take input from the Commission and draft a new recommendation list. This item will come back for Commission approval.
  - B. Public Comment  
Virtual Public Comment: Yusef Miller (*Timestamp 43:51*) - Identification of officers should be easy, and not assumed it is for participants to go to officers' house. If there is not proper identification, it can lead to a loss of reporting.
  - C. Discussion
- IX. POLICY COMMITTEE
- A. Presentation on the establishment of a standing Policy Committee for the CPP.
  - B. Public Comment - None
  - C. Discussion
  - D. **Motion:** 2<sup>nd</sup> Vice Chair Doug Case moved for the Commission to establish a standing Policy Committee after hiring an a Policy Advisor. Commissioner James Justus seconded the motion. The motion passed with a vote of 17-0-0.  
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Benitez, Beyer, Chatzky, Diaz, Flores, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, Rodriguez, and Rubio  
Nays: 0  
Abstained: 0  
Absent/Excused/Arrived Late: Aguilar, Canson, Griffin-Jones
- X. AD HOC OPERATING PROCEDURES (Ad Hoc Committee Chair Case)
- A. Presentation:
    1. Case Review Procedure
  - B. Public Comment - None
  - C. Discussion
  - D. Action:  
**Motion:** 2nd Vice Chair Case moved to accept the Case Review Procedure. Commissioner Clovis Honoré seconded the motion. The motion passed with a vote of 17-0-0.  
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Benitez, Beyer, Chatzky, Diaz, Flores, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, Rodriguez, and Rubio  
Nays: 0  
Abstained: 0  
Absent/Excused/Arrived Late: Aguilar, Canson, Griffin-Jones
  - E. Presentation

1. Subpoena Procedure

F. Discussion

G. Action:

**Motion:** 2nd Vice Chair Case moved to accept the Subpoena Procedure. Commissioner John Armantrout seconded the motion. The motion passed with a vote of 17-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Chatzky, Diaz, Flores, Harvey, Honore, Hilpert, Honoré, Justus, Mendoza, Mulmat, Rodriguez, and Rubio

Nays: 0

Abstained: 0

Absent/Excused/Arrived Late: Aguilar, Canson, Griffin-Jones

XI. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Public Comment – None

B. Outside Counsel Mr. Duane Bennett – Led CPP into Closed Session

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be posted on the Commission's website at [www.sandiego.gov/cpp](http://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 (1)   |
| III.  | Category II Case Audit Reports (0)  |
| IV.   | Discipline Reports (4)  |
| V.    | Category I Case Review Reports (2)  |
| 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)   |
| IX.   | Finding Letter Example (1)  |

XII. REPORT OUT FROM CLOSED SESSION (7:16pm): Outside Counsel Duane Bennett reported that there was no reportable action.

XIII. COMMISSIONER COMMENTS:

- Commission John Armantrout (*Timestamp 1:18:21*) updated the Commission on his experience during a ride along.
- Commissioner and Ad Hoc Nominating Committee Chair Bonnie Benitez (*Timestamp 1:21:57*) reminded the Commission that the Cabinet elections are coming up.
- Commissioner Alec Beyer (*Timestamp 1:22:50*) spoke regarding the ending of terms at the end of June.
- Commissioner James Justus (*Timestamp 1:23:37*) spoke regarding the ending of terms at the end of June.
- Commissioner Yvania Rubio (*Timestamp 1:24:07*) requested more information

on how to nominate someone for the Commission and Cabinet.

- Commissioner Dwayne Harvey (*Timestamp 1:26:43*) spoke regarding the meaning of the Juneteenth holiday to the African American community.

XIV. ADJOURNMENT: The meeting adjourned at 7:27 pm.

DRAFT

**PROCEDURE FOR REVIEW AND EVALUATION OF  
COMPLIANCE WITH FEDERAL, STATE, AND LOCAL  
REPORTING LAWS AND REQUIREMENTS**

Pursuant to San Diego Municipal Code section 26.1107 (a)(8), the *Commission* must *review* and *evaluate* the *Police Department's* compliance with federal, state, and local reporting laws and requirements.

On an annual basis, or as determined by the San Diego Commission on Police Practices (Commission), the Commission shall obtain information and reporting data from the San Diego Police Department (Police Department) to review and evaluate the reporting of statistics and data to the State of California Department of Justice (DOJ), or as required by law. The Commission's review and analysis shall evaluate the timely reporting of statistics and information including, but not necessarily limited to, the laws, requirements, and DOJ reporting categories listed in Appendix A.

The San Diego Municipal Code requires that all officers and employees of the City cooperate promptly and fully with the Commission to ensure the Commission can timely and properly perform its duties as required by the Charter, ordinance, and state and federal laws.<sup>1</sup>

It is further required that the Police Department make available to the Commission its records, within ten calendar days after a written request from the Commission, relating to any matter under review or evaluation by the Commission. However, any disclosure of personnel records to the Commission must be in accordance with all applicable federal and state laws and regulations.<sup>2</sup>

The Commission is required to maintain the confidentiality of all Police Department records and City personnel records, in accordance with applicable laws, and to respond to requests by members of the public for records in the possession of the Commission in a manner consistent with the California Public Records Act and applicable constitutional, statutory, and case law that protects personnel records.

In accordance with City Charter section 57, the Chief of Police retains authority over the records of the Police Department. The Chief of Police must provide records to the Commission in whole and with all information unredacted unless, in the opinion of the Chief of Police, to do so will hinder a criminal investigation or will infringe upon the exercise of the Chief of Police's right to deliberative process and confidential communications with other law enforcement agencies, the Mayor, or with the subordinate employees of the Police Department regarding matters within the authority of the Chief of Police.

Within ten calendar days after a written request from the Commission, the Chief of Police must provide the Commission with Police Department records as specified in this section or a written explanation, setting forth the specific records or reasonably segregable portions of the records being withheld, the reason for the withholding or redactions, and the legal justification supporting the withholding or redactions.<sup>3</sup>

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<sup>1</sup> SDMC section 261108(a).

<sup>2</sup> SDMC section 261109 (a).

<sup>3</sup> SDMC Section 261109(b).

Pursuant to this procedure, on an annual basis and as needed, the Commission shall request records on reporting compliance in an accessible format for its review and evaluation. The Commission's review and evaluation may:

1. Analyze the Police Department's reporting compliance regarding categories listed in Appendix A below, or as specified, and verify the accuracy, completeness, and timeliness of information reported. Additional categories of reporting compliance may also be evaluated as relevant to the goals of the Commission.
2. Request that the Police Department identify its sources for the subject reported data. The Police Department shall provide the original data upon request.
3. Request that the Police Department describe its means and methodologies for collecting and reporting the data.

The Commission may create a checklist for compliance with reporting requirements and shall review and evaluate the Police Department's reporting compliance in an open meeting consistent with this procedure. The Department's record of compliance with reporting shall be presented annually by December 31 of each calendar year and discussed as noticed. The Commission shall make findings at the meeting or at a future meeting if necessary.

The Commission's findings on reporting compliance and any recommendations shall be reported to the Police Department within ten calendar days of the meeting in which the findings have been determined and posted to the Commission's website.

## Appendix A

### List of Federal, State, and Local Requirements

Below is the list of categories that the Police Department is required to report as mandated by federal, state, and local regulations. The list is not exhaustive and can be modified to include additional categories as afforded by law.

#### Arrest Information

Arrest information is reported to the DOJ and is maintained in the Monthly Arrest and Citation Register database. This database contains information on felony and misdemeanor level arrests for adults and juveniles. Data elements include name, race/ethnicity, date of birth, sex, date of arrest, offense level, offense type, status of the offense, and law enforcement disposition. This information is used annually in publishing *Crime in California*, *Homicide in California*, and the *Criminal Justice Profile* series. Age, sex, race/ethnicity, and offense information is forwarded to the FBI for publication in *Crime in the United States*.

*PC 13020. It shall be the duty of every city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Health and Welfare Agency, Department of Corrections, Department of Youth Authority, Youthful Offender Parole Board, Board of Prison Terms, State Department of Health, Department of Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:*

- (a) To install and maintain records needed for the correct reporting of statistical data required by him or her.*
- (b) To report statistical data to the department at those times and in the manner that the Attorney General prescribes.*
- (c) To give to the Attorney General, or his or her accredited agent, access to statistical data for the purpose of carrying out this title.*

*PC 13021. Local law enforcement agencies shall report to the Department of Justice such information as the Attorney General may by regulation require relative to misdemeanor violations of Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1 of this code.*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.

## Arson Data

Arson data are to be reported to the DOJ to provide information on the type of arson, the number of actual offenses, the number of clearances, and the estimated dollar value of property damaged. These data are published annually in *Crime in California* and the *Criminal Justice Profile* series.

*PC 13020. It shall be the duty of every city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Health and Welfare Agency, Department of Corrections, Department of Youth Authority, Youthful Offender Parole Board, Board of Prison Terms, State Department of Health, Department of Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:*

- (a) To install and maintain records needed for the correct reporting of statistical data required by him or her.*
- (b) To report statistical data to the department at those times and in the manner that the Attorney General prescribes.*
- (c) To give to the Attorney General, or his or her accredited agent, access to statistical data for the purpose of carrying out this title.*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.

## Assembly Bill 748 – Critical Incidents

This bill, commencing July 1, 2019, allows a video or audio recording that relates to a critical incident, as defined, to be withheld for 45 calendar days if disclosure would substantially interfere with an active investigation, subject to extensions, as specified. The bill allows the recording to be withheld if the public interest in withholding video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, in which case the bill allows the recording to be redacted to protect that interest. If the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction, the bill requires that the recording be promptly disclosed to a subject of the recording, his or her parent, guardian, or representative, as applicable, or his or her heir, beneficiary, immediate family member, or authorized legal representative, if deceased.

For purposes of this paragraph, a video or audio recording relates to a critical incident if it depicts any of the following incidents:



- An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury.

### **Assembly Bill 481 – Military Use Policy**

Assembly Bill (AB) 481 requires each law enforcement agency's governing body to adopt a written military use policy by ordinance in addition to other requirements by the bill. The following are required:

- Publish the draft military equipment use policy to the Police Department’s website 30 days ahead of a public hearing to approve the policy.
- Obtain approval by the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. (See definitions below)
- Publish an annual report by the law enforcement agency to include each type of military equipment approved by the governing body.
- Annual review of the military equipment use ordinance by the governing body, and option to either disapprove a renewal of a type of military equipment or amend the military equipment use policy if it determines that the military equipment does not comply with standards for approval.
- Hold at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.

A law enforcement agency that receives approval for a military equipment use policy is required to submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The annual report is also required to be made publicly available on the department's website.

#### *Additional Requirements for the Report*

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.

6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
7. Hold at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.

### **Assembly Bill 48 - Use of Force Reporting for Unlawful Assembly, Protests or Demonstrations**

Effective January 1, 2022, AB 48 amended Penal Code 13652 to ban the use of kinetic energy projectiles and chemical agents by law enforcement agencies to disperse any assembly, protest, or demonstration, except by officers who have received proper training in their uses to defend against a threat to life or serious bodily injury to any individual (including a peace officer), or to bring an objectively dangerous and unlawful situation safely and effectively under control. Uses must adhere to certain requirements as defined by AB 48.

*PC 13652.1(a): Each law enforcement agency shall, within 60 days of each incident, publish as summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control.*

Reports are due within 60 days of the incident.

### **Citizens' Complaints Against Peace Officers**

Agencies are to report information on the number of non-criminal and criminal (misdemeanor and felony) complaints reported by citizens against law enforcement personnel and the number of complaints that were sustained.

*PC 13012: (a) The information published on the OpenJustice Web portal pursuant to Section 13010 shall contain statistics showing all of the following:*

- (1) The amount and the types of offenses known to the public authorities.*
- (2) The personal and social characteristics of criminals and delinquents.*
- (3) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.*
- (4) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.*

*(5)(A) The total number of each of the following:*

*(i) Civilian complaints received by law enforcement agencies under Section 832.5.*

*(ii) Civilian complaints alleging criminal conduct of either a felony or a misdemeanor.*

*(iii) Civilian complaints alleging racial or identity profiling, as defined in subdivision (e) of Section 13519.4. These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, including, but not limited to, based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.*

*(B) The statistics reported pursuant to this paragraph shall provide, for each category of complaint identified under subparagraph (A), the number of complaints within each of the following disposition categories:*

*(i) "Sustained," which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of the evidence.*

*(ii) "Exonerated," which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.*

*(iii) "Not sustained," which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.*

*(iv) "Unfounded," which means that the investigation clearly established that the allegation is not true.*

*(C) The reports under subparagraphs (A) and (B) shall be made available to the public and disaggregated for each individual law enforcement agency.*

*(b) The department shall give adequate interpretation of the statistics and present the information so that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. This interpretation shall be presented in clear and informative formats on the OpenJustice Web portal. The Web portal shall also include statistics that are comparable with national uniform criminal statistics published by federal bureaus or departments.*

*(c) Each year, on an annual basis, the Racial and Identity Profiling Advisory Board (RIPA), established pursuant to paragraph (1) of subdivision (j) of Section 13519.4, shall analyze the statistics reported pursuant to subparagraphs (A) and (B) of paragraph (5) of subdivision (a) of this section. RIPA's analysis of the complaints shall be incorporated into its annual report as required by paragraph (3) of subdivision (j)*

*of Section 13519.4 and shall be published on the OpenJustice Web portal. The reports shall not disclose the identity of peace officers.*

### **Crimes and Clearances**

Crimes and clearances information is to be reported to the DOJ to provide statistical data on the offenses of criminal homicide, forcible rape, robbery, assault, burglary, larceny-theft, and motor vehicle theft. The data are to include the number of actual offenses as well as the number of clearances. Supplemental data are also collected on the nature of crime and the value of property stolen and recovered. Data are published annually in *Crime in California* and the *Criminal Justice Profile* series. This information is also forwarded to the FBI for publication in *Crime in the United States*.

*PC 13020. It shall be the duty of every city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Health and Welfare Agency, Department of Corrections, Department of Youth Authority, Youthful Offender Parole Board, Board of Prison Terms, State Department of Health, Department of Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:*

- (a) To install and maintain records needed for the correct reporting of statistical data required by him or her.*
- (b) To report statistical data to the department at those times and in the manner that the Attorney General prescribes.*
- (c) To give to the Attorney General, or his or her accredited agent, access to statistical data for the purpose of carrying out this title.*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.

### **Deaths in Custody**

Information on persons who die while in the custody of a local or state law enforcement agency is to be reported to the DOJ to provide descriptive statistical information on the circumstances relating to the death. In addition to an agency's initial report of an inmate death, an annual survey will be conducted to verify the total number of inmate deaths per agency per calendar year.

*GC 12525: In any case in which a person dies while in the custody of any law enforcement agency or while in custody in a local or state correctional facility in this state, the law enforcement agency or the agency in charge of the correctional facility shall report in writing to the Attorney General, within 10 days after the death, all facts in the possession of the law enforcement agency or agency in charge of the correctional facility concerning the death. These*

writings are public records within the meaning of Section 7920.530 of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and are open to public inspection pursuant to Sections 7922.500 to 7922.545, inclusive, 7923.000, and 7923.005. Nothing in this section shall permit the disclosure of confidential medical information that may have been submitted to the Attorney General's office in conjunction with the report except as provided in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.

Reports are due within 10 days of the date of death.

### **Domestic Violence-Related Calls for Assistance**

Domestic violence information is to be reported to the DOJ to provide monthly summary statistical data on the number of domestic violence-related calls received, number of cases involving weapons, and the type of weapon used during the incident. This information is published annually in *Crime in California* and the *Criminal Justice Profile* series.

*PC 13730 (a). Each law enforcement agency shall develop a system, by January 1, 1986, for recording all domestic violence-related calls for assistance made to the department including whether weapons are involved. All domestic violence-related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident. Monthly, the total number of domestic violence calls received and the numbers of those cases involving weapons shall be compiled by each law enforcement agency and submitted to the Attorney General. . . .*

*(c) Each law enforcement agency shall develop an incident report form that includes a domestic violence identification code by January 1, 1986. In all incidents of domestic violence, a report shall be written and shall be identified on the face of the report as a domestic violence incident. The report shall include at least all of the following:*

*(1) A notation of whether the officer or officers who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance.*

*(2) A notation of whether the officer or officers who responded to the domestic violence call determined if any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.*

### **Hate Crime**

Hate crime data are to be reported to the DOJ to provide information on the location of crime, type of bias-motivation, victim type (individual/property), number of victims/suspects, and victim's/suspect's race. This information is published in *Hate Crime in California*, an annual report to the California Legislature, and provided to the FBI for publication in *Crime in the United States*.

*PC 13023:(b)(1) The Attorney General shall direct state and local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to hate crimes.*

*(2) The Attorney General shall review state and local agencies' formal policies on hate crimes required by Section 422.87 and the hate crime brochure required pursuant to Section 422.92. The department shall review the policies and brochures for compliance with law. The department shall instruct any agency that did not submit a policy or brochure, or that submitted a legally noncompliant policy or brochure, to submit compliant documents.*

*(c)(1) Law enforcement agencies are required to submit the hate crime documents required by the Attorney General as follows...*

*(D) On or before January 1, 2028, each law enforcement agency in the Counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, Tulare, Imperial, Inyo, Mono, Riverside, San Bernardino, and San Diego shall produce their hate crime materials to the Department of Justice.*

*(2) The production of hate crime materials pursuant to paragraph (1) shall proceed on a four-year schedule and shall be ongoing. All law enforcement agencies, including special districts, shall produce to the Attorney General's office their hate crime materials on the specified date listed above, and then every four years thereafter in perpetuity.*

*(d) On or before July 1 of each year, the Department of Justice shall update the OpenJustice Web portal with the information obtained from law enforcement agencies pursuant to this section. The information shall include the names of agencies that submitted compliant policies and brochures, including any agency that submitted revised compliant documents. The department shall submit its analysis of this information to the Legislature in the manner described in subdivision (g) of Section 13010.*

*(e) Law enforcement agencies shall additionally post the information required in paragraph (1) of subdivision (b) to their internet websites on a monthly basis.*

*(f) For purposes of this section, "hate crime" has the same meaning as in Section 422.55.*

## **Homicide**

Homicide data are to be reported to the DOJ to provide information on the number of homicides, the victim/offender relationship, the day and month of the homicide, location, type of weapon used, and precipitating event. Homicide data are published annually in *Homicide in California*, *Crime in California*, and the *Criminal Justice Profile* series. Data are also reported to the FBI for publication in *Crime in the United States*.

*PC 13014 (b). Every state or local governmental entity responsible for the investigation and*

*prosecution of a homicide case shall provide the department with demographic information about the victim and the person or persons charged with the crime, including age, gender, race, and ethnic background.*

*PC 13022. Each sheriff and chief of police shall annually furnish the Department of Justice, in the manner prescribed by the Attorney General, a report of all justifiable homicides committed in his or her jurisdiction. In cases where both a sheriff and chief of police would be required to report a justifiable homicide under this section, only the chief of police shall report the homicide.*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.

### **Law Enforcement and Criminal Justice Personnel Survey**

Agencies are to report to the DOJ the number of full time, sworn, and non-sworn male and female law enforcement personnel employed by law enforcement agencies, District Attorneys, Public Defenders, or Probation Departments. Data are published annually in *Crime in California* and the *Criminal Justice Profile* series. Data are also provided to the FBI for publication in *Crime in the United States*.

*PC 13020. It shall be the duty of every city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Health and Welfare Agency, Department of Corrections, Department of Youth Authority, Youthful Offender Parole Board, Board of Prison Terms, State Department of Health, Department of Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:*

- (a) To install and maintain records needed for the correct reporting of statistical data required by him or her.*
- (b) To report statistical data to the department at those times and in the manner that the Attorney General prescribes.*
- (c) To give to the Attorney General, or his or her accredited agent, access to statistical data for the purpose of carrying out this title.*

Reports are due annually.

### **Law Enforcement Officers Killed or Assaulted**

Data on peace officers who were killed or assaulted in the line of duty are to be reported to the DOJ to provide information on the type of criminal activity, type of weapon used, type of assignment, time of assault, number with or without personal injury, police assaults cleared, and

officers killed by felonious act or by accident or negligence. This information is published annually in *Homicide in California*.

*PC 13020. It shall be the duty of every city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Health and Welfare Agency, Department of Corrections, Department of Youth Authority, Youthful Offender Parole Board, Board of Prison Terms, State Department of Health, Department of Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:*

*(a) To install and maintain records needed for the correct reporting of statistical data required by him or her.*

*(b) To report statistical data to the department at those times and in the manner that the Attorney General prescribes.*

*(c) To give to the Attorney General, or his or her accredited agent, access to statistical data for the purpose of carrying out this title.*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.

### **Racial and Identity Profiling Act (RIPA) Data**

In 2015, California passed the Racial and Identity Profiling Act (RIPA). The bill requires each state and local agency that employs peace officers to annually report data on all stops to the Attorney General's Office. In addition, RIPA also created a RIPA Board, which is tasked with making data collection and analysis recommendations to the Attorney General's Office. As one of the eight largest law enforcement agencies in California, the San Diego Police Department is required to begin collect data and provide that data to the State Department of Justice (DOJ). RIPA requires each agency to submit its data to DOJ by April 1st of the following year.

*GC 12525.5: (a)(1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.*

*(2) Each agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers*



shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

(b) The reporting shall include, at a minimum, the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for that passenger.

(7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

(A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) If more than one peace officer performs a stop, only one officer is required to collect and report to the officer's agency the information specified under subdivision (b).

(d) State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved. Law enforcement agencies are solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure pursuant to this section is not transmitted to the Attorney General in an open text field.

(e) Not later than January 1, 2018, the Attorney General, in consultation with stakeholders, including the Racial and Identity Profiling Advisory Board (RIPA) established pursuant to paragraph (1) of subdivision (j) of Section 13519.4 of the Penal Code, federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subdivision (b). The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, the regulations should be compatible with any similar federal data collection or reporting program.

*(f) All data and reports made pursuant to this section are public records within the meaning of Section 7920.530 and are open to public inspection pursuant to Sections 7922.500 to 7922.545, inclusive, 7923.000, and 7923.005.*

*(g)(1) For purposes of this section, "peace officer," as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. "Peace officer," as used in this section, does not include probation officers and officers in a custodial setting.*

*(2) For purposes of this section, "stop" means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.*

### **Reporting of Data on Vehicle Pursuits**

The Department must report data on vehicle pursuits in conjunction with Vehicle Code section 14004.7 and high-speed vehicle pursuits.

*VC14602.1 (a) Every state and local law enforcement agency, including, but not limited to, city police departments and county sheriffs' offices, shall report to the Department of the California Highway Patrol, on a paper or electronic form developed and approved by the Department of the California Highway Patrol, all motor vehicle pursuit data.*

*(b) Effective January 1, 2006, the form shall require the reporting of all motor vehicle pursuit data, which shall include, but not be limited to, all of the following:*

*(1) Whether any person involved in a pursuit or a subsequent arrest was injured, specifying the nature of that injury. For all purposes of this section, the form shall differentiate between the suspect driver, a suspect passenger, and the peace officers involved.*

*(2) The violations that caused the pursuit to be initiated.*

*(3) The identity of the peace officers involved in the pursuit.*

*(4) The means or methods used to stop the suspect being pursued.*

*(5) All charges filed with the court by the district attorney.*

*(6) The conditions of the pursuit, including, but not limited to, all of the following:*

*(A) Duration.*

*(B) Mileage.*

*(C) Number of peace officers involved.*

*(D) Maximum number of law enforcement vehicles involved.*

*(E) Time of day.*

*(F) Weather conditions.*

*(G) Maximum speeds.*

*(7) Whether a pursuit resulted in a collision, and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.*

*(8) Whether the pursuit involved multiple law enforcement agencies.*

*(9) How the pursuit was terminated.*

*(c) In order to minimize costs, the department, upon updating the form, shall update the corresponding database to include all of the reporting requirements specified in subdivision (b).*

*(d) All motor vehicle pursuit data obtained pursuant to subdivision (b) shall be submitted to the Department of the California Highway Patrol no later than 30 days following a motor vehicle pursuit.*

*(e) The Department of the California Highway Patrol shall submit annually to the Legislature a report that includes, but is not limited to, the following information:*

*(1) The number of motor vehicle pursuits reported to the Department of the California Highway Patrol during that year.*

*(2) The number of those motor vehicle pursuits that reportedly resulted in a collision in which an injury or fatality to an uninvolved third party occurred.*

*(3) The total number of uninvolved third parties who were injured or killed as a result of those collisions during that year.*

Reports are due no later than 30 days following a pursuit.

### **Reporting on Anti-Reproductive Rights Crime Data**

Anti-Reproductive-Rights Crimes data are to be reported to the DOJ to provide information on crimes that are committed against reproductive health services providers, clients, assistants, or the facilities where these services are provided or at a place of worship because of the church's beliefs regarding reproductive rights. The data include the location of the crime, victim type (individual/property), race/ethnicity, gender of victims and suspects, weapon involved, and property loss or damage.

*PC 13777 (a). . . .the Attorney General shall do each of the following:*

*(1) Collect and analyze information relating to anti-reproductive-rights crimes, including, but not limited to, the threatened commission of these crimes and persons suspected of committing these crimes or making these threats.*

*(2) Direct local law enforcement agencies to report to the Department of Justice, in a manner that the Attorney General prescribes, any information that may be required relative to anti-reproductive-rights crimes. . . .*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.<sup>4</sup>

### **Senate Bill 16 – Disclosure of Certain Peace Officer Records of Sustained Complaints**

Effective January 1, 2022, SB 16 amended sections of the Penal Code to expand publication of peace officer and custodial officer records relating to the report, investigation, or findings of any of the following:

- A sustained finding involving a complaint that alleges unreasonable or excessive force.
- A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- 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.
- 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.
- 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.

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<sup>4</sup> All reporting due dates are reflected in the State of California Department of Justice Criminal Statistics Reporting Requirements, effective in April 2014, and/or reflected by California law.

## **Senate Bill 1421 – Disclosure of Certain Records Related to Reports, Investigations and Findings**

Effective January 1, 2019, SB 1421 amended sections of the Penal Code which generally made all peace officer personnel records and information confidential and exempt from disclosure, except by motion in a criminal, civil, or administrative action.

SB 1421 created exceptions that allow the public to obtain peace officer and custodial officer records relating to the report, investigation, or findings of:

- An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
- 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.
  - 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.
  - 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.
- Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of 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 sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

### **Senate Bill 2 - Reporting Requirements for Serious Misconduct of Officers**

Senate Bill (SB) 2 requires State of California Commission on Peace Officer Standards and Training (POST) to revoke certification when an individual has become ineligible to hold office as a peace officer under Government Code section 1029, or when an individual has been terminated for cause for, or otherwise engaged in, “serious misconduct”. SB 2 leaves the precise definition of “serious misconduct” open to regulatory interpretation by POST, but it specifies that the term shall at a minimum, include all of the following:

1. Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including making false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct;

2. Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest;
3. Physical abuse, including, but not limited to, the excessive or unreasonable use of force;
4. Sexual assault;
5. Demonstrating bias on the basis of any legally protected status, in violation of law or department policy, or in a manner inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner;
6. Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by POST;
7. Participation in a "law enforcement gang;"
8. Failure to cooperate with an investigation into potential police misconduct; and
9. Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.

The bill also amends Penal Code section 832.7 (the Pitchess statute) to allow disclosure to POST of otherwise-confidential peace officer personnel records.

SB 2 also amended Government Code section 1029 to exclude the following individuals from peace officer employment:

1. An individual discharged from the military after adjudication by a military tribunal for committing an offense that would have been a felony if committed in California, whether or not the person received a criminal conviction for the offense.
2. An individual convicted of a felony, including by a guilty plea or a plea of nolo contendere, will remain disqualified even if a later court sets aside, vacates, withdraws, expunges, or otherwise reverses the conviction, unless the court specifically finds the person to be factually innocent of the crime for which they were convicted.
3. An individual convicted of any one of several specific enumerated crimes of dishonesty, or conduct in another jurisdiction that would have constituted one of those crimes if committed in California. The listed crimes include, but are not limited to, bribery, corruption, perjury, falsifying evidence, witness tampering, forging or falsifying government records, tampering with a jury or the jury selection process.
4. An individual adjudicated to have committed acts that would constitute one of those enumerated crimes in an administrative, military, or civil judicial process that requires at least "clear and convincing evidence."

5. An individual whose POST certificate was revoked (or denied) or who voluntarily surrendered the certification.
6. An individual whose name appears in the National Decertification Index or any similar database designated by the federal government and the individual's certification as a law enforcement officer was revoked for misconduct, or if the individual engaged in serious misconduct that – had they been employed in California – would have resulted in POST revoking their certificate.

In addition, Section 1029 requires the DOJ to supply POST with any disqualifying felony or misdemeanor conviction data for all persons known to be current or former peace officers.

SB 2 requires all agencies that employ peace officers to submit reports to POST any time one of the following occurs:

1. The agency employs, appoints, terminates, or separates from employment any peace officer, including involuntary terminations, resignations, and retirements.
2. A complaint, charge, or allegation of conduct is made against a peace officer employed by the agency that could result in decertification.
3. A civilian oversight entity or review board, civilian police commission, police chief, or civilian inspector general makes a finding or recommendation that a peace officer employed by the agency engaged in conduct that could result in decertification.
4. The final disposition of an investigation determines that a peace officer engaged in conduct that could result in decertification, regardless of the discipline imposed (if any).
5. A civil judgment or court finding is made against a peace officer based on conduct that could result in decertification, or a settlement is reached in civil case against a peace officer or the employing agency based on allegations of officer conduct that could result in decertification.

The Police Department has ten days to make the relevant report. For reports regarding separation of a peace officer, the bill requires agencies to execute and submit an “affidavit-of-separation” form under penalty of perjury, which must describe the reason for separation and whether the separation is part of resolving or settling any pending charge or investigation.

The reporting requirements do not necessarily require that the reportable conduct is egregious enough to make it likely that POST will ultimately decertify the officer.

The Police Department is required to complete any investigation into allegations of “serious misconduct” by a peace officer – i.e. conduct that could subject a peace officer to decertification – regardless of the employment status of the officer. Even if a peace officer voluntarily resigns, retires, is released from probationary employment, is terminated on unrelated grounds, or

separates from employment for any other reason so that no disciplinary action could take place, the Department may still be required to complete any pending investigation of serious misconduct.

Any time that the Department has reported to POST a complaint, charge, or allegation of serious misconduct, the Department must retain the investigation records, including any physical or documentary evidence, witness statements, analysis, and conclusions, for at least two years after making the report. The Department must also make the records available for inspection by POST on request.

### **Violent Crimes Committed Against Senior Citizens**

San Diego County handles over 10,000 reports of elder and dependent adult abuse each year. Information regarding violent crimes committed against senior citizens must be reported to DOJ to provided summary data on the number of persons 60 years of age or older who were victims of homicide, forcible rape, robbery and aggravated assault.

*Senate Concurrent Resolution No. 64, Chapter 147, 1982, be it resolved by the Senate of the State of California, the Assembly thereof concurring, that local law enforcement officials are requested to make every attempt to modify their data gathering procedures and computer storage systems to provide information as to the number of victims of violent crimes who are 60 years of age or older.*

Reports are due monthly, by the 10<sup>th</sup> working day of the month.





**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

**Date:** June 20, 2024

**To:** Scott Walh, Chief, San Diego Police Department

**From:** Gloria Tran, Chair, Commission on Police Practices  
via Danell Scarborough, Interim Executive Director

**Subject:** **Recommendations to SDPD's First Amendment Activity Facilitation and Management Procedures (4.17)**

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Beginning in June 2020, the Commission on Police Practices (Commission or CPP) began working collaboratively with the San Diego Police Department (SDPD) to create a stand-alone procedure to give officers and the community more clarity as to how SDPD responds to protest related activities.

The Commission began research of nationwide best practices, held several community meetings to gather feedback and shared our learnings with SDPD. In February 2021, SDPD released 4.17. The following month, CPP requested 19 revisions or clarifications and the department responded in May 2021, a revised procedure was released August 2022. In May 2024, CPP invited former Chief Nisleit and Executive Assistant Chief Connelly to attend and present the protest procedures.

We also received a copy of the memo from ACLU/MOGO requesting changes to the procedure as well as SDPD's response.

In the Department's May 2021 response to CPP recommendations, a common theme was that the recommendations were already addressed in other procedures, there is not yet agreed upon best practices or POST does not offer guidance. Multiple procedures already reference or reiterate other procedural requirements. We believe in the activity of a protest event, clear and unambiguous procedures is vital, without having to cross-reference other procedures.

At the Commission's June 18, 2024 meeting, the following recommendations were passed by a vote of X-X-X.

**1. Define "peaceful demonstrator" and "legal observer"**

Please add definitions of "peaceful demonstrator" and "legal observer" to section IV. Proposed options:

Peaceful demonstrator - Individuals attending a First Amendment protected activity, who are not suspected of committing a serious or violent crime or do not pose an

immediate threat of harm to officers or others.

Legal observers - Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities where there is a potential for conflict between the public or activists and the police, security guards, or other law enforcement personnel.

**2. Dispersal orders**

In VII. C.2. and 7, clarify the legal standard (which states that officers are not required to use any specific words) vs. SDPD's procedure (which states officers shall use specific dispersal orders).

Current procedure references both, which creates confusion. SDPD indicated that 4.17 is more restrictive than California law. We recommend making this requirement explicitly clear.

**3. Dispersal technique**

We share the ACLU/MOGO's recommendation, that the procedure should make clear that force shall not be used indiscriminately, rather targeted only against specific individuals whose conduct justifies such force.

**4. Enhance definition and section of "unlawful assembly"**

Current case law narrows the statute to assemblies "which are violent or which pose a clear and present danger of imminent violence."

**5. Planning for protest events**

- We recommend deleting V. A. 7. E. (has the Department previously worked with the organizers, have previous events been lawful). Each protest event needs to be reviewed from a fresh lens, regardless of past events.

- Composition of event attendees (V. A. 7. i.) should be elaborated upon as the current explanation could cause bias-based perceptions and/or discriminatory policing.

**6. Adding "legal observers" to XII. Public Information and the Media**

The Commission believes that peaceful legal observers should not be specifically targeted. We believe the easiest way to achieve this would be to add legal observers to this section of the procedure, specifically XII. B. which states "the media shall never be targeted for dispersal or enforcement action because of their media status."

**7. OC Spray usage at protests**

The CPP wanted to make sure a UC Davis incident (where 11 peaceful sitting protestors were pepper sprayed) does not happen in San Diego. We recommend specifically reiterating in the procedure that use of OC is prohibited during passive resistance (per 1.06).

We recommend using the verbiage use in Philadelphia's procedures which expressly "prohibit(s) the use of Chemical Weapons and Kinetic Energy Munitions by any member of the Department on any individual engaging in First Amendment Activities."

**8. Officer ID Numbers on Flexcuffs**

Previously we had recommended that officers write their ID numbers on flexcuffs when they detain someone. This recommendation was previously rejected, however at our May 2024 meeting, former Chief Nisleit indicated he would reconsider this recommendation.

**9. Officer Identification Requirements**

The Commission continues to believe that officers should be required to provide their

name and badge/ID numbers upon request by members of the public. We recommend that the ability for officers to only provide an ID number be discontinued.

We were told that there is concern of officers being “doxxed,” however officers already have the ability have much of their personal information redacted from public records such as the DMV.

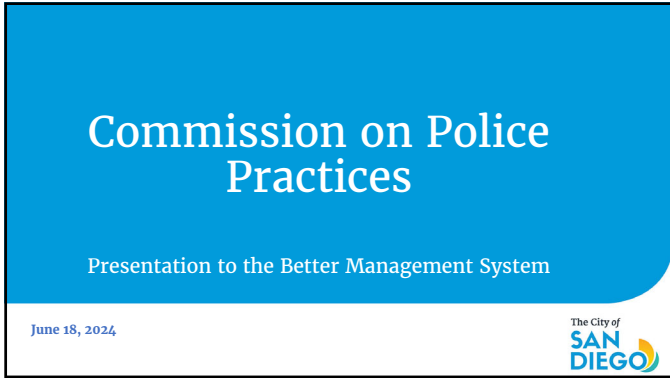
**10. Speciality Munitions**

The current (IX. D. 4. And X.) should be enhanced to describe when these munitions may be used, how they will be used and the order of escalation they may be used in.

If you have any questions, please do not hesitate to contact me at [TranG@sandiego.gov](mailto:TranG@sandiego.gov).

Gloria Tran, Chair  
Commission on Police Practices

cc: Honorable Mayor Todd Gloria  
Eric Dargan, Chief Operating Officer  
Paola Avila, Chief of Staff  
Paul Connelly, Executive Assistant Chief  
Jeffrey Peterson, Captain, Internal Affairs  
Matt Yagyagan, Deputy Director of Policy, Mayor’s Office  
Chida Warren-Darby, Director, Office of Boards and Commissions  
Duane Bennett, Outside Counsel, Commission on Police Practices  
Members of the Commission on Police Practices



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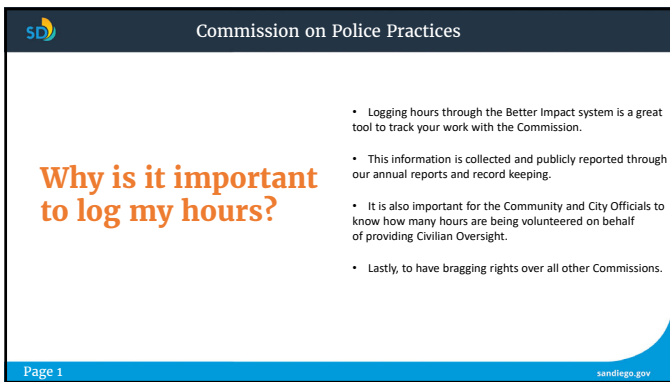
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**Desktop Login**

- On your home page, click the hours tab.
- Under Hours, click on the organization to select which activity you are logging for from your drop screen.

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**Desktop Login**

- Select the specific activity that you are logging hours for. There will be a question related to your activity. Please answer as this demonstrates the impact of your service. Type in the hours you served and click save.

ACTIVITY	HOURS	DATE VOLUNTEERED	DATE CREATED	STATUS	ACTIONS
Meetings - Meetings with CFP Cabinet	1:00	4/22/2024	4/29/2024	Approved	View / Delete
Meetings - CFP All Hqs Operating Procedures Committee Meetings	1:30	4/24/2024	4/29/2024	Approved	View / Delete
Meetings - CFP Regular Business Meeting (open/closed)	3:00	5/1/2024	4/29/2024	Approved	View

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**Better Impact System**

**Mobile Login**

- Download the My Impact app to your device.
- Enter username and password.
- Click the menu button in the left hand corner to open the green tab.
- Click the hours.
- Type in the activity and the hours you served and log hours.

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## Better Impact System

**What are the categories listed in the better impact system?**

- CONFERENCES/SEMINARS/WORKSHOPS
- CPP CASE REVIEW
- CPP COMMUNITY OUTREACH
- MEETINGS
- OTHER CPP DUTIES
- RIDE ALONGS
- CPP COMMISSIONER ONBOARDING
- TRAINING ACADEMY SCHEDULE

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## Better Impact System

**How often do I need to update my hours?**

- Please try to get your hours submitted monthly or as soon as possible.
- If you go three consecutive months without logging hours your profile will become inactive. If this happens, please reach out to staff to help you reset your login.

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**THANK YOU!**

**Questions?**

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