



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: January 17, 2025

TO: Doug Case, Acting Chair, Commission on Police Practices

FROM: Scott Wahl, Chief of Police, San Diego Police Department

SUBJECT: Pursuit Policy Review – Response to Vehicle Pursuit Recommendations from the Commission on Police Practices

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**Summary:**

The San Diego Police Department (SDPD) continually strives to improve its operations by examining its existing procedures against the changing environment created by judicial decisions, statutory requirements, and recommendations from community stakeholders and law enforcement professionals nationwide.

The Department acknowledges the substantial work conducted by members of the Commission of Police Practices (CPP) to produce its Pursuit Policy Recommendations. SDPD personnel have reviewed all the materials outlined in CPP's Supplemental Report and the statistical data the Commission provided.

The Department believes CPP's recommendations provide an opportunity to assess its current procedure, participate in an open dialogue with the commission, and clarify its decisions and efforts to meet community expectations while engaging in its ongoing goal of being our nation's safest large City.

This memorandum will outline each CPP recommendation, followed by SDPD's response. The Department anticipates its responses will generate further discussion and looks forward to participating.

**Background:**

Many of CPP's pursuit recommendations cite research conducted by the Police Executive Research Forum (PERF), the U.S. Department of Justice (DOJ), and the California Commission of Peace Officers Standards and Training (POST).

While PERF's guide or project was funded by a grant from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services, the guide notes that the opinions expressed within it do not represent the official position of the DOJ. The U.S. Department of Transportation (National Highway Traffic Safety Administration) has made clear that the opinions, findings, and conclusions expressed by PERF are "not necessarily those" of these government agencies and published the guide "in the interest of information exchange."

PERF's vehicle pursuit guidance differs from the recommended procedures and practices of the [International Association of Chiefs of Police](#) (IACP) and California's [Commission on Police Officer Standards and Training](#) (CA POST), which the department also considered while reviewing its policy.

SDPD's initial review of the recommendations from PERF and CPP found us agreeing with the importance of thorough training, engaged supervision, and clear operational direction to personnel provided through policies and procedures.

SDPD's disagreement with some of the recommendations expressed in the PERF guide, and embraced by CPP, result from their conflict with the standards provided by IACP and CA POST, the lack of information within the guide that the Department believes is relevant to this policy discussion, an inclusion of operational and tactical recommendations that are considered ineffective, and the limited perspective on assessing risks and achieving public safety goals.

### **CPP Pursuit Policy Recommendations:**

- 1. Revise the Purpose of the SDPD Pursuit Procedures (SDPD Procedure 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 the public and officers" to read: "This Department procedure establishes guidelines to protect the lives and safety of the public and officers, to enhance the effectiveness of a pursuit, and to reduce the likelihood of incidents that could lead to potential liability."

#### **SDPD Response:**

The San Diego Police Department agrees with the need to prioritize public safety at the beginning of Department Procedure 1.03, Pursuit Procedures. SDPD will revise the purpose statement to include language from the California Highway Patrol's (CHP) Pursuit Policy and Emergency Vehicle Operations that is consistent with the Department's existing procedure.

The procedure will be modified to read, "This Department procedure establishes guidelines to ensure pursuits are conducted in a manner that does not unnecessarily compromise public safety or the safety of involved officer(s), to enhance the effectiveness of a pursuit, and reduce the likelihood of incidents that could lead to potential liability."

Additionally, the San Diego Police Department sets expectations for its personnel through Department directives, including Legal Updates, Orders, Policies, Procedures and Training Bulletins. The department also stresses the importance of its Vision, Values, and Mission Statement (VVM) to guide the actions of every employee.

CPP cited SDPD's Mission Statement in its Pursuit Policy Recommendation Memorandum as a guiding document and stressed that the Department should prioritize protecting life from the beginning of its memo and in its first recommendation.

The Department strongly agrees with protecting the lives of its community members and has already addressed this issue in its Values Statement. Specifically, SDPD states, *Human Life – Our efforts will be oriented toward the goal of protecting human life and ensuring everyone has the opportunity to thrive.*

The Department's directives are connected and convey the same authority to its personnel. SDPD's modifications to its procedures are done to incorporate needed changes or the addition of information not found elsewhere in its directives. The "goal of protecting human life" is already stressed in the Department's Values Statement, and the need to ensure public safety from an officer's decision to initiate a pursuit to its conclusion is stated throughout its pursuit procedures.

- 2. Define Pursuit Consistently (SDPD Procedure 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 a 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."* The recommendation is to remove *"who are operating an authorized emergency vehicle"* from the current policy.

**SDPD response:**

The Department agrees to adopt a definition of pursuit identical to CHP's to continue with uniform reporting standards. It will outline the expectations of "authorized emergency vehicles" allowed to participate in pursuits elsewhere in its pursuit procedure.

Additionally, the Department is updating its pursuit reporting processes for collecting, analyzing, and providing statistical feedback to command staff and the public about vehicle pursuits. The Crime Analysis and Research, Analysis, and Planning Units have analyzed annual pursuit data reported internally and to CHP for the past five years and are preparing a presentation of their findings.

The Department's reporting process is also being changed. Mandatory state reporting forms for pursuits, known as the CHP -187A and SDPD's Pursuit Data Sheet, will be moved into the Department's Records Management System. They will then be completed electronically, instead of handwritten, and routed for approval by supervisory staff before being sent to the Fleet Safety Sergeant for review.

Upon approval of the reports, their statistical data will be transmitted to an internal SDPD database, allowing for improved analysis and more frequent communication of this data to command staff.

The Fleet Safety Sergeant and Crime Analysis personnel are envisioned to provide this information to a Vehicle Pursuit Review Board, which is being developed in response to a CPP recommendation.

- 3. Restrict Pursuit Justifications (SDPD Procedure 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 should not justify a pursuit. **Pursuits should be avoided for the following circumstances (SDPD Procedure 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.

#### **SDPD Response:**

SDPD believes imposing these restrictions could negatively impact public safety, which is unacceptable to the Department and the communities it serves.

These risks include increased reckless and dangerous driving being allowed without police intervention and fleeing from illegal acts that threaten public safety without fear of being identified and held accountable for criminal violations.

The relationship between rising crime rates and restrictive pursuit policies has already been observed in cities and states that have embraced this type of recommendation – a correlation the PERF guide downplayed.

Instead, PERF claimed that restrictive pursuit policies do not result in higher crime rates and mentions a single study conducted over 20 years ago to support this argument:

Research suggests that agencies with more restrictive pursuit policies do not have higher crime rates. For example, in 2004, the Orlando (Florida) Police Department adopted a more restrictive pursuits policy, but Orlando's number of felonies decreased by 1.1 percent that year even as the population continued to grow.

However, the PERF guide opens with a letter from its Executive Director, Chuck Wexler, who acknowledges that rising crime rates have prompted some agencies to roll back restrictions. "In New Jersey, for example, a spike in auto thefts led the [state](#) to reverse policy and again allow officers to pursue suspected car thieves."

Additionally, PERF's guide ignores the struggles of the City of Oakland, which some, including California Governor Gavin Newsom, have partially linked to restrictive pursuit policies.

In a July statement sent to former Oakland Mayor Sheng Thao, the Oakland City Council and the Oakland Police Commission, Governor Newsom urged officials to reconsider a restrictive Oakland Police Department (OPD) [policy](#) that impedes law enforcement's ability to police criminal activity by prohibiting the pursuit of criminal suspects. He stated, in part, the following:

*I am mindful of the sensitivities around vehicle pursuits, which can be dangerous to police, suspects, and innocent bystanders. California's Commission on Peace Officer Standards and Training recognizes and addresses this in its standard-setting guidance. But there is also extreme danger to the public in allowing criminals to act with impunity, and the reckless driving associated with sideshows and other criminal acts is a significant threat to public safety — as witnessed regularly by the public in viral videos and news coverage.*

*Any policy on vehicle pursuits must be clear-eyed in balancing the risks and benefits involved. Because of Oakland's public safety challenges and the degree to which OPD's pursuit policy is an outlier among California law enforcement agencies, I support the recent action by the City Council to direct a review of this policy. I urge you to reconsider whether OPD should be permitted to pursue suspects in more circumstances to improve public safety in your city and to establish a process to evaluate whether OPD is making full use of its authority, including that granted under the existing pursuit policy, to protect public safety and enforce the law.*

Governor Newsom reiterated this position as recently as December 27.

Lastly, PERF cites how states like Washington can impact local policy development and documents the restrictive statewide policy adopted by its legislature in 2021. However, its guide was published before those restrictions were largely removed in 2024 over [rising incidents](#) of dangerous driving and crime documented by many entities throughout the state, including the Washington Association of Sheriffs and Police Chiefs following its implementation.

The San Diego Police Department will remain committed to fighting crime, holding criminals accountable for their actions, and seeking justice for victims while maintaining a vehicle pursuit policy that mitigates risks.

SDPD pursuit policy is classified as permitted or subject to supervisory approval. This is more restrictive than discretionary procedures, where the officer decides to engage in or continue with a pursuit, but less restrictive than procedures that only allow for pursuits in very specific situations, like when the suspect has committed a violent felony.

- 4. Verbal and Physical Acknowledgment of Pursuit Termination (SDPD Procedure 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 to the side of the road, to ensure that every officer is aware of the termination of the pursuit, eliminating any potential confusion.

**SDPD Response:**

The Department agrees that officers actively involved in a pursuit should communicate the conclusion via the radio and discontinue the use of Code 3 equipment, specifically their overhead lights and sirens. However, taking additional action, such as pulling to the side of the road, may create additional roadway hazards for the public and the officers involved in the pursuit. The Department's policy will be updated to reflect partial agreement with this recommendation.

- 5. Establish a Vehicle Pursuit Review Board (SDPD Procedure 1.3, Section V):** SDPD should create a Vehicle Pursuit Review Board that includes at least one member of the

Commission. 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 disseminate quarterly reports that include lessons learned and key outcomes from high-profile vehicle pursuits that are shared with all personnel and the San Diego City Council's Public Safety Committee to improve future tactics and decision-making.

**SDPD Response:**

SDPD has already established different internal boards and committees, for example, the Shooting Review Board and Collision Review Committee. The Department is open to exploring a review process for vehicle pursuits by establishing a Vehicle Pursuit Review Board (VPRB) to assess vehicle pursuits for accurate reporting and identification of trends and to determine if the Department's policies and training need to be modified to address evolving safety issues impacting its officers and community members.

The department will consult with the City Attorney's Office about the impact of creating a VPRB.

- 6. Inclusion of Terminated Pursuit Accident in Report Analysis (SDPD Procedure 1.3, Section V/ Section VI /Section XVI):** SDPD should ensure that any incident that results in injury, death, or property damage following a pursuit—whether the pursuit was initiated, terminated, or re-engaged—be included in SDPD's traffic accident investigation reports and official CHP187A/SDPD Pursuit Data Sheet form to reflect accurate data collection and accountability. When completing a report for a traffic accident involving a vehicle that had been the subject of or participated in a pursuit—whether active or terminated—prior to the accident, the investigating officer must include that information in the report.

**SDPD Response:**

As previously stated, the Department agrees with the need to have uniform reporting standards, which is why it is updating its definition of pursuit to mirror the language used by CHP. Investigations involving incidents resulting in injury, death, or property damage following a pursuit focus on determining whether a collision is directly related to the pursuit.

For reporting purposes, the investigation must conclude that the collision occurred because of the actions of either the suspect or officers engaged in a pursuit; this includes collisions with other vehicles not directly involved.

Pursuit collisions and documenting their consequences must be directly linked to the pursuit and not just included because they occurred in the same general area shortly before or after a pursuit was initiated or concluded. This standard is used by agencies in the region and throughout the state, including the CHP. The Department will review its investigation manuals to determine if this language is accurately reflected and update it if necessary.

- 7. 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.

**SDPD Response:**

The Department agrees with this recommendation and will direct its Training Unit to develop a program to familiarize CPP staff with vehicle pursuit training and reporting requirements, methods of instruction provided to academy recruits and throughout an officer's career, including Emergency Vehicle Operations Course (EVOC) and "perishable skills training."

The training will also include line-up training and debriefs following pursuits, state-mandated training, and Advanced Officer Training (AOT), as well as the recording and maintaining training records. The types of SDPD vehicles and their pursuit ratings will be provided during this training program.

- 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.

**SDPD Response:**

The Department agrees with this recommendation, and SDPD personnel from Research, Analysis and Planning, Training, Operational Support, and the Critical Incident Management Unit already continuously evaluate and assess the capabilities of technology, including the technologies listed, to enhance department operations.

Technology acquisition and use are often subject to legal considerations and the City's Transparent and Responsible Use of Surveillance Technology (TRUST) Ordinance. If a technology is determined to enhance operations, SDPD personnel engage in the lengthy legal, financial, and technical process of acquiring it for the Department's use.

- 9. Pursue Law Enforcement Accreditation:** SDPD should pursue accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

**SDPD Response:**

Department members have met with agencies that have CALEA Accreditation, agencies that are obtaining this accreditation, and others that do not intend to pursue it to gain their perspectives and insights. The responses were mixed.

Some agencies believe that CALEA Accreditation enhanced their policies and processes and improved their ability to mitigate liability and risk in the face of growing litigation toward police departments and their personnel. They also believed that pursuing CALEA Accreditation assisted them in identifying the need for additional resources that may increase their overall effectiveness. Others believed CALEA Accreditation did not provide meaningful benefits for their organizations.

All agencies stated that pursuing CALEA Accreditation requires committing time, money, and personnel to this endeavor, which are limited within SDPD and often

compete with other urgent needs. Only two law enforcement agencies in San Diego County are engaged with CALEA.

The UCSD Police Department has obtained CALEA Accreditation, while the San Diego State University Police Department is pursuing this accreditation with the assistance of a hired consultant to navigate its process. Another agency contacted in Southern California stated they have two full-time employees committed to achieving CALEA Accreditation, which would pose a challenge for SDPD.

The Department has considered the presumed benefits and potential costs and determined that CALEA Accreditation is not feasible given the forecasted budget deficit and the urgent need to address other priorities within SDPD.

**Additional Responses:**

During its review of SDPD's vehicle pursuit procedures, CPP made preliminary recommendations not included in its final Vehicle Pursuit Recommendation Memorandum that merit further consideration by the Department as it reviews its pursuit procedure.

They are related to the following:

- Pursuit intervention tactics and use standards.
- Vehicles authorized for use in pursuits and their limitations.
- Discipline associated with terminating a pursuit.

**Conclusion:**

The San Diego Police Department has carefully considered every recommendation made by the CPP.

SDPD and CPP believe that clear, concise, and detailed policies and procedures that set expectations and provide reasonable guidance to officers and supervisors are critical to public safety. These policies must also be supported by continuous training using multiple methods of instruction, as well as feedback from command staff to personnel that comes from ongoing experiences and comprehensive data analysis.

SDPD views this response as part of a process. We look forward to feedback from CPP, a continued discussion moving forward, and determining if these responses need to be clarified or expanded to meet expectations from CPP and other stakeholders.