

COMMISSION ON POLICE PRACTICES
Wednesday, November 6, 2024
4:30pm-7:30pm

REGULAR BUSINESS MEETING
AGENDA

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

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

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

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

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

Meeting ID: 161 095 0576

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

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

or more people to 15 minutes or less.

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

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

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

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

Comments received no later than 11 am 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 Gloria Tran)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES
 The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.
- IV. APPROVAL OF MEETING MINUTES (Chair Tran)
 - A. CPP Regular Meeting Minutes of October 23, 2024
- V. NON-AGENDA PUBLIC COMMENT
 (Executive Director Paul Parker)
- VI. POLICE PURSUIT AD HOC COMMITTEE (Ad Hoc Pursuit Policy Committee Chair Doug Case)
 - A. Final Pursuit Policy Recommendations
 - B. Risk Management Payouts
 - C. Public Comment
 - D. Discussion
 - E. Action: Vote on Final Pursuit Policy Recommendations
 - F. Action: Vote to send Risk Management a recommendation to clearly categorize/note payouts pertaining to police pursuits
- VI. ADOPTION OF CPP RESOLUTION ESTABLISHING AN AD HOC NEGOTIATING COMMITTEE AND DESIGNATING THE NEGOTIATING TEAM FOR NEGOTIATIONS BETWEEN THE CITY AND SAN DIEGO POLICE OFFICERS ASSOCIATION (Outside Counsel Duane Bennett)
 - A. Presentation
 - B. Public Comment
 - C. Discussion
 - D. Action Items:
 - 1. Vote on Adoption of Resolution
 - 2. Vote on Ad Hoc Negotiating Committee Members
 - 3. Scheduling of Initial Meeting of the Ad Hoc Negotiating Committee
- VII. CHAIR REPORT (Chair Tran)
- VIII. EXECUTIVE DIRECTOR REPORT (Executive Director Parker)

IX. COMMISSIONER COMMENTS (TIME PERMITTING)

X. CLOSED SESSION

A. Public comment

B. Outside Counsel Duane Bennett – Lead CPP into Closed Session
(Not Open to the Public)

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5–832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be announced and posted on the Commission’s website at www.sandiego.gov/cpp.

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| 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 (0) |
| V. In-Custody Death (0) |
| VI. Case Review Group Reports (3) |
| VII. Case-Specific Recommendations to the Mayor/Chief (0) |
| VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0) |
| IX. Legal Opinion(s) Request & Response (0) |

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

XII. ADJOURNMENT

Materials Provided:

- DRAFT Minutes from Regular Meeting on October 23, 2024
- Pursuit Recommendations – Final
- Pursuit Policy Report – Final
- Pursuit Policy Recommendations – Background
- Report to the Commission – Final
- CPP Resolution Regarding Negotiations

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or commissionpolicepractices@sandiego.gov.

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
SPECIAL MEETING
AND COMMUNITY HEARING
Wednesday, October 23, 2024**

4:30pm-7:30pm
Live Well San Diego
5101 Market Street
San Diego, CA 92114

Click **PENDING** to view this meeting on YouTube.

CPP Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis Brown

2nd Vice Chair Doug Case

Octavio Aguilar

Bonnie Benitez

Alec Beyer

Cheryl Canson (arrived at 5:08pm)

Lupe Diaz (arrived at 5:08pm)

Jessica Dockstader

Dwayne Harvey (arrived at 4:35pm)

Brandon Hilpert

Clovis Honoré

James Justus

Viviana Ortega

Imani Robinson (arrived at 4:35pm)

Gonzalo Rocha-Vazquez

Ada Rodriguez

Excused:

John Armantrout

Stephen Chatzky

Dan Lawton

Darlanne Mulmat

Armando Flores

Absent:

None

CPP Staff Present:

Paul Parker, Executive Director (virtual)

Duane Bennett, CPP Outside Counsel

Olga Golub, Chief Investigator (virtual)

Aaron Burgess, Policy Manager

Alina Conde, Executive Assistant

Jon'Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:30pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established quorum.
- III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES: The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.
- IV. APPROVAL OF MEETING MINUTES
 - A. CPP Regular Meeting Minutes of October 1, 2024
 1. **Motion:** Commissioner Brandon Hilpert moved for approval of the amended CPP Regular Meeting Minutes of October 1, 2024. The minutes were amended by Commissioner Justus who asked that we add his community visits. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 11-0-0.
Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Dockstader, Hilpert, Honoré, Justus, Ortega, and Rodriguez
Nays: 0
Abstained: 0
Excused/Late Arrival: Armantrout, Canson, Chatzky, Diaz, Flores, Harvey, Lawton, Mulmat, and Robinson
- V. NON-AGENDA PUBLIC COMMENT

In Person Public Comment: Francine Maxwell (*Timestamp 4:58*) Spoke regarding the transparency of CPP with completion of city trainings and posting highlights in social media to better recruit for the Commission.

Virtual Written Public Comment: John Doe (*Timestamp 6:26*) Spoke regarding his complaint and case with SDPD/CPP. He specifically spoke on the outcome and how his complaint wasn't investigated thoroughly.
- VI. CHAIR/CABINET REPORT
 - Commissioner Christina Griffin-Jones has resigned from the CPP. City Council is now taking nomination for 3 seats of the Commission (two low-to-moderate and one at large categories). Nomination period is open from now to November 8th.
 - The Pursuit Police Ad Hoc Committee will be presenting final recommendations at the next meeting on November 6th. CPP Policy Manager Aaron Burgess has been working closely with the Committee to help finalize the recommendations.
 - Training and Continuing Education, Community Outreach, and Rules Committee Chairs are working to schedule first meetings. Community Outreach Committee will meet on the week of November 18th. Rules Committee will meet on November 7th. The Training and Continuing Education Committee is still to

be determined and the Executive Committee is scheduled to meet in December. The meetings are to be held in the OCPP offices.

- Reminder to the CPP to not violate confidentiality and share any information from complaints or cases publicly.
- If a commissioner needs an excused absence, please email Chair Tran and Executive Director Parker by noon the day of the meetings.
- The CPP Cabinet, Executive Director, Chief Investigator, and Policy Manager attended the in-person NACOLE conference in Tucson, Arizona from 10/12-10/17. (*Timestamp 11:56*)

VII. EXECUTIVE DIRECTOR REPORT

- One of the new CPP Investigator's will start on October 28th. The other investigator will start mid-November.
- The OCPP is still on track to start the Deputy Executive Director, General Counsel, and Performance Auditor search on or around January 2025.
- Executive Director Paul Parker will be meeting with Human Resources to have a final meeting to have these positions posted.

VIII. UPDATE OF CPP OPERATING PROCEDURES AND NEGOTIATION PROCESS BETWEEN THE CITY AND SAN DIEGO POLICE OFFICERS ASSOCIATION (OUTSIDE COUNSEL DUANE BENNETT)

- A. Presentation – CPP Outside Counsel Duane Bennett presented the update of CPP Operating Procedures and negotiation process between the City and San Diego Police Officers Association (*Timestamp 32:22*)
- B. Public Comment
 - In Person Public Comment:** Francine Maxwell (*Timestamp 36:58*) – Requests that the CPP require a timeline that the CPP will respond to the POA.
 - Virtual Public Comment:** Tasha Williamson (*Timestamp 38:25*) – Echoes the requests to set a timeline for the CPP to respond to the POA.
- C. Discussion by Commission
- D. Action: Vote on direction for Chair to send memo to City Leaders
 1. **Motion:** Commissioner Alec Beyer moved for Chair Tran to send a memo to City leaders (City Council, Media, etc.) regarding the CPP operations procedures and negotiation process between the City and San Diego Police Officers Association. Commissioner Ada Rodriguez second the motion. The motion failed with a vote of 4-10-2.
Yays: Aguilar, Beyer, Diaz, and Dockstader
Nays: 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Canson, Harvey, Hilpert, Honore, Justus, Ortega, and Robinson
Abstained: Rocha -Vazquez and Rodriguez
Excused/Late Arrival: Armantrout, Chatzky, Flores, Lawton, and Mulmat
 2. **Motion:** Commissioner Harvey moved for Chair Tran to draft a letter to City leader and have Commissioners review the memo at next scheduled meeting on November 6, 2024. 2nd Vice Chair Case seconded the motion. The motion passed with a vote of 15-1-1.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Canson, Diaz, Dockstader, Harvey, Hilpert, Justus, Robinson, Rocha-Vazquez, and Rodriguez
Nays: Honore
Abstained: Ortega

- IX. INTERNAL AFFAIRS COMMUNICATIONS
- A. Presentation of current IA/CPP Interaction Process – Executive Director Paul Parker presented the updates regarding Internal Affairs and Commission on Police Practices interactions. (*Timestamp 1:21:56*)
 - B. Public Comment – None
 - C. Discussion by Commission – (*Timestamp 1:25:09*)
- X. OFFICER-INVOLVED SHOOTING/IN CUSTODY DEATH – SDPD FILE ACCESS (EXECUTIVE DIRECTOR PAUL PARKER)
- A. Presentation of IA Proposals – Executive Director Paul Parker presented the Internal Affairs proposal for SDPD file access to OIS and In Custody Death files. (*Timestamp 1:33:51*)
 - B. Public Comment
 - In Person Public Comment:** Francine Maxwell (*Timestamp 1:36:54*) – Requests for the CPP to request that City Council Marni von Wilpert to put together a special meeting regarding this item. She urges for the CPP to hold elected officials accountable for what is happening in the community.
 - Virtual Public Comment:** Tasha Williamson (*Timestamp 1:38:58*) – Urges the CPP to obtain what is necessary from the department. She requests for the CPP to take their concerns out to the community regarding problems the CPP is facing.
 - C. Discussion by Commission – (*Timestamp 1:39:58*)
 - D. Action: Vote on direction for Executive Director re: OIS/In Custody Death File Access
 - 1. **Motion:** 2nd Vice Chair Doug Case moved for Chair Tran to draft letter to Chief of Police with guidance from outside counsel Duane Bennet regarding CPP's access to SDPD files for officer-involved shooting and in custody deaths. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 16-0-0.
Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Canson, Diaz, Dockstader, Harvey, Hilpert, Honore, Justus, Ortega, Robinson, Rocha-Vazquez, and Rodriguez
Nays: 0
Abstained: 0
Excused: Armantrout, Chatzky, Flores, Lawton, and Mulmat
- XI. COMMISSIONER COMMENTS – Tabled
- XII. CLOSED SESSION (NOT OPEN TO THE PUBLIC)
- A. Outside Counsel Duane Bennett led CPP into Closed Session
 - B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be posted on the Commission's website at www.sandiego.gov/cpp or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

- 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 (3)
- V. In-Custody Death (0)
- VI. Case Review Group Reports (3)
- VII. Case-Specific Recommendations to the Mayor/Chief (0)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)
- IX. Legal Opinion(s) Request & Response (0)

XIII. REPORT OUT FROM CLOSED SESSION (7:28pm): Outside Counsel Duane Bennett reported that there was no reportable action.

XIV. ADJOURNMENT: The meeting adjourned at 7:30 pm.

DRAFT

Commission on Police Practices

Pursuit Policy Recommendations

Overview:

The San Diego Commission on Police Practices (Commission) holds that San Diego Police Department (SDPD) vehicle pursuits should prioritize the protection of human life. Whereas the mission of the SDPD is *to maintain peace and order by providing the highest quality police service in response to community needs*, the Commission maintains that vehicle pursuits, particularly at high speeds, present significant risks to the community, officers, suspects, and property. The Commission has examined SDPD Procedure 1.03 – **Pursuit Procedures** and California Vehicle Code sections 17004.7 and 14602.1 to align SDPD vehicle pursuit policies with California state law. SDPD’s vehicle pursuit purpose, policies, and procedures should prepare officers to effectively respond to high-speed chases while, to the extent possible, minimize the risk of injury or death to San Diego residents and themselves.

The Commission on Police Practices recommends the following:

1. **Revise the Purpose of the SDPD Pursuit Procedures (1.3 Section I):** The purpose of SDPD Pursuit Procedures should be updated to prioritize the protection of life. The Purpose should add, “to protect the lives and safety of officers and the public”, to read: “This Department procedure establishes guidelines to protect the lives and safety of officers and the public, to enhance the effectiveness of a pursuit, and to reduce the likelihood of incidents that could lead to potential liability.”
2. **Define Pursuit Consistently (1.3 section IV):** SDPD should seek clear and consistent guidelines on how a pursuit is defined. The SDPD definition of a pursuit should be identical to the CHP definition of pursuit to ensure uniform reporting standards. The San Diego Police Department’s Pursuit Definition should read: “*An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using high-speed or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer’s signal to stop.*”
3. **Restrict Pursuit Justifications (1.3 section V):** SDPD should add a section that outlines restricted actions and situations in which do not justify a pursuit. Certain types of offenses generally should not justify a pursuit.

Pursuits should be avoided for the following circumstances (1.3 section V):

Infractions: Officers may not initiate a pursuit for mere infractions.

Property Offenses: Crimes such as automobile theft or the operation of a stolen vehicle typically do not warrant a pursuit unless other aggravating factors, such as armed resistance, are present.

Misdemeanors: Pursuits for misdemeanor offenses, including failure to yield, should be rare unless there is clear evidence that the suspect poses an immediate danger to the public.

Traffic Violations: Unless reckless driving creates a direct and severe threat to public safety, traffic violations should not lead to pursuits. The pursuit of traffic violators often creates more danger than the initial infraction.

Non-Violent Warrants: Pursuing individuals wanted on non-violent warrants should be avoided, as these cases generally lack an immediate threat to public safety.

4. **Verbal & Physical Acknowledgment of Pursuit Termination (1.3 section VIII (C)):** SDPD should require that all officers involved in a pursuit should acknowledge its termination over the radio while performing an action, such as pulling over from the road, to ensure that every officer is aware of the termination of the pursuit, eliminating any potential confusion.
5. **Establish a Vehicle Pursuit Review Board (1.3 section V):** SDPD should create a Vehicle Pursuit Review Board that includes at least one member of the CPP. The board would publish a quarterly public report detailing SDPD vehicle pursuits and conduct a comprehensive review of pursuit data, including trend identification, tactical evaluation, and recommended policy improvements. This review board would conduct post-pursuit reviews and analysis of each Pursuit Report and provide feedback to division Captains where needed and findings to the Commission on Police Practices. SDPD should ensure that lessons learned and key outcomes from high-profile vehicle pursuits are shared with all personnel to improve future tactics and decision-making.
6. **Inclusion of Terminated Pursuit Accident in Report Analysis (1.3 section VI/ Section VI /Section XVI):** SDPD should ensure that any incident that results in injury, death, or property damage following a pursuit—whether it was initiated, terminated, or re-engaged—be included in SDPD's official CHP187A/SDPD Pursuit Data Sheet form to report accurate data collection and accountability.
7. **Familiarize and Integrate CPP Staff with SDPD Training Curriculum:** SDPD develops a system to provide CPP staff with a comprehensive understanding of the SDPD's training curriculum, enhancing their ability to assess and provide oversight on departmental practices.
8. **Explore Advanced Technologies for Pursuit Management:** SDPD should explore the use of technologies such as GPS tracking, drone surveillance, pursuit management software, and training simulations or virtual reality to improve the monitoring, control, and safety of vehicle pursuits.
9. **Pursue Law Enforcement Accreditation:** SDPD should pursue accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Commission on Police Practices

Pursuit Policy Recommendation Supplementary Report

Executive Summary:

Whereas the mission of the San Diego Police Department (SDPD) is *to maintain peace and order by providing the highest quality police service in response to community needs*, the City of San Diego Commission on Police Practices has convened an Ad Hoc Pursuit Policy Committee with the purpose of examining San Diego Police Department Procedure 1.03 – Pursuit Procedures with a philosophical understanding that San Diego Police vehicular pursuits should aim to protect human life. Pursuits, particularly at high speeds, present significant risks to officers, suspects, bystanders, and property. The primary purpose of San Diego Police Department's pursuit procedures should focus on protecting lives and safety. San Diego Police Department's vehicle pursuit purpose, policies, and procedures should prepare officers to effectively respond to high-speed chases while, to the extent possible, minimizing risk of injury or death to themselves and the public.

SDPD's pursuits increased 46%, from 439 in 2019 to 640 in 2021. Collisions resulting in injuries also saw a 37% upward trend, from 43 in 2019 to 59 in 2022. In San Diego, Black residents make up 6% of the population, and Hispanic or Latino residents make up 35%, while White residents account for 74%. However, a review of SDPD pursuits shows that over fifty percent involve Black or Hispanic suspects, highlighting a notable disparity in pursuit demographics relative to the city's population distribution. Sixty-one percent of these pursuits were initiated for infractions with a quarter of them resulting in collisions. Data from the Bureau of Justice Statistics indicate that only thirty percent of pursuits result in arrests, and an even smaller percentage lead to convictions, underscoring potential inefficiencies versus the high risks involved. Seventy-five percent of collisions in pursuits cause injuries to one or more individuals. The speeds of pursuits were above 100 miles per hour in more than half of San Diego police chases. This data, from CPP Council's *Pursuit Data and Analysis of SDPD Pursuits Report to the Commission 2019-2014 Totals*, reflects the blatantly significant dangers posed by these high-speed chases.

Policing incidents that result in injury should be viewed as a public health concern justifying deeper analysis. The future we envision with these recommendations is one where police pursuits are well-justified and less common, where community safety is paramount, and where tragic incidents are significantly less likely to occur. These CPP recommendations are intended to refine current policies and increase transparency to ensure pursuits are handled in the safest manner possible. To increase public oversight and improve policy, we propose the creation of a Vehicle Pursuit Review Board that would regularly publish data and reports on SDPD's pursuit activities. By implementing these changes, we hope to foster a climate of trust and safety that reassures the community that their voices are heard and their lives valued.

Research/Methodology:

In developing these recommended changes, the Ad Hoc Pursuit Policy Committee has examined various law enforcement reports and strategies. Our research evaluated the San Diego Police Department's pursuit policies against the latest best practices endorsed in the [September 2023 report by the U.S. Department of Justice's Community Oriented Policing Services \(COPS\)](#), [California Commission on Peace Officer Standards and Training \(POST\)](#) and the [2022 Police Executive Research Forum \(PERF\) Report of Police Pursuits](#). Our approach was both thorough and multidimensional, involving a closer examination of data concerning pursuit-related incidents and their outcomes. In addition to statistical evaluation of [Racial and Identity Profiling Act \(RIPA\) data](#) and a review of [California state laws](#), the committee has conducted a review of vehicle pursuit policies from 17 California agencies and 7 nationwide.

Police Executive Research Forum 2022 Report

The PERF report was developed with contributions from leading experts such as Dr. Geoffrey Alpert, Professor at the University of South Carolina and chair of the working group; Chief Jason Potts of the Las Vegas Department of Public Safety; and Colonel Matthew Langer of the Minnesota State Patrol. Their collective expertise, along with insights from other seasoned law enforcement professionals and researchers—including those from PERF staff like Executive Director Chuck Wexler and COPS Office specialists like Nazmia E.A. Comrie—provided a robust foundation for best practices in police pursuits. Our comparative analysis also drew upon wisdom from the PERF report, where they considered the policies from 48 different departments and utilized over 150 reference material, all stemming from a variety of professional studies on police practices, city reports, and city policy documentation. This comprehensive review was instrumental in highlighting disparities and identifying areas ripe for reform and could not have been done without the hard work from many communities all over the U.S.

California Commission on Peace Officer Standards and Training

The guidelines established in this report focus on the importance of vehicle safety and protecting the public. In 2018, California was 4th in the country in pursuit-related fatalities with 26 deaths. While things have improved, California has a complicated history with police pursuits. The following recommendations are designed to modernize the SDPD pursuit policy and procedures.

U.S. Department of Justice Office of Community Oriented Policing Services

The Office of Community Oriented Policing Services (the COPS Office) of the U.S. Department of Justice talks about making institutional reforms that can be evaluated to reinforce a sustained effort. The report defines community policing as “a philosophy that promotes organizational change strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues,

such as crime, disorder, and fear of crime.” The recommendation to create a Pursuit Review Board that integrates the Commission on Police Practices utilizes this philosophy (**Recommendation 6**). San Diego voters agree that community policing works, advocating for the oversight body, that we know as the Commission on Police Practices, with a commanding seventy-five percent affirmative vote.

Pursuit Recommendations from the City of San Diego Commission on Police Practices + Explanations

(Recommendation 1) (1.3 Section I) We strongly recommend revising the purpose statement to explicitly include the commitment to safeguarding the lives and safety of both officers and the public. The current purpose statement in the SDPD Pursuit-Policy Procedures reads: “This Department procedure establishes guidelines to enhance the effectiveness of a pursuit and reduce the likelihood of incidents that could lead to potential liability.” This statement focuses primarily on operational effectiveness and limiting liability but fails to mention the critical aspect of community safety and the protection of life. The Purpose should add, “to protect the lives and safety of officers and the public”.

This recommendation would update the Pursuit Purpose to read: *“This Department procedure establishes guidelines to protect the lives and safety of officers and the public, to enhance the effectiveness of a pursuit, and to reduce the likelihood of incidents that could lead to potential liability.”*

Including community safety in the purpose statement reinforces the Department's dedication to the well-being of the public, which is essential for building and maintaining trust between law enforcement and the community. Emphasizing community safety aligns the Department's policies with its core mission to protect and serve and demonstrates a proactive approach to building community trust.

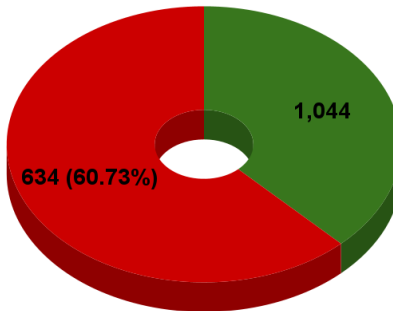
(Recommendation 2) (1.3 section IV) SDPD should seek clear and consistent guidelines on how a pursuit is defined, particularly regarding incidents that occur after a pursuit has been officially terminated. The SDPD definition of a pursuit should be identical to the CHP definition of pursuit to ensure uniform reporting standards. We suggest removing the highlighted section below:

(SDPD) Vehicle Pursuit – *an event involving one or more law enforcement officers, who are operating an authorized emergency vehicle, attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics to avoid arrest, such as highspeed driving, driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer's signal to stop (emergency lights and siren).*

(CHP) Vehicle Pursuit – an event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using high-speed or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer’s signal to stop. (Also referred to in the California Commission on Peace Officer Standards and Training Vehicle Pursuit Guidelines).

(Recommendation 3) (1.3 section V) SDPD should add a section that outlines restricted actions and situations that do not justify a pursuit. Certain types of offenses generally do not justify the risks of a pursuit. Officers may only initiate a pursuit when they reasonably believe that failing to apprehend the suspect poses an immediate and significant threat to public safety. This determination should be based on observable behaviors—such as violent actions or credible threats—not merely on reckless driving while fleeing from law enforcement. Pursuing officers should avoid acting on speculative threats, ensuring that their decision reflects real, present dangers. Law enforcement experts emphasize that "imminent threat" should be measured by the suspect's actual actions (e.g., armed robbery or attempted assault), as opposed to hypothetical risks.

Infraction Violation Observed By SPDP Before Initiating Pursuits



● TOTAL # OF PURSUITS ● % OF PURSUITS INITIATED DUE TO AN INFRACTION

CPP Council. *Pursuit Data and Analysis of SDPD Pursuits: Report to the Commission, 2019-2024 Totals*. 2024

Pursuits should be avoided for the following circumstances (1.3 section V):

Infractions: Officers may not initiate a pursuit for infractions.

Property Offenses: Crimes such as automobile theft or the operation of a stolen vehicle typically do not warrant a pursuit unless other aggravating factors, such as armed resistance, are present.

Misdemeanors: Pursuits for misdemeanor offenses, including failure to yield, should be rare unless there is clear evidence that the suspect poses an immediate danger to the public.

Traffic Violations: Unless reckless driving creates a direct and severe threat to public safety, traffic violations should not lead to pursuits. The pursuit of traffic violators often creates more danger than the initial infraction.

Non-Violent Warrants: Pursuing individuals wanted on non-violent warrants should be avoided, as these cases generally lack an immediate threat to public safety.

The decision to initiate or discontinue a pursuit should always prioritize public safety above all else. By adhering to strategic guidelines and restrictions, officers can ensure that they are making informed, well-calculated decisions in high-pressure situations. These restrictions are designed to minimize the risks inherent in police pursuits while ensuring that suspects who pose genuine threats to the community are apprehended effectively.

If a vehicle is being driven in an erratic or dangerous manner, such as in cases of suspected driving under the influence (DUI), officers may initiate a pursuit if they believe the suspect poses an immediate and serious risk to the public. However, even in these situations, a risk assessment should be conducted, and supervisory oversight is crucial. Pursuing a DUI suspect, for example, might be justified if the driver is swerving dangerously through a crowded area, but the pursuit should be terminated if it endangers more lives than it protects. Every pursuit poses risks, both to the public and those involved in the chase. Per existing SDPD procedures, officers benefit from conducting a risk assessment, which includes considering factors such as traffic conditions, time of day, the presence of pedestrians, and weather conditions before initiating or continuing a pursuit. The potential danger of the pursuit itself should be lower than the danger posed by allowing the suspect to remain at large.

(Recommendation 4) (1.3 section VIII (C)) SDPD should require verbal/physical acknowledgment of pursuit termination. All officers involved in a pursuit should acknowledge its termination over the radio while performing an action, such as pulling over to the side of the road, to ensure that every officer is aware of the termination of the pursuit, eliminating any potential confusion.

(Recommendation 5) (1.3 section V) SDPD should establish a Vehicle Pursuit Review Board that includes at least one member of the Commission on Police Practices. The board would publish a quarterly public report detailing SDPD vehicle pursuits and conduct a comprehensive review of pursuit data, including trend identification, tactical evaluation, and recommended policy improvements. This review board would conduct post-pursuit reviews and analysis of each Pursuit Report and provide feedback to division Captains where needed and findings to the Commission on Police Practices. SDPD should ensure that lessons learned and key outcomes from high-profile vehicle pursuits are shared with all personnel to improve future tactics and decision-making. This aligns with the COPS/PERF recommendation (4.5, 4.6), with New Orleans having a very clear post-pursuit process.

The Pursuit Review Board should distribute lessons learned and outcomes of high-profile vehicle pursuits to all personnel. This dissemination of information fosters a culture of continuous learning

and improvement, enabling officers to apply insights from past pursuits to enhance future responses. By conducting thorough reviews and providing training summaries, outcomes, and overviews, the department can prevent the recurrence of similar incidents and improve overall response strategies. The Pursuit Review Board should also provide statistical pursuit data on a quarterly basis, comparing current data to the prior year's activity. The Commission requests to receive this data on a quarterly basis once compiled. Additionally, if past quarterly reports are available, the Commission requests to receive those for the last 5 years.

(Recommendation 6) (1.3 section V/ Section VI /Section XVI) SDPD should include, in the accident report analysis, any incident that results in injury, death, or property damage following a pursuit—whether it was initiated, terminated, or re-engaged—in SDPD's official pursuit report for accurate data collection and accountability. Additionally, when filing accident reports following pursuits, it should be clearly stated whether the accident was a result of a terminated pursuit. For example, the California Highway Patrol (CHP) includes a provision for injuries and fatalities sustained after a pursuit in their reporting. SDPD should ensure consistency and clarity in its own pursuit definitions.

(Recommendation 7) SDPD should familiarize and integrate CPP staff and Commissioners with SDPD Training Curriculum. SDPD should develop a system to provide CPP staff and Commissioners with a comprehensive understanding of the SDPD's training curriculum, enhancing their ability to assess and provide oversight on Departmental practices. This would ensure that CPP's future evaluations and recommendation are well informed and rooted in a comprehensive understanding of what officers are taught. This would lead to more accurate and constructive oversight. Moreover, a shared knowledge base between SDPD and CPP would improve communication and collaboration.

(Recommendation 8) SDPD should explore Advanced Technologies for Pursuit Management. SDPD should explore the use of technologies such as GPS tracking, drone surveillance, pursuit management software, and training simulations or virtual reality to improve the monitoring, control, and safety of vehicle pursuits. Advanced technologies may be able to give law enforcement a broader view of various incidents and aid in deciding whether to continue or terminate a pursuit. Researching advancements would demonstrate a commitment to modernizing law enforcement practices and improving efficiency.

(Recommendation 9) SDPD should pursue accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA). This accreditation would not only enhance the Department's standards and practices but also demonstrate a commitment to excellence in law enforcement. CALEA membership requires the members/departments to perform yearly vehicle pursuits analysis. Pursuing an accreditation provides a structured and informed path toward procedural excellence.

Applied Policy + Procedure Implications:

The 9 recommendations, listed above, prioritize the protection of lives and safety, emphasizing the need for law enforcement officers to carefully consider several key factors before initiating or continuing a pursuit. With these balanced recommendations, SDPD is expected to reduce unnecessary risks to both officers and the public, minimize the number of high-speed chases, and lower the likelihood of collisions and injuries. These recommendations ultimately help SDPD deliver higher quality and responsive service that aligns with the needs and concerns of the communities they serve by supporting officers in assessing critical factors before initiating a pursuit. By placing safety at the center of pursuit policies, SDPD can provide a more measured approach to a variety of incidents. This will ultimately strengthen community trust by improving the standard of service to the public, thus improving the reputation of the San Diego Police Department. By implementing the Commission on Police Practices in efforts to review pursuit data, policy, and procedures regularly, SDPD can be at the forefront of public safety standards.

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Pursuit Policy Recommendations (Background Document)

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Introduction

In light of recent tragedies and ongoing community concerns, the San Diego Commission on Police Practices embarked on a comprehensive evaluation of the vehicle pursuit policies at the San Diego Police Department (SDPD). This initiative was catalyzed by a series of tragic events, most notably the heartbreaking deaths of 8-year-old Malakai and 4-year-old Mason Orozco-Romero. Their untimely passing, along with serious injuries to their mother and aunt, underscored the urgent need for reform in police pursuit policies. Deeply impacted by these events, the Commission has worked tirelessly to understand and address the factors that led to these losses, with the goal of ensuring such incidents do not recur.

The formation of an ad hoc Pursuit Policy Committee reflects the Commission's dedication to re-evaluating SDPD's Procedure 1.03 – Pursuit Procedures, with a focus on aligning our policies with both national and international best practices. This document serves as the background and foundation for a forthcoming set of pursuit policy recommendations. Through this evaluation, the Commission has sought to shed light on the critical areas for policy improvement, informed by extensive research and an in-depth analysis conducted over the past months.

Since the initial tragic events, the Commission has continued to document the repercussions of vehicle pursuits within the San Diego community. Despite incremental progress, these pursuits have led to further harm, including the recent deaths of Officer Austin Marchitar and teen driver Edgar Oviedo, as well as serious injuries to Officer Zachary Martinez. Each incident amplifies the community's call for change and highlights the need for SDPD to prioritize the protection and preservation of human life in its policies.

While this document is not the final set of recommendations, it allowed the committee to gain invaluable insights from a multitude of perspectives. Through examining policies from 17 California agencies and seven others nationwide, alongside the latest best practices from international law enforcement bodies, the committee has developed a thorough understanding of what is required to foster public safety effectively. The resulting recommendations, presented here in preliminary form, set the stage for SDPD to take decisive action in the interest of community well-being.

In the following sections, we detail our findings, covering methodology, pursuit criteria, additional recommendations, training needs, and international best practices. The Commission, alongside the San Diego community, urges SDPD to act on these insights, to restore public trust, and to establish a future in which the safety of all citizens is paramount. This moment represents a pivotal opportunity for meaningful reform, and we hope SDPD will embrace it wholeheartedly.

Methodology

Our approach was both thorough and multidimensional, involving a closer examination of data concerning pursuit-related incidents and their outcomes. This extensive analysis aimed to dissect the effectiveness of pursuits in terms of successful apprehensions, subsequent prosecutions, and convictions. For instance, national statistics reveal that while vehicle pursuits are relatively common, the rate at which they result in arrests and successful prosecutions varies significantly, pointing to the need for a more strategic approach. Specifically, data from the Bureau of Justice Statistics indicate that only about 30% of pursuits result in arrests, and an even smaller percentage lead to convictions, underscoring potential inefficiencies and the high risks involved.

Furthermore, our analysis of pursuit data from major California police departments highlights concerning trends in both the frequency of pursuits and the associated risks:

- **Los Angeles Police Department (LAPD):** In 2021, LAPD experienced the highest number of pursuits at 3,117, a significant increase from 1,756 in 2019. Correspondingly, collisions resulting in injuries rose from 184 in 2019 to 273 in 2021. Notably, fatalities due to collisions peaked at 21 in 2021, tripling the number from 2019.
- **San Diego Police Department (SDPD):** SDPD's pursuits increased from 439 in 2019 to 640 in 2021. Collisions resulting in injuries also saw an upward trend, from 43 in 2019 to 59 in 2022. While fatalities decreased from 4 in 2019 to 1 in both 2021 and 2022, the persistence of fatalities underscores ongoing risks.
- **San Diego County Sheriff's Department:** Pursuits rose from 124 in 2019 to 164 in 2022. Collisions resulting in injuries increased from 8 in 2019 to 15 in 2021, with fatalities first appearing in 2021 and 2022 at one per year.
- **San Francisco Police Department:** Pursuits more than doubled from 97 in 2019 to 201 in 2021. Collisions resulting in injuries increased from 9 in 2019 to 13 in both 2020 and 2022. Fatalities occurred in 2020 and 2022, each with one fatality.
- **Riverside Police Department:** Pursuits peaked at 607 in 2020, up from 460 in 2019. Collisions resulting in injuries increased from 41 in 2019 to 53 in 2021. Fatalities spiked to 4 in 2020 before dropping to zero in subsequent years.
- **Sacramento Police Department:** Pursuits increased from 477 in 2019 to 581 in 2022. Collisions resulting in injuries peaked at 50 in 2021. Fatalities were recorded in 2019 (1) and increased to 2 in both 2021 and 2022.

These statistics illustrate not only an increase in the number of pursuits but also a concerning rise in high-speed pursuits and associated injuries and fatalities. For example, the LAPD reported pursuits reaching speeds over 100 mph, with the highest recorded speed at 180 mph in 2020 and 2021. Similarly, SDPD documented pursuits exceeding 100 mph on both highways and surface streets, with maximum speeds reaching up to 170 mph.

This data underscores the significant risks that high-speed pursuits pose to public safety, officers, and suspects. The increase in pursuits and associated negative outcomes emphasizes the urgent need for policy reforms to mitigate these dangers.

Moreover, the committee meticulously evaluated the San Diego Police Department's (SDPD) pursuit policies against the latest best practices endorsed in the September 2023 report by the U.S. Department of Justice's Community Oriented Policing Services (COPS), the National Highway Traffic Safety Administration (NHTSA), and the Police Executive Research Forum (PERF). This report was developed with contributions from leading experts such as Dr. Geoffrey Alpert, Professor at the University of South Carolina and chair of the working group; Chief Jason Potts of the Las Vegas Department of Public Safety; and Colonel Matthew Langer of the Minnesota State Patrol. Their collective expertise, along with insights from other seasoned law enforcement professionals and researchers—including those from PERF staff like Executive Director Chuck Wexler and COPS Office specialists like Nazmia E.A. Comrie—provided a robust foundation for best practices in police pursuits. Our comparative analysis also drew upon wisdom from the PERF report, where they considered the policies from 48 different departments and utilized over 150 reference material, all stemming from a variety of professional studies on police practices, city reports and city policy documentation. This comprehensive review was instrumental in highlighting disparities and identifying areas ripe for reform and could not have been done without the hard work from many communities all over the U.S. .

In addition to statistical evaluation, our methodology encompassed legal scrutiny within the broader framework of California law, particularly focusing on compliance with statutes related to qualified immunity. This legal review ensures that any recommended modifications to pursuit procedures not only enhance operational effectiveness and safety but also adhere strictly to legal standards, thus protecting both the community and law enforcement personnel legally and physically.

Looking Forward

Imagine a San Diego where every resident—regardless of background or neighborhood—feels secure and respected, where public safety policies are grounded in compassion, fairness, and a shared commitment to preserving life. As one of the world's most visited cities and the largest international border crossing, San Diego is uniquely positioned to model progressive, inclusive, and impactful community policing. The recommendations in this document represent a pivotal opportunity for our city to forge a path where community trust and mutual respect are at the core of every interaction between law enforcement and the public.

If the San Diego Police Department (SDPD) embraces these recommendations, we will step closer to a future where police pursuits are an infrequent necessity, conducted with care, transparency, and a focused regard for the safety of all involved. With cutting-edge tools, rigorous training, and a culture of accountability, our officers can approach every situation with purpose and clarity. This approach will reduce preventable tragedies, strengthen our international ties, and honor the shared values that bind our communities across the border and throughout the city.

As SDPD implements real-time oversight, inclusive review boards, and data-driven decision-making, the city will witness fewer injuries and fewer lives disrupted by high-risk pursuits. Inspired by best practices from across the globe, our police department can lead the nation in transforming pursuit policy and fostering a city where all residents feel protected and heard.

This vision for San Diego goes beyond policy; it is a blueprint for trust and community empowerment. Transparent communication, shared responsibility, and a commitment to our city's diverse residents will demonstrate that SDPD's highest priority is the well-being of every San Diegan. Together, we have the chance to create a safer, more united San Diego, building a legacy that will inspire future generations and show that our collective safety and trust are at the heart of every decision made. Let us make San Diego a global model of safety, respect, and collaboration.

Criteria for Initiating or Discontinuing a Police Pursuit

When deciding whether to initiate or discontinue a police pursuit, law enforcement officers must weigh several critical factors to ensure public safety. This decision-making process hinges on a careful balance between the need to apprehend the suspect and the potential risk to bystanders, officers, and the suspect themselves. The following guidelines outline the key criteria for starting or stopping a pursuit:

1. Imminent Threat to Public Safety:

Officers may only initiate a pursuit when they reasonably believe that failing to apprehend the suspect poses an immediate and significant threat to public safety. This determination should be based on observable behaviors—such as violent actions or credible threats—not merely on reckless driving while fleeing from law enforcement. Pursuing officers must avoid acting on speculative threats, ensuring that their decision reflects real, present dangers. Law enforcement experts emphasize that "imminent threat" should be measured by the suspect's actual actions (e.g., armed robbery or attempted assault), as opposed to hypothetical risks.

2. Risk Assessment:

Every pursuit poses risks, both to the public and those involved in the chase. Before initiating or continuing a pursuit, officers must conduct a risk assessment, which includes considering factors such as traffic conditions, time of day, the presence of pedestrians, and weather conditions. The potential danger of the pursuit itself must be lower than the danger posed by allowing the suspect to remain at large. A structured tool like the Pursuit Decision Matrix can help officers quantify these risks, considering the severity of the suspect's crime and the likelihood of harm to bystanders or property. This tool also emphasizes that the safety of innocent civilians must remain the highest priority, and officers should err on the side of caution when the risks are unclear.

3. Supervisory Oversight

All pursuits should involve active and real-time supervisory oversight. Supervisors must continuously evaluate whether the pursuit remains necessary, considering the evolving conditions and the nature of the offense. This level of oversight mirrors that of other high-risk police actions, such as the use of lethal force. Research has shown that involving a supervisor in the decision-making process can lead to better outcomes and reduced pursuit incidents. Supervisors should monitor communication with the pursuing officers and intervene if the pursuit becomes too dangerous or if alternative methods of apprehension are available.

4. Unjustified Pursuits

Certain types of offenses generally do not justify the risks of a pursuit. Pursuits should be avoided for the following:

- **Property Offenses:** Crimes such as automobile theft or the operation of a stolen vehicle typically do not warrant a pursuit unless other aggravating factors, such as armed resistance, are present.

- **Misdemeanors:** Pursuits for misdemeanor offenses, including failure to yield, should be rare unless there is clear evidence that the suspect poses an immediate danger to the public.
- **Traffic Violations:** Unless reckless driving creates a direct and severe threat to public safety, traffic violations should not lead to pursuits. The pursuit of traffic violators often creates more danger than the initial infraction.
- **Non-Violent Warrants:** Pursuing individuals wanted on non-violent warrants should be avoided, as these cases generally lack an immediate threat to public safety.
- **Civil Infractions:** Pursuits for civil infractions should not be conducted under any circumstances, as the risks far outweigh the benefits.

5. Erratic or Dangerous Driving

If a vehicle is being driven in an erratic or dangerous manner, such as in cases of suspected driving under the influence (DUI), officers may initiate a pursuit if they believe the suspect poses an immediate and serious risk to the public. However, even in these situations, a risk assessment must be conducted, and supervisory oversight is crucial. Pursuing a DUI suspect, for example, might be justified if the driver is swerving dangerously through a crowded area, but the pursuit should be terminated if it endangers more lives than it protects.

In summary, the decision to initiate or discontinue a pursuit should always prioritize public safety above all else. By adhering to these guidelines, officers can ensure that they are making informed, well-calculated decisions in high-pressure situations. These criteria are designed to minimize the risks inherent in police pursuits while ensuring that suspects who pose genuine threats to the community are apprehended effectively.

6. Supervisory Authority to Terminate Pursuits

The Commission recommends that supervisors monitoring pursuits remotely should have the authority to terminate pursuits when they determine that continuing the pursuit poses unnecessary risks to public safety. Officers involved in the pursuit must acknowledge the supervisor's command to terminate and confirm that they have ceased the pursuit. Since supervisors are not directly involved in the chase and are less influenced by the adrenaline of the pursuit, they can make more objective decisions regarding the risk-to-reward ratio. While officers may initially feel frustrated when instructed to discontinue a pursuit, they may soon recognize that their supervisor's decision prioritizes their safety and that of the public. This approach balances the imperative of apprehending suspects with the need to maintain public safety.

Pursuit Policy Recommendations

1. **Hot Pursuits:** SDPD should create a clear description of when a vehicle pursuit is no longer hot and the circumstances when, after termination of a pursuit, a new pursuit may be initiated. The Commission recommends that after a pursuit has been terminated, a new pursuit may only be initiated if a NEW Serious felony is committed or if a supervisor approves a new pursuit. This aligns with the COPS/PERF recommendation (1.3) and several cities have similar procedures (Boston and Seattle).
2. **Supervisory Monitoring:** The Commission recommends that supervisors must actively monitor and approve vehicle pursuits. If a supervisor is not available, the pursuit will be terminated. This aligns with the COPS/PERF recommendation (2.2), with multiple cities having similar policies (Anaheim, Bakersfield, Baltimore, Boston, Fresno, Houston, Long Beach, New Orleans, Oakland, and Seattle).
3. **Vehicle Pursuit Review Board:** SDPD should create a vehicle pursuit review board, with at least one member of the public or CPP, which will publish a publicly available quarterly report detailing vehicle pursuits SDPD officers engage or participate in. The Board would conduct a comprehensive review of pursuit data, identifying trends, evaluating tactics, and implementing improvements to pursuit policies based on the assessment. This aligns with the COPS/PERF recommendation (4.5, 4.6), with New Orleans having a very clear post-pursuit process.
4. **Pursuit Termination:** The procedure should explicitly state that the driving officer(s) may end a pursuit without authorization when they deem doing so is in the best interest of public safety. Officers who choose to terminate a pursuit will not be disciplined or reprimanded for a decision to terminate a pursuit. The pursuing officer is in the best position to assess the risks in real-time and should not have to wait for confirmation from supervisors to terminate a pursuit if they deem it unsafe. (Chula Vista clearly notes that “no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved.”)
5. **Disagreement in Pursuit Termination:** Clarify the procedure regarding disagreements in pursuit termination. The policy should address when supervisors are not in agreement, leaving the decision to the Field Lieutenant or Watch Commander. The Commission recommends that if there is a disagreement among officers or supervisors on whether to continue or terminate a pursuit, the decision should default towards safety (terminate). If an officer involved in the pursuit determines the pursuit is not safe, it should be terminated even if others disagree. Officers who choose to terminate a pursuit will not be disciplined for a decision to terminate a pursuit.
6. **Degree of Care:** The procedures should emphasize that drivers, including exempt drivers under CVC 21055, must still operate their vehicles with the degree of care imposed by common law. CVC Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway. This ensures that their actions do not impose an unreasonable risk of harm on others.
7. **Reasonable and Prudent Behavior:** The Commission recommends examples of what constitutes reasonable and prudent behavior for police pursuit drivers under various circumstances to guide their decision-making during pursuits. For example, officers should consider time of day, traffic, pedestrians, or school zones nearby when determining if it is appropriate to engage in a pursuit. (San Francisco and Boston’s policy do a good job outlining these considerations.)
8. **Pursuit Intervention Tactics:** We recommend that the procedure be updated to detail the circumstances and conditions under which a supervisor may override procedure and approve pursuit intervention tactics like

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

9. **Speed Limits:** We recommend specific speed limits for pursuits in the policy to comply with the requirements of the CVC. Setting a speed limit helps mitigate risks and ensures the safety of all individuals involved in a pursuit. Chula Vista, San Francisco, and Stockton's policies list the factors that assist in determining the appropriate speed for a pursuit. (This is required by CVC 17004.7 (c)(7))
10. **Approved Vehicles:** Update the procedure to detail which police vehicles are and are not approved to be used in vehicle pursuits. The operation of Police Department Vehicle SDPD Procedure mentions that there are vehicles that are manufactured as "Police Pursuit Vehicles," including being equipped with speed-rated tires. The vehicle pursuit policy states: "Officers driving vans, trucks, and non-pursuit-rated sport utility vehicles should be aware that the vehicles may not handle as well as pursuit-rated vehicles. They should consider turning over the pursuit to the first available unit driving a pursuit-rated vehicle or terminating the pursuit." Since there are specific vehicles intended for vehicle pursuits, it is reasonable that a police vehicle that is not rated as a pursuit vehicle should not be used in a pursuit due to the risk to the officer and the public. (Chicago PD's procedure details the vehicle requirements clearly.)
11. **Revise the Purpose of the SDPD Pursuit Procedures** - The current policy indicates that the purpose is: "This Department procedure establishes guidelines to enhance the effectiveness of a pursuits and reduce the likelihood of incidents that could lead to potential liability." We recommend that "reduce the likelihood of incidents that could lead to potential liability" be replaced with "protect the lives and safety of officers and the public."

Training Recommendations

1. **Interactive Training:** Incorporate interactive elements such as case studies, simulations, and scenario-based exercises into the training sessions to enhance engagement and facilitate active learning. This approach can provide officers with practical experience and help them apply theoretical knowledge to real-life situations.
2. **Post-Pursuit Debriefings:** In coordination with the proposed Vehicle Pursuit Review Board, conduct post-pursuit debriefings or "lessons learned" discussions within the department to analyze the outcomes of past pursuits, identify areas for improvement, and reinforce key policy guidelines. This reflective practice can help officers learn from real scenarios and apply those insights to future pursuits.
3. **Policy Refreshers:** Implement regular policy refreshers after pursuits to reinforce the importance of adherence to vehicle pursuit procedures. These refresher sessions can serve as additional training and a reminder of the policy guidelines and promote consistency in decision-making among officers.
4. **Training Records:** Keep comprehensive training records that document mandatory department-wide required annual training, training when the pursuit procedure is updated, as well as a date when the policy was reviewed. This practice ensures that all officers are informed about policy changes and are accountable for staying up-to-date with the latest procedures.

Expert-Recommended Methods for Assessing Risk

To further enhance the decision-making process, the following expert-recommended methods should be incorporated into pursuit policy:

1. **Pursuit Decision Matrix:** This tool allows officers to systematically evaluate the risk factors associated with a pursuit by assigning numerical values to different variables, such as the severity of the crime, road and traffic conditions, time of day, and the presence of pedestrians or other vehicles. By quantifying these factors, officers can make more objective decisions about whether to initiate or continue a pursuit. This matrix also helps to standardize the decision-making process across different officers and departments.
2. **Real-Time Risk Assessment Software:** Some law enforcement agencies have begun implementing real-time risk assessment software that integrates data from multiple sources, such as traffic cameras, GPS, and weather reports, to provide officers and supervisors with up to-the-minute information on the conditions of a pursuit. This technology aids in making more informed decisions and can help prevent pursuits from escalating to dangerous levels.
3. **Training on High-Risk Decision Making:** Regular training sessions focused on high-risk decision making under stress can prepare officers to better handle the complexities of initiating or continuing a pursuit. This training often includes scenario-based exercises that simulate real-life pursuit situations, helping officers to practice and refine their decision-making skills in a controlled environment.

Regular Practices

1. **Lessons Learned Distribution:** The department should distribute lessons learned and outcomes of high-profile vehicle pursuits to all personnel. This dissemination of information fosters a culture of continuous learning and improvement, enabling officers to apply insights from past pursuits to enhance future responses. By conducting thorough reviews and providing training summaries, outcomes, and overviews, the department can prevent the recurrence of similar incidents and improve overall response strategies.
2. **Periodic Policy Review:** Utilizing lessons learned from the Vehicle Pursuit Review Board, identify any areas for improvement in policy, training, or procedures. Evaluate pursuit outcomes to assess the effectiveness of the policy changes in reducing risks and protecting public safety.
3. **Technology:** Explore the use of technology such as GPS tracking, drone surveillance, pursuit management software, training simulations/virtual reality to aid in monitoring and controlling pursuits. Entertain implementing systems that can remotely disable a fleeing vehicle (OnStar, remote disabling devices) if deemed necessary to prevent further harm.

Additional Recommendations

SDPD's existing pursuit procedures already include a post-pursuit review process. However, there are additional areas for improvement:

1. **Accident Report Analysis:** If a pursuit is initiated, terminated, and then results in injury, death, or property damage, this incident should still be included in SDPD's official pursuit report. Additionally, when filing accident reports following pursuits, it must be clearly stated whether the accident was a result of a terminated pursuit.
2. **Acknowledgment of Pursuit Termination:** Every officer involved in a pursuit must acknowledge the termination of the pursuit over the radio. This ensures that all involved officers are aware of the situation's status.
3. **Clarifying the Definition of a Pursuit:** SDPD should seek clarification on how a pursuit is defined, especially in relation to incidents that occur after a pursuit has officially ended. For example, the California Highway Patrol (CHP) includes a provision for injuries and fatalities sustained after a pursuit in their reporting. SDPD should ensure consistency and clarity in its own pursuit definitions.
4. **Post-Pursuit Reviews and Analysis:** SDPD Pursuit Procedures indicate that the Fleet Safety Sergeant conducts post-pursuit reviews and analysis of each Pursuit Report and provides feedback to division Captains where needed. The Fleet Safety Sergeant also provides statistical pursuit data on a quarterly basis, comparing current data to the prior year's activity. The Commission requests to receive this data on a quarterly basis once compiled. **Additionally, if past quarterly reports are available, the Commission requests to receive those for the last 5 years.**

5. Commission on Accreditation for Law Enforcement Agencies (CALEA):

Pursuing accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) represents a major step in reinforcing the credibility, operational excellence, and accountability of any law enforcement agency, including the San Diego Police Department (SDPD). Established as a rigorous, professional benchmark, CALEA accreditation ensures that agencies adhere to recognized standards that foster public trust and demonstrate a commitment to high-quality law enforcement services.

1. **Enhanced Credibility and Public Trust:** Accreditation by CALEA is a visible commitment to ethical practices, transparency, and adherence to best practices in law enforcement. This enhances an agency's public reputation, reassuring the community that its police department operates with integrity and accountability. Agencies achieve this credibility by implementing a code of ethics and maintaining a stringent review and compliance process aligned with CALEA's standards.
2. **Operational Improvement:** CALEA accreditation involves the adoption of structured, evidence-based policies and practices, contributing to improved efficiency and service delivery. By engaging in CALEA's five-step accreditation process, which includes self-assessment, independent review, and continuous feedback, agencies streamline their operations and address potential gaps in their current procedures. Accredited agencies report better management of resources and enhanced interdepartmental coordination, fostering a culture of continuous improvement and responsiveness to the community's evolving needs.
3. **Risk Management and Safety Assurance:** Through CALEA's guidelines, accredited agencies are well-equipped to handle high-risk situations safely and effectively. Agencies must conduct an annual review and assessment of all policies, especially those related to pursuits and other critical operations, ensuring they meet CALEA's best practice standards. This focus on risk management reduces liability and enhances safety for officers and the public alike, as agencies implement structured training, risk assessments, and safety protocols.

In short, CALEA's standards provide a framework for law enforcement agencies to not only meet but often exceed regulatory expectations. For SDPD, achieving CALEA accreditation could serve as a catalyst for greater public confidence, enhanced community relations, and a more effective, modern police force. The accreditation requires a continuous commitment to accountability, aligning with the core values that SDPD upholds in service to San Diego.

6. Revise the Purpose of the SDPD Pursuit Procedures:

Issue: The current purpose statement in the SDPD Pursuit Procedures reads: "This Department procedure establishes guidelines to enhance the effectiveness of a pursuit and reduce the likelihood of incidents that could lead to potential liability." This statement focuses primarily on operational effectiveness and limiting liability but fails to mention the critical aspect of community safety and the protection of life.

Recommendation: We strongly recommend revising the purpose statement to explicitly include the commitment to safeguarding the lives and safety of both officers and the public. Emphasizing community safety aligns the department's policies with its core mission to protect and serve and demonstrates a proactive approach to addressing community concerns.

Justification:

- **Community Trust:** Including community safety in the purpose statement reinforces the department's dedication to the well-being of the public, which is essential for building and maintaining trust between law enforcement and the community.
- **Holistic Approach:** A purpose statement that encompasses safety, effectiveness, and accountability provides a more balanced foundation for pursuit procedures, ensuring that all critical factors are considered in operational decisions.
- **Alignment with Best Practices:** National and international best practices prioritize the safety of all individuals during police pursuits. Revising the purpose statement to reflect this priority aligns SDPD's policies with these standards.

Examples of Revised Purpose Statements:

- **Example 1:** "This Department procedure establishes guidelines to enhance the effectiveness of pursuits while prioritizing the safety and protection of the public and our officers."
- **Example 2:** "The purpose of this procedure is to provide clear guidelines for conducting vehicle pursuits in a manner that maximizes public safety, minimizes risk, and ensures accountability for all actions taken."
- **Example 3:** "This policy outlines the standards for initiating, conducting, and terminating vehicle pursuits, emphasizing the preservation of life and safety of the community and officers above all else."

7. International Perspective on Pursuit Policies:

In developing the revised pursuit policies for the San Diego Police Department (SDPD), the committee has examined global law enforcement strategies. Best practices from countries with well-established pursuit guidelines provide crucial insights into enhancing public safety, minimizing risks, and ensuring accountability during police pursuits. Here, we explore key lessons from various countries, citing specific policies and approaches where available.

1. **United Kingdom:** In the UK, police pursuits are regulated by stringent guidelines that prioritize public safety above all. According to the College of Policing (2017), pursuits can only be initiated if there is a clear and imminent threat to life, and all efforts must be made to mitigate potential risks to bystanders and other road users. The policy emphasizes the role of command and control throughout the pursuit, ensuring that only highly trained officers engage in such operations. Commanding officers are required to monitor and, if necessary, terminate pursuits in real-time to prevent undue risk. The policy specifically states, "Pursuits must be immediately terminated if the risks outweigh the benefits" (College of Policing, 2017). This approach balances the necessity of capturing dangerous offenders with the imperative of public safety.
2. **Germany:** German pursuit guidelines, as outlined by the Federal Ministry of the Interior (2018), place a significant emphasis on de-escalation and avoiding direct high-speed chases whenever possible. Instead, German police are encouraged to use technology, such as GPS tracking and drones, to follow suspects. In situations where a pursuit is necessary, containment strategies—such as roadblocks and spike strips—are preferred over prolonged chases. These measures reduce the chances of accidents or injury to both officers and civilians. The policy explicitly notes, "De-escalation and containment are preferable to pursuits, which should only occur when technological alternatives have been exhausted" (Federal Ministry of the Interior,

2018). This technology-forward approach not only reduces risks but also preserves public confidence in law enforcement.

3. **Australia:** Australia takes a similarly cautious approach, with policies restricting pursuits to cases involving serious offenses, such as violent crimes or immediate threats to public safety. The Australian Institute of Criminology (2019) recommends using non-invasive technologies like GPS trackers or drones to monitor suspects' vehicles, allowing police to avoid direct engagements. Australian policy requires constant risk assessment during a pursuit, with officers instructed to discontinue if the danger to the public outweighs the need for immediate apprehension. The policy reads, "Pursuits should be avoided in favor of technological solutions unless there is an immediate threat to life or public safety" (Australian Institute of Criminology, 2019). The focus here is on reducing the reliance on high-speed chases, which have proven to be hazardous in urban areas.
4. **Canada:** In Canada, strict initiation guidelines govern police pursuits. As mandated by the Canadian Association of Chiefs of Police (2020), officers must obtain approval from a supervisor before engaging in a pursuit, and a detailed post-pursuit report is mandatory. This emphasis on documentation and oversight ensures that pursuits are thoroughly evaluated for procedural adherence and any necessary reforms. The Canadian approach is built on accountability, with a focus on continuous improvement through post-incident analysis. The policy states, "Every pursuit must be followed by a comprehensive report, documenting the reasons for initiation, actions taken during the pursuit, and the decision-making process throughout" (Canadian Association of Chiefs of Police, 2020). This not only holds officers accountable but also contributes to the development of safer pursuit practices over time.
5. **Sweden:** Sweden's policies are designed to centralize decision-making and increase oversight in pursuit situations. According to the Swedish National Police Board (2021), pursuits may only be authorized by senior officers, ensuring that such decisions are made by individuals removed from the immediate pressure of the situation. This hierarchical system reduces the frequency of pursuits and ensures that every action is thoroughly considered. The policy specifically states, "Pursuits are to be initiated only under direct authorization from a superior officer, following an assessment of the risks to public safety" (Swedish National Police Board, 2021). This model fosters a high level of accountability and reduces impulsive decision-making.
6. **Japan:** In Japan, police pursuits are extremely rare due to stringent restrictions on when they can be initiated. As outlined by the National Police Agency Japan (2020), only high-ranking officers can approve a pursuit, and this decision must be based on the presence of a serious threat, such as an imminent attack or a highly dangerous suspect. The policy stresses the need for careful oversight, stating, "Pursuits require the express permission of a senior officer, with continuous monitoring to ensure safety" (National Police Agency Japan, 2020). This conservative approach significantly minimizes the potential for high-speed chases, focusing instead on surveillance and interception methods.

7. **Netherlands:** In the Netherlands, police utilize negotiation tactics and early warning systems to avoid pursuits whenever possible. The Dutch Police Academy (2019) highlights that officers are trained in de-escalation techniques to communicate with suspects and encourage voluntary surrender before a chase begins. Additionally, the use of early warning systems allows officers to alert the public and coordinate responses with minimal disruption. The policy states, "Pursuit is a last-resort measure; officers are to prioritize negotiation and communication" (Dutch Police Academy, 2019). This approach reduces the frequency of dangerous high-speed chases and emphasizes conflict resolution.
8. **Norway:** Norwegian police place a significant emphasis on training officers to make informed decisions regarding pursuits. According to the Norwegian Police University College (2020), simulation-based training is a core component of pursuit decision-making education, equipping officers with the tools to assess risks accurately and decide whether to pursue or disengage. The policy notes, "Pursuit training includes regular simulation exercises to improve decision-making and risk assessment" (Norwegian Police University College, 2020). This method ensures that officers are prepared to handle pursuit situations calmly and professionally.
9. **Spain:** Spain's pursuit policies focus on clearly defined termination protocols. As stated by the Ministry of the Interior, Spain(2021), police officers must abandon a pursuit if it poses a significant risk to public safety. Spanish officers are also required to communicate their decisions in real-time with their superiors to receive approval for termination. The policy highlights the importance of public safety, noting, "Pursuits are to be terminated immediately when public safety is compromised" (Ministry of the Interior, Spain, 2021).
10. **Brazil:** In Brazil, the use of aerial surveillance is a key strategy for managing pursuits. The Federal Police of Brazil (2019) employs helicopters and drones to monitor suspects from above, reducing the need for risky high-speed chases. This strategy has proven effective in reducing accidents and injuries associated with pursuits. The policy specifically states, "Aerial surveillance is the preferred method of monitoring fleeing suspects, minimizing the need for direct vehicular pursuit" (Federal Police of Brazil, 2019).
11. **South Africa:** South Africa's pursuit policies integrate community policing principles, encouraging officers to work with the public to resolve pursuits safely. The South African Police Service (2018) emphasizes public cooperation and non-violent resolution techniques, using roadblocks and other containment strategies to avoid high-speed chases. The policy states, "Community cooperation and containment strategies should be prioritized over high-speed pursuits, reducing the risk to public safety" (South African Police Service, 2018).
12. **Italy:** Italy's pursuit policies focus on strategic roadblocks and coordinated control centers to manage high-risk situations. According to the Italian National Police (2020), officers are trained to use these methods as safer alternatives to high-speed chases. The policy reads, "The use of strategic roadblocks and coordinated control centers allows officers to apprehend suspects without engaging in dangerous pursuits" (Italian National Police, 2020). This reduces the need for direct engagement, keeping the public and officers safe.

13. **India:** India has embraced modern technology to manage pursuits without resorting to dangerous high-speed chases. The Ministry of Home Affairs, India (2021) outlines the use of GPS tracking and drones to monitor suspects, reducing the need for direct pursuit. The policy specifies, "GPS and drone technology should be used to track suspects, minimizing the necessity of engaging in high-speed pursuits" (Ministry of Home Affairs, India, 2021). By leveraging advanced technology, India ensures safer outcomes in pursuit situations.

14. **France:** France limits pursuits to cases involving serious felonies or imminent threats. The National Gendarmerie, France (2022) requires officers to continually assess the proportionality of their actions and abandon pursuits that do not meet these criteria. The policy mandates, "Pursuits are only to be initiated for serious offenses, with continuous risk assessments guiding whether to continue or terminate" (National Gendarmerie, France, 2022). This focus on proportionality ensures that pursuits are used judiciously.

15. **New Zealand:** In New Zealand, pursuits are treated as a last resort, with a strong emphasis on public safety. According to the New Zealand Police (2021), pursuits may only be initiated when all other methods of apprehension have failed, and even then, officers must prioritize the safety of the public. Post-pursuit analysis is mandatory, ensuring that each incident is thoroughly reviewed for possible improvements. The policy asserts, "Pursuits should only be initiated when absolutely necessary, with a strong emphasis on post-pursuit analysis to ensure best practices" (New Zealand Police, 2021).

These international examples provide a wealth of insights that can inform the SDPD's pursuit policies. From the UK's emphasis on imminent threats and command oversight to Brazil's use of aerial surveillance and Spain's strict termination protocols, these global practices demonstrate that effective pursuit policies prioritize public safety, de-escalation, and accountability. By incorporating elements from these proven strategies, SDPD can enhance its own pursuit guidelines to align with the highest standards of safety and professionalism.

Conclusion

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

The policies outlined in this report also align and/or build upon recommendations from the COPS/PERF report as well as dozens of publications over the past 30 years.

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

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

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

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

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Comisión de Prácticas Policiales

Recomendaciones de Política de Persecución

Descripción general: La Comisión de Prácticas Policiales de San Diego (la Comisión) sostiene que las persecuciones de vehículos del Departamento de Policía de San Diego (SDPD) deben priorizar la protección de la vida humana. Si bien la misión del SDPD es mantener la paz y el orden brindando un servicio policial de la más alta calidad en respuesta a las necesidades de la comunidad, la Comisión sostiene que las persecuciones de vehículos, en particular a alta velocidad, presentan riesgos significativos para la comunidad, los oficiales, los sospechosos y la propiedad. La Comisión ha examinado el Procedimiento 1.03 del SDPD – Procedimientos de Persecución – y las secciones 17004.7 y 14602.1 del Código de Vehículos de California para alinear las políticas de persecución de vehículos del SDPD con la ley estatal de California. El propósito, las políticas y los procedimientos de persecución de vehículos del SDPD deben preparar a los oficiales para responder de manera efectiva a las persecuciones a alta velocidad y, al mismo tiempo, minimizar, en la medida de lo posible, el riesgo de lesiones o muerte para los residentes de San Diego y para ellos mismos.

La Comisión de Prácticas Policiales recomienda lo siguiente:

1. **Revisar el propósito de los procedimientos de persecución del SDPD (Sección 1.3, I):** El propósito de los procedimientos de persecución del SDPD debe actualizarse para priorizar la protección de la vida. Se debe agregar el propósito de “proteger la vida y la seguridad de los oficiales y del público” para que diga: “Este procedimiento del Departamento establece pautas para proteger la vida y la seguridad de los oficiales y del público, mejorar la eficacia de una persecución y reducir la probabilidad de incidentes que podrían conducir a una posible responsabilidad”.
2. **Definir la persecución de manera consistente (Sección 1.3, IV):** El SDPD debe buscar pautas claras y consistentes sobre cómo se define una persecución. La definición de persecución del SDPD debe ser idéntica a la definición de persecución de la CHP para garantizar estándares de informes uniformes. La definición de persecución del Departamento de Policía de San Diego debe decir: “Un evento en el que uno o más agentes de la ley intentan detener a un sospechoso que conduce un vehículo motorizado mientras el sospechoso intenta evitar el arresto mediante el uso de alta velocidad u otras tácticas evasivas, como salir de una carretera, girar repentinamente o conducir de manera legal pero no ceder deliberadamente a la señal del agente para detenerse”.
3. **Justificaciones de la restricción de la persecución (Sección 1.3, V):** El SDPD debería agregar una sección que describa las acciones restringidas y las situaciones en

las que no se justifica una persecución. Ciertos tipos de delitos, en general, no deberían justificar una persecución.

Se deben evitar las persecuciones en las siguientes circunstancias (Sección 1.3, V):

- **Infracciones:** Los agentes no podrán iniciar una persecución por meras infracciones.
- **Delitos contra la propiedad:** Delitos como el robo de automóviles o la conducción de un vehículo robado normalmente no justifican una persecución a menos que existan otros factores agravantes, como la resistencia armada.

Delitos menores: Las persecuciones por delitos menores, incluida la falta de ceder el paso, deberían ser poco frecuentes, a menos que haya pruebas claras de que el sospechoso representa un peligro inmediato para el público.

Infracciones de tránsito: A menos que la conducción temeraria genere una amenaza directa y grave para la seguridad pública, las infracciones de tránsito no deberían dar lugar a persecuciones. La persecución de los infractores de tránsito suele generar más peligro que la infracción inicial.

Órdenes de arresto no violentas: Se debe evitar perseguir a personas buscadas por órdenes de arresto no violentas, ya que estos casos generalmente no representan una amenaza inmediata para la seguridad pública.

4. **Reconocimiento verbal y físico de la terminación de la persecución (1.3 sección VIII (C)):** El SDPD debería exigir que todos los oficiales involucrados en una persecución reconozcan su finalización por radio mientras realizan una acción, como salir de la carretera, para garantizar que todos los oficiales estén al tanto de la finalización de la persecución, eliminando cualquier posible confusión.
5. **Establecer una Junta de Revisión de Persecución de Vehículos (1.3 sección V):** El SDPD debería crear una Junta de Revisión de Persecuciones Vehiculares que incluya al menos a un miembro del CPP. La junta publicaría un informe público trimestral que detalle las persecuciones vehiculares del SDPD y realizaría una revisión integral de los datos de las persecuciones, incluida la identificación de tendencias, la evaluación táctica y las mejoras de políticas recomendadas. Esta junta de revisión realizaría revisiones y análisis posteriores a las persecuciones de cada informe de persecución y proporcionaría comentarios a los capitanes de división cuando fuera necesario y hallazgos a la Comisión de Prácticas Policiales. El SDPD debería asegurarse de que las lecciones aprendidas y los resultados clave de las persecuciones vehiculares de alto perfil se compartan con todo el personal para mejorar las tácticas y la toma de decisiones futuras.
6. **Incluir accidentes de persecuciones terminadas en el análisis del informe (1.3 sección V/ Sección VI / Sección XVI):** El SDPD debe garantizar que cualquier

incidente que resulte en lesiones, muerte o daños a la propiedad después de una persecución, ya sea que se haya iniciado, finalizado o reiniciado, se incluya en el formulario oficial CHP187A/SDPD Pursuit Data Sheet del SDPD para informar sobre la recopilación de datos precisos y la rendición de cuentas.

7. **Familiarizar e integrar al personal del CPP con el plan de estudios de capacitación del SDPD:** El SDPD debería desarrollar un sistema para proporcionar al personal del CPP una comprensión integral del plan de estudios de capacitación del SDPD, mejorando su capacidad para evaluar y supervisar las prácticas departamentales.
8. **Explorar tecnologías avanzadas para la gestión de persecuciones:** El SDPD debería explorar el uso de tecnologías como el rastreo GPS, la vigilancia con drones, el software de gestión de persecuciones y las simulaciones de entrenamiento o realidad virtual para mejorar el monitoreo, el control y la seguridad de las persecuciones de vehículos.
9. **Obtener acreditación para el cumplimiento de la ley:** El SDPD debería buscar la acreditación a través de la Comisión de Acreditación para Agencias de Aplicación de la Ley (CALEA).

**REPORT TO THE
COMMISSION
S.D.P.D. PURSUITS
2019-2024 TOTALS**

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EXECUTIVE SUMMARY

Introduction

On October 4, 2005, Governor Arnold Schwarzenegger signed Senate Bill 719 (Romero and Margett). This law, which went into effect January 1, 2006, requires law enforcement agencies to establish pursuit policies, provide ongoing pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol (CHP) within 30 days. The CHP is required to submit an annual report to the Legislature that includes, but is not limited to: • The total number of pursuits reported to the CHP during that year; • the total number of pursuits involving a collision in which an injury or fatality to an uninvolved third party occurred; and, • the total number of uninvolved third parties who were injured or killed as a result of those collisions.

Statistical Data:

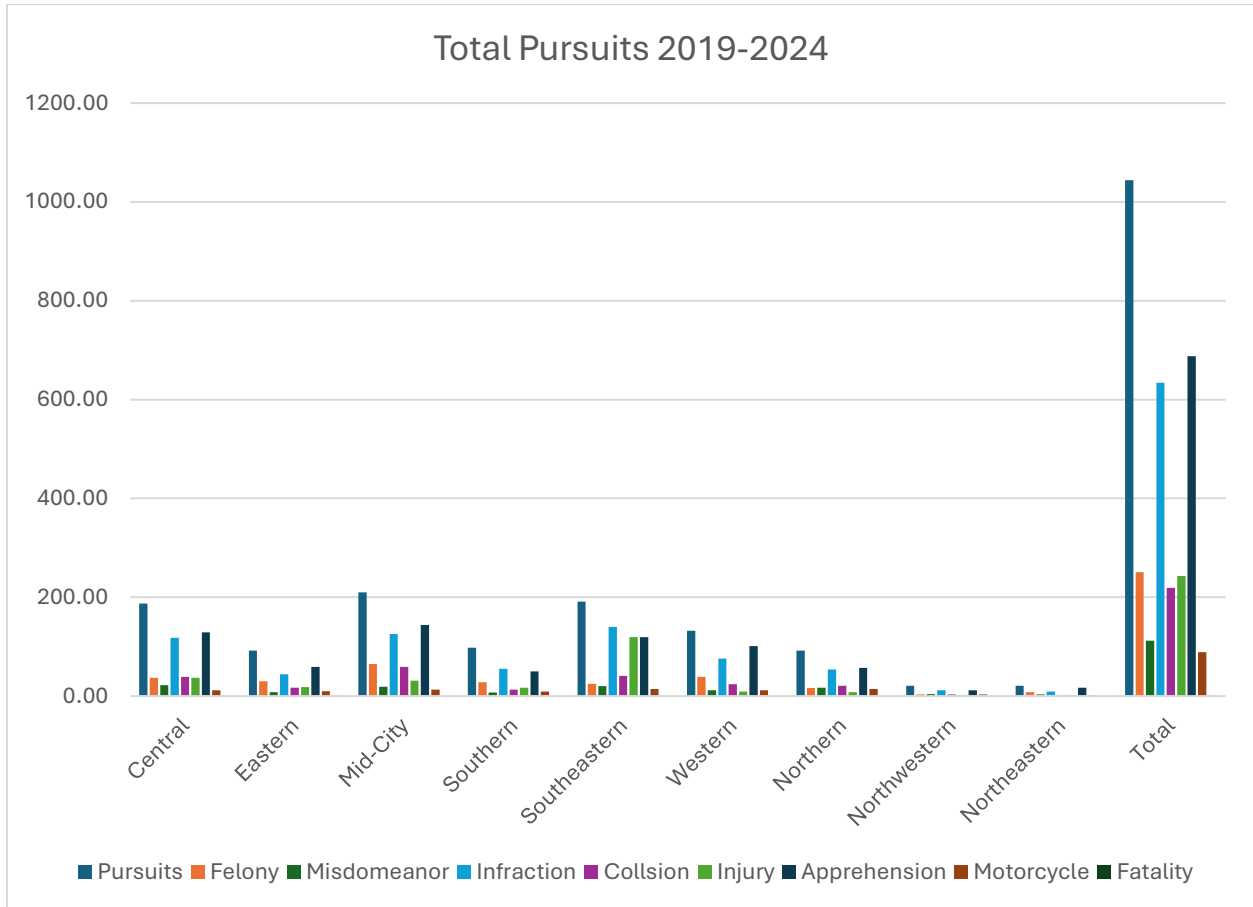
The following 2019-2024 data reflects information submitted to the CHP by the *San Diego Police Department* pursuant to Section 14602.1 of the California Vehicle Code. The report has been compiled utilizing 2019-2024 provided by the *San Diego Police Department* as of July 16, 2024.

Introduction

A vehicle pursuit is defined as an event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using high speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner, but willfully failing to yield to the officer's signal to stop. On October 4, 2005, Governor Arnold Schwarzenegger signed Senate Bill 719 (Romero and Marget, see Annex B.) This law, which went into effect January 1, 2006, requires law enforcement agencies to establish pursuit policies, provide ongoing pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol (CHP) within 30 days. The CHP is required to submit an annual report to the Legislature which includes, but is not limited to: the total number of pursuits reported to the CHP during that year, the total number of pursuits involving a collision in which an injury or fatality to an uninvolved third party occurred, and the total number of uninvolved third parties who were injured or killed as a result of those collisions. ·

The following report is a breakdown of the data provided by the San Diego Police Department and analyzed by the San Diego Commission on Police Practices for the citizens of San Diego City.

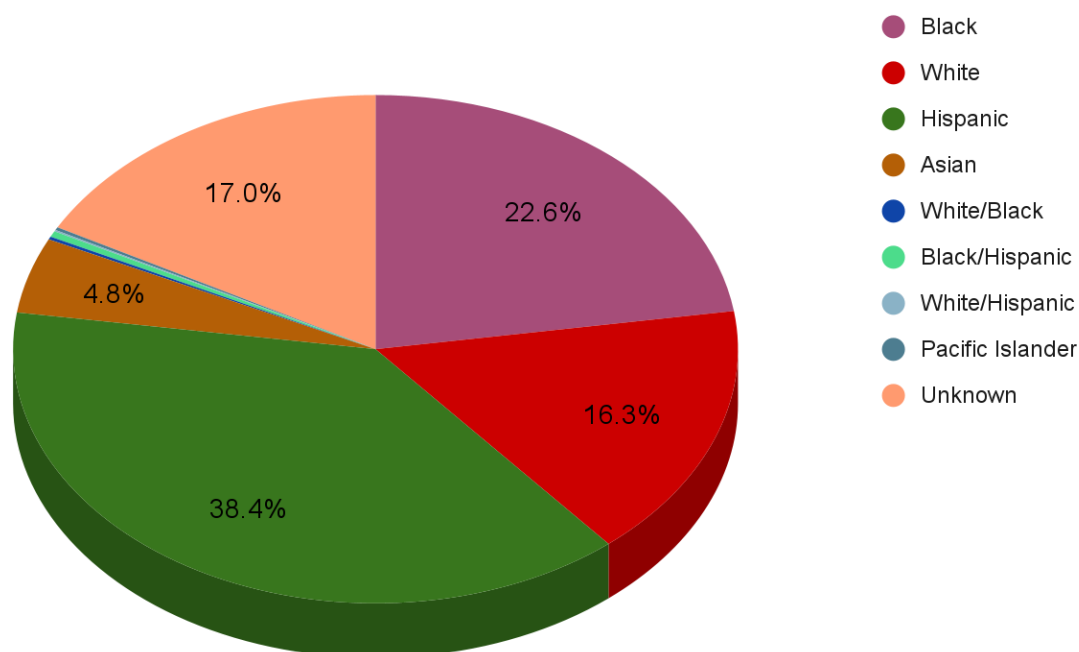
Pursuits:



In a five-year period among all divisions, S.D.P.D. initiated 1,044 pursuits across all divisions.

Ethnicity:

ETHNICITY INVOLVED IN PURSUITS SDPD 2019-2024

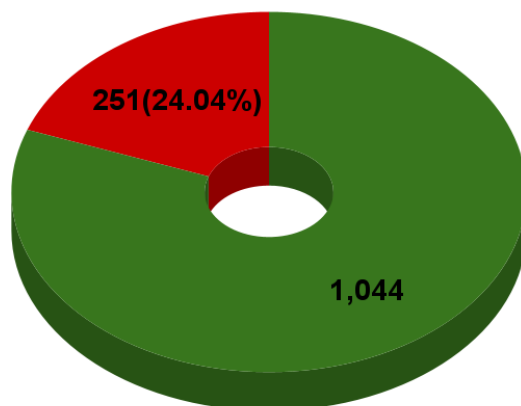


As shown in the figure above, according to an analysis of San Diego Police Department Pursuits Data, out of 1,044 pursuits from 2019-2024, 38.4% were Hispanic, 22.6% were Black, 16.3% were White, 4.8% were Asian, 0.2% were White/Black, 0.4% were Black/Hispanic, 0.1% were White/Hispanic, 0.2% were Pacific Islanders and 17% were with not registered or the officer in pursuit was unable to identify the individual.

Felony:

Original violation observed by agency initiating pursuits:

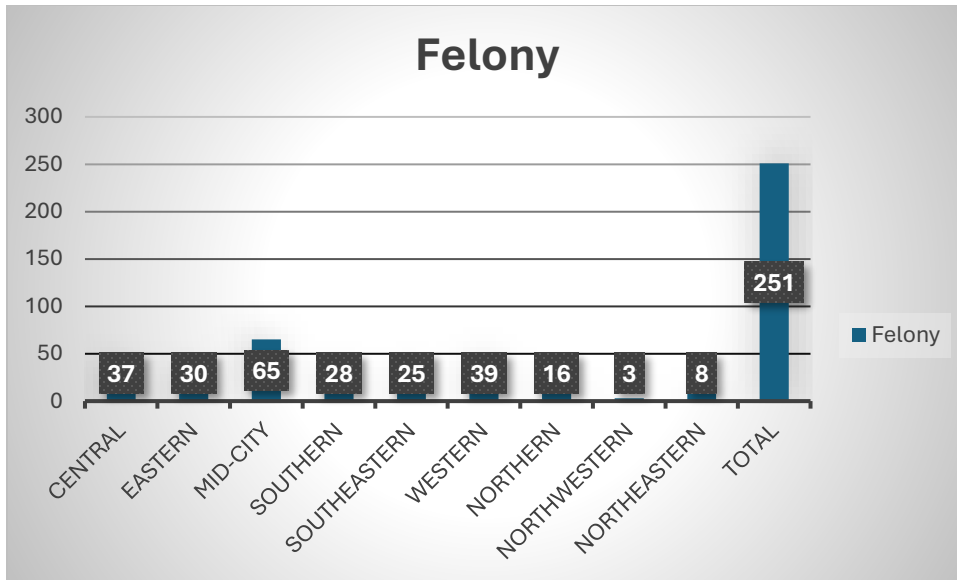
Felony



● TOTAL # OF PURSUITS ● % OF PURSUITS INITIATED DUE TO FELONY VIOLATION

In a five-year period among all divisions, 251 of the 1,044 pursuits were initiated for felonious reasons.

These accounted for 24% of all pursuits initiated.



Percentages by Divisions:

Central: 14.7%

Eastern: 11.95%

Mid-City: 25.90%

Southern: 11.10%

Southeastern: 9.90%

Western: 15.50%

Northern: 6.3%

Northwestern: 1.1%

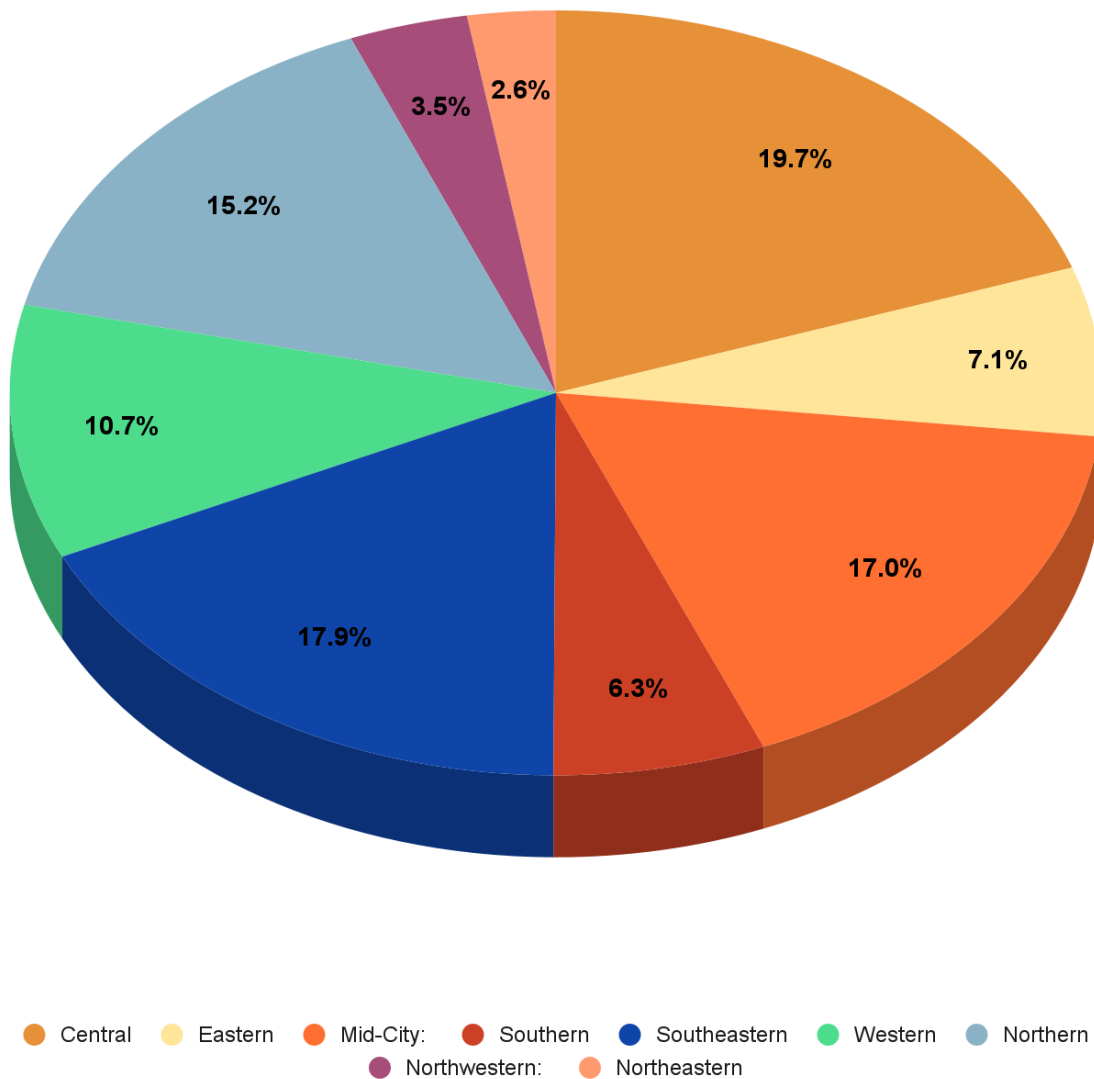
Northeastern: 3.1%

Total: 251

Misdemeanors:

In a five-year period among all divisions, 112 of the 1,044 pursuits were initiated for misdemeanors.

These accounted for 10.7% of all pursuits initiated.



Percentages by Divisions:

Central: 19.6%

Eastern: 7.1%

Mid-City: 16.9%

Southern: 6.25%

Southeastern: 17.8%

Western: 10.7%

Northern: 15.1%

Northwestern: 3.5%

Northeastern: 2.6%

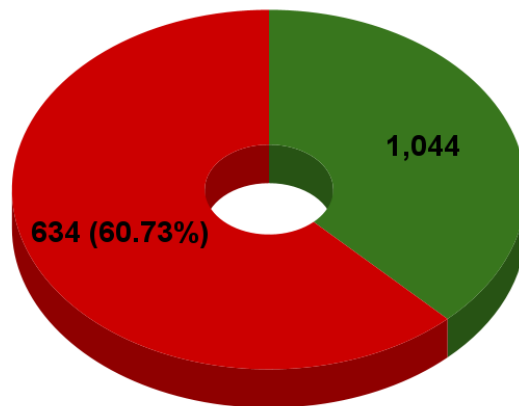
Total: 112

Infractions:

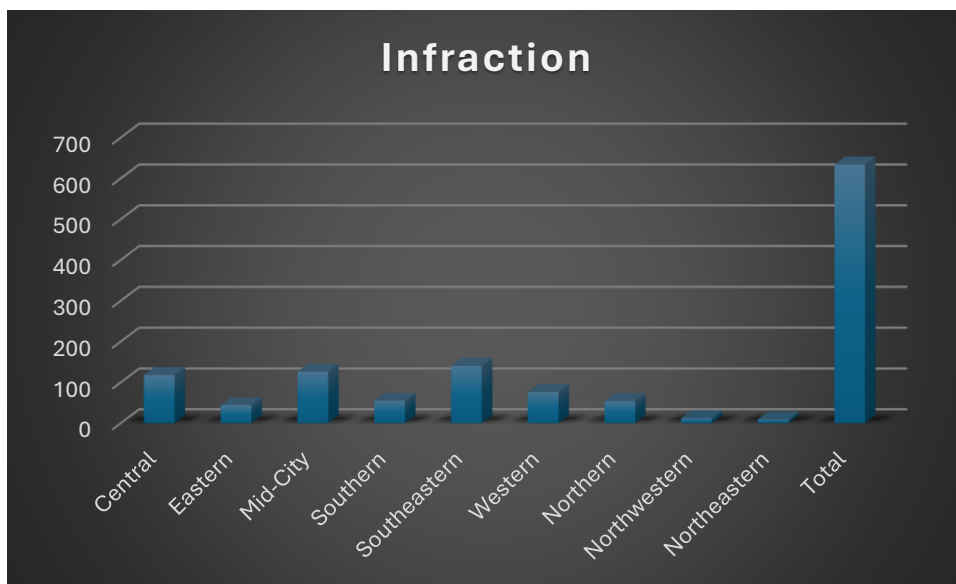
In a five-year period among all divisions, 634 of the 1,044 pursuits were initiated for infractions.

These accounted for 60.7% of all pursuits initiated.

Infraction Violation Observed By SDPD Before Initiating Pursuits



● TOTAL # OF PURSUITS ● % OF PURSUITS INITIATED DUE TO AN INFRACTION



Percentages by Divisions:

Central: 18.6%

Eastern: 6.9%

Mid-City: 19.8%

Southern: 8.6%

Southeastern: 22%

Western: 11.9%

Northern: 8.4%

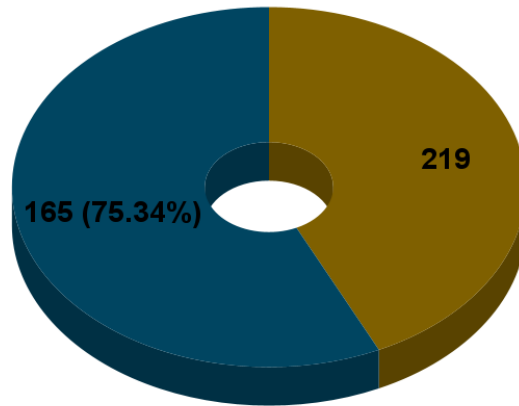
Northwestern: 1.8%

Northeastern: 1.4%

Total: 634

Pursuits Ending In Collisions:

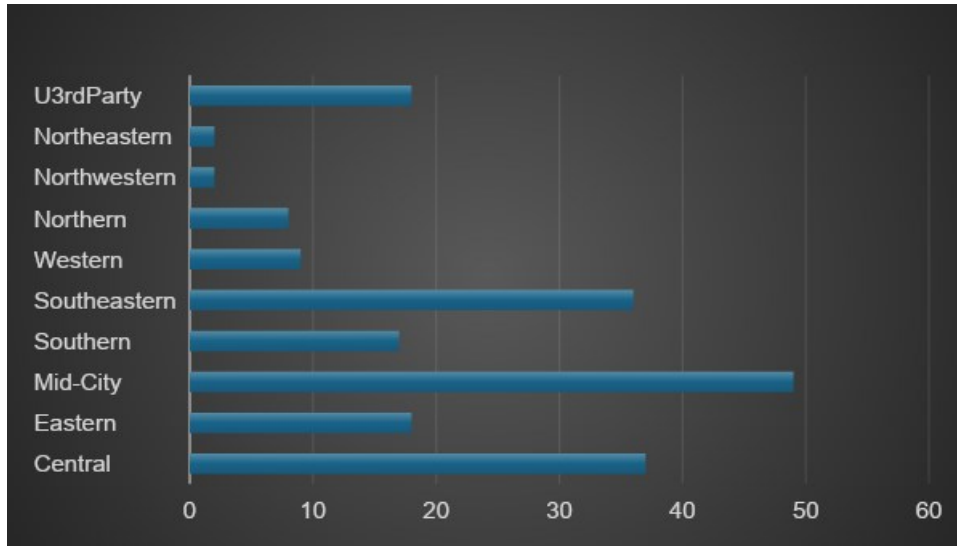
Percentage of Injuries Resulting From Total Number of Collisions



● Total # of Collisions ● Total # of Injuries Resulting From A Collision

An analysis of San Diego Police Department Pursuits Data from 2019-2024 revealed that out of 219 collisions pursuits 165(75.34%) resulted in Injuries to 1 or more individuals.

Collisions Ending In Injury:



Injuries by Divisions:

Central: 37

Eastern: 18

Mid-City: 49

Southern: 17

Southeastern: 36

Western: 9

Northern: 8

Northwestern: 2

Northeastern: 2

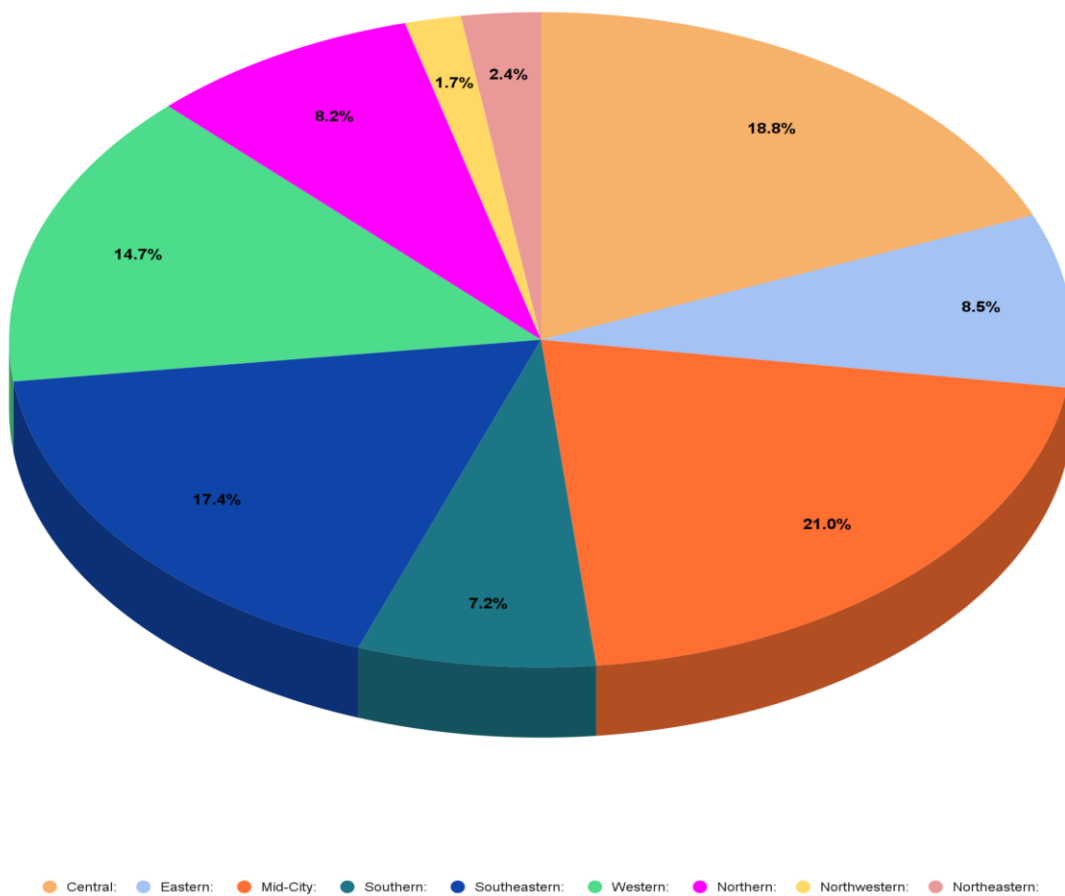
Total: 176

1 pursuit ended in the suspect taking his own life.

Pursuits Ending In Apprehensions:

In a five-year period among all divisions, 688 of the 1,044 pursuits initiated ended in an apprehension.

These accounted for 65% of all pursuits initiated.



Percentages by Divisions:

Central: 18.7%

Eastern: 8.5%

Mid-City: 20.9%

Southern: 7.2%

Southeastern: 17.3%

Western: 14.6%

Northern: 8.2%

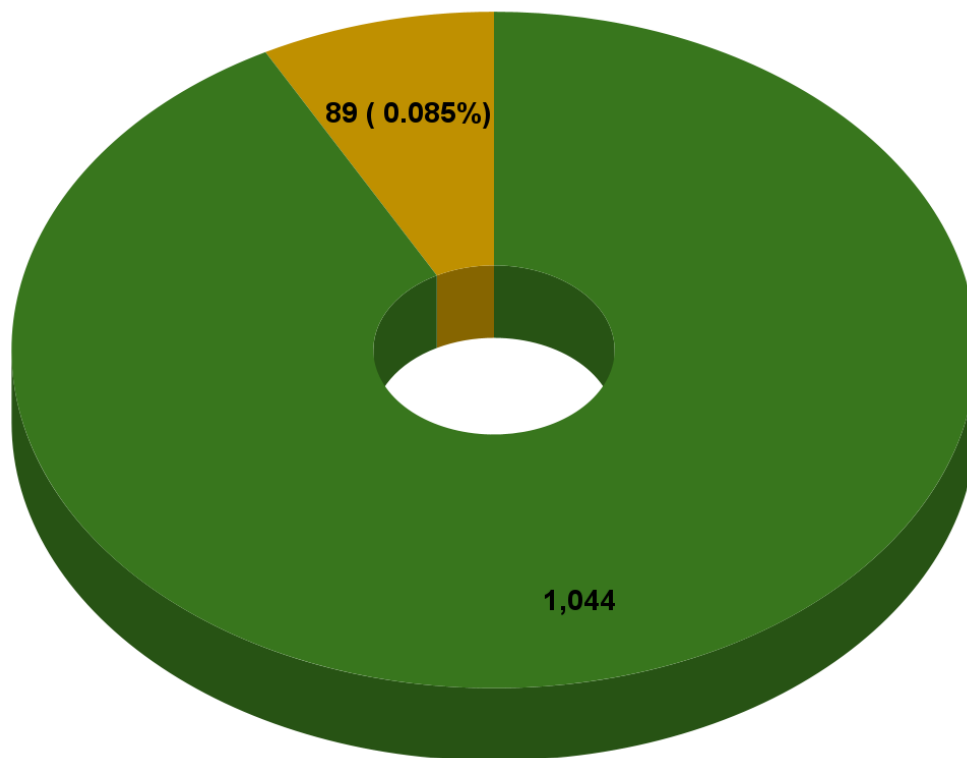
Northwestern: 1.7%

Northeastern: 2.4%

Total: 688

Pursuits Involving Motorcycles:

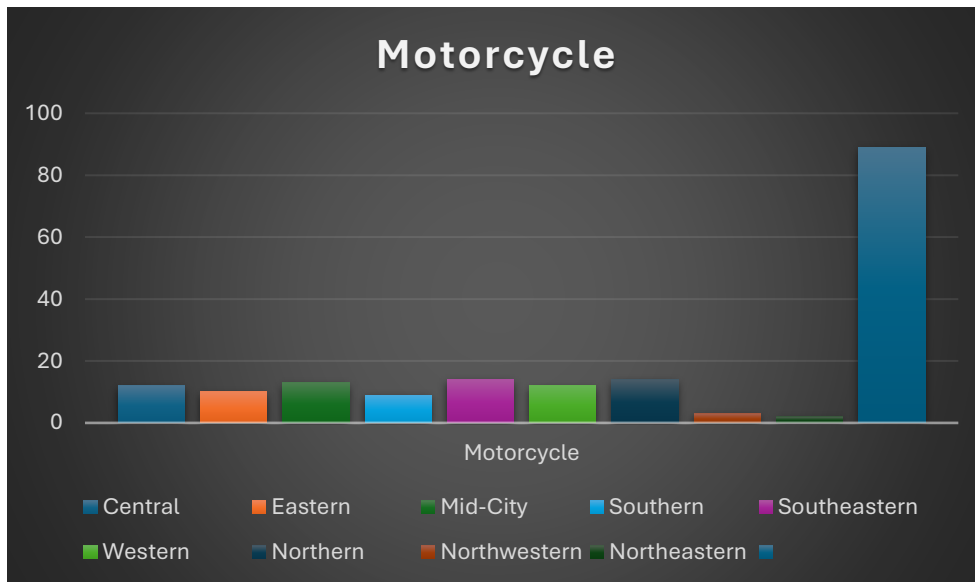
Pursuits Involving An Individual Operating A Motorcycle



● Total # of Pursuits ● Total # of Motorcycle Pursuits

In a five-year period among all divisions, 89 of the 1,044 pursuits initiated involved motorcycles.

These accounted for 0.085% of all pursuits initiated.



Percentages by Divisions:

Central: 13.4%

Eastern: 11.2%

Mid-City: 14.6%

Southern: 10.1%

Southeastern: 15.7%

Western: 13.4%

Northern: 15.7%

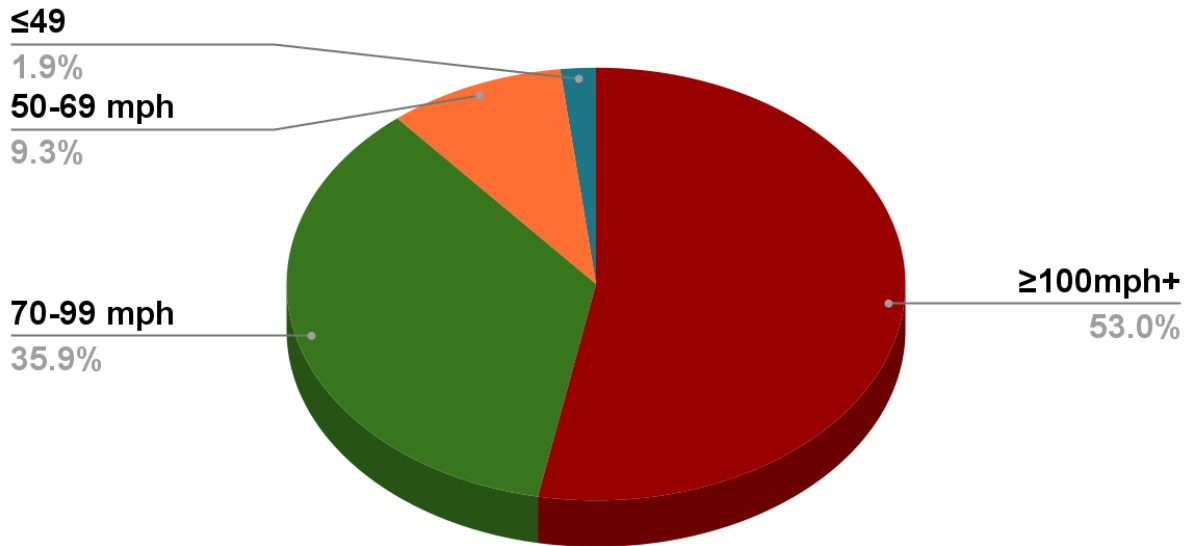
Northwestern: 3.3%

Northeastern: 2.2%

Total: 89

Highway Speeds:

HIGHWAY SPEED LIMITS IN SDPD 2019-2024 PURSUITS



Highway Surface Speeds During Pursuits: After an examination of San Diego Police Department Pursuits Data from 2019-2024, we discovered that the maximum reported surface speed was 140 mph (Mid-City District.) The reported highway surface speeds on from all nine district from 2019–2024 ranged from 25 mph to 140 mph. Out of the 432 pursuits involving highway pursuits 53% of the drivers drove over ≥100 mph. 35.9% of the drivers drove over 70 mph to 99 mph. 9.3% of the drivers drove over 50 mph to 69 mph during pursuits. 1.9% of the drivers drove ≤ 49 mph.

Surface Street Speeds:

Central	Eastern	Mid-City	Southern	South E.	Western	Northern	North W.	North E.
Total P. 189	Total P. 94	Total P. 212	Total P. 100	Total P. 193	Total P. 134	Total P. 94	Total P. 23	Total P. 22
>50mph 40%	>50mph 53%	>50mph 50%	>50mph 44%	>50mph 55%	>50mph 42%	>50mph 51%	>50mph 39%	>50mph 50%
>80mph 11%	>80mph 16%	>80mph 15%	>80mph 12%	>80mph 22%	>80mph 12%	>80mph 19%	>80mph 17%	>80mph 22%
Top Speed 100	Top Speed 105	Top Speed 100	Top Speed 105	Top Speed 110	Top Speed 100	Top Speed 100	Top Speed 100	Top Speed 100

Southeastern leads in all categories with the exception of speeds over 80 mph which it tied with the Northeastern division at 22%.

Date of Passage _____

A RESOLUTION OF THE COMMISSION ON POLICE PRACTICES ESTABLISHING AN AD HOC NEGOTIATING COMMITTEE AND DESIGNATING THE NEGOTIATING TEAM FOR NEGOTIATIONS BETWEEN THE CITY AND SAN DIEGO POLICE OFFICERS ASSOCIATION.

WHEREAS, under the San Diego City Charter (Charter) and applicable state law, the authority of the City of San Diego (City), as a public agency employer to enter negotiated agreements with recognized employee organizations establishing wages, hours and other terms of conditions of employment rests with the San Diego City Council (City Council); and

WHEREAS, under the Meyers-Milias-Brown Act (MMBA), at California Government Code sections 3500 through 3511, the City must engage in meet and confer with its recognized employee organizations regarding any modifications to terms and conditions of employment; and

WHEREAS, the MMBA, specifically at California Government Code section 3505, provides that the Council, as governing body of the City, may designate representatives to engage in meet and confer with the City's recognized employee organizations; and

WHEREAS, Charter section 41.2 established the Commission on Police Practices (Commission) as an investigatory body of the City of San Diego, independent of the Mayor and Police Department; and

WHEREAS, the Commission has certain mandatory duties and discretionary powers, as described under the Charter, and the City Council may, by ordinance, mandate additional duties and authorize additional powers for the Commission, consistent with the Charter and applicable federal and state law; and

WHEREAS, the City Council may also establish rules and procedures to implement the operation of the Commission; and

WHEREAS, by Charter, the Commission has the power to conduct investigatory proceedings, subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers, subject to the restrictions of the Charter, San Diego Municipal Code sections 26.1101 et seq. and applicable federal and state law; and

WHEREAS, San Diego Municipal Code section 26.1107 requires the Commission to create operating procedures for governance and implementation of the ordinance pertaining to operations, investigations, records and other designated oversight responsibilities; and

WHEREAS, the operating procedures would result in changed terms and working conditions for the San Diego Police Department and members of the San Diego Police Officers Association (Association); and

WHEREAS, the operating procedures are subject to meet and confer under the MMBA and as a matter of law; and

WHEREAS, the City representatives designated by the Council have the obligation to personally meet and confer promptly with the Association prior to the implementation of the operating procedures and full implementation of the provisions in San Diego Municipal Code sections 26.1101 et seq. pertaining to the Commission; and

WHEREAS, the City has given the indication that the Commission's Executive Director and General Counsel, or Outside Counsel, could be designated as a part of the City's negotiating team for purposes of meet and confer with the Association regarding the Commission's operating procedures; and

WHEREAS, these designated representatives have the obligation to personally meet and confer promptly upon request by the recognized employee organization and continue for a reasonable period of time, to exchange information and proposals, and endeavor to reach agreement on the operating procedures; and

WHEREAS, under the MMBA and California case law, as well as the Charter, the City's designated representatives must approach negotiations in good faith and must take bargaining positions only with the approval of the City Council and the Office of the City Attorney as to legality; and

WHEREAS, the Commission desires to have input into the negotiations with the City and Association by designating the Executive Director and General Counsel, or Outside Counsel, as negotiators; and

WHEREAS, under the MMBA and Ralph M. Brown Act, the Commission desires to establish an Ad Hoc Negotiating Committee to provide direction to the Executive Director and its legal counsel regarding the operating procedures and negotiations; and

WHEREAS, the Commission desires to designate and authorize the negotiators and Ad Hoc Negotiating Committee to execute tentative agreements with the City and Association following the process described above on behalf of the Commission; and

WHEREAS, the actions and decisions of the Commission’s negotiators and Ad Hoc Negotiating Committee shall be final and binding on the Commission under the Ralph M. Brown Act, and not subject to further action by the Commission regarding the negotiations between the City and Association; and

WHEREAS, the Commission desires to designate final decision-making authority to its negotiators and the Ad Hoc Negotiating Committee to enter tentative agreements and understandings regarding the operating procedures; **NOW THEREFORE**,

BE IT RESOLVED, by the Commission on Police Practices, that the Commission designates its Executive Director and General Counsel, or Outside Counsel, as its negotiating team for negotiations with the City and Association regarding the Commission’s Operating Procedures;

BE IT FURTHER RESOLVED, that the Commission establishes an Ad Hoc Negotiating Committee, consisting of no more than seven (7) commissioners, to provide direction and to execute any tentative agreements and understandings with the City and Association to be presented to the City Council for final determination and approval as to policy and the City Attorney as to form or correctness; and

BE IT FURTHER RESOLVED, that the Ad Hoc Negotiating Committee shall be temporary and will be dissolved without further vote of the Commission upon the approval of the Commission’s operating procedures by the City Council and the City Attorney as to form or correctness.

Passed by the Commission on Police Practices on _____, by the following vote:

Certification of Vote:

{List each commissioner name and vote}

Authenticated by:

Date: _____

Gloria Tran, Chair of the Commission

Approved as to Form and Content:

Duane E. Bennett, Outside Counsel