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24 **UNITED STATES DISTRICT COURT**
25 **SOUTHERN DISTRICT OF CALIFORNIA**

26 JANE DOE, an individual,

27 Plaintiff,

28 v.

THE CITY OF SAN DIEGO, et al.

Defendants.

Case No.: 3:12-cv-00689-MMA (DHB)

**DECLARATION OF SHELLY
ZIMMERMAN IN SUPPORT OF
THE CITY OF SAN DIEGO'S
MOTION TO BIFURCATE TRIAL**

Date: May 27, 2014

Time: 2:30 p.m.

Courtroom.: 3A

Judge: Hon. Michael M. Anello

Magistrate Judge: Hon. David H. Bartick

Complaint filed: March 21, 2012

Trial date: August 12, 2014

1 I, SHELLEY ZIMMERMAN, declare as follows:

2 1. I have been employed by the San Diego Police Department for over
3 thirty-one years and am currently the Chief of Police. Before I was appointed
4 Chief of Police on March 4th, 2014, I served as Assistant Chief of Police for
5 Neighborhood Policing. As the Chief of Police, I am responsible, in addition to
6 other duties, for setting all policy for the San Diego Police Department, as well
7 as for the ultimate oversight and administration of all stages of the hiring,
8 training, promotion and discipline of the SDPD's almost 1900 sworn officers and
9 over 600 non-sworn employees. I also have personal knowledge of the
10 assessment that the United States Department of Justice is currently conducting
11 of the SDPD. The facts set forth in this Declaration are true and correct and
12 based upon my own personal knowledge and, if called as a witness, I could and
13 would testify competently to each of the facts set forth herein.

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1 2. In February of 2014, the SDPD and the City requested the United
2 States Department of Justice (“DOJ”) to conduct a thorough, independent and
3 comprehensive assessment of SDPD’s administrative practices, policies and
4 procedures, as they relate to recruiting, hiring, training, supervision, and internal
5 investigations regarding misconduct. The DOJ, through its Community Oriented
6 Policing Services (COPS) division, recently did an assessment of the Las Vegas
7 Metropolitan Police Department and issued a lengthy, comprehensive report
8 detailing their findings and related recommendations. A true and correct copy of
9 this report is attached as **Exhibit 1** to my declaration. As was done in Las Vegas,
10 the DOJ’s assessment will include recommendations and any required changes to
11 SDPD’s administrative practices, policies and procedures. The SDPD intends to
12 follow the DOJ’s recommendations and implement them as suggested. It is my
13 understanding that the assessment by the DOJ will take approximately six to eight
14 months to complete, however I anticipate that I will give regular updates and
15 implement changes as they become apparent.

16 3. Additionally, SDPD and the City fully support the Federal Bureau of
17 Investigation’s (“FBI”) case specific investigations of SDPD.

18 4. As the Chief, I am fully committed to ensuring that the SDPD
19 maintains its status as “America’s Finest” by addressing issues of officer
20 misconduct. Since being sworn in on March 4th, 2014, I have held several all-hands
21 meetings to inform SDPD employees that they are responsible public servants and
22 will be held accountable, and expected to uphold a “Culture of Excellence”. Also, I
23 have attended numerous town hall and other community meetings to facilitate my
24 plan for transparency within the department. I am reinstating the Professional
25 Standards Unit (“PSU”), instituting a Duty to Report Misconduct policy, and plan
26 further regular town hall and community meetings. At my request, the City
27 Council has articulated its commitment to provide funding for body-mounted
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1 cameras, additional officers, and improving recruitment and retention. Together,
2 we will ensure that a "Culture of Excellence" is maintained at the SDPD.

3 5. I am informed and believe that plaintiff intends to call over 100 San
4 Diego Police Officers in an effort to establish her claim against the City for *Monell*
5 liability. I am also informed and believe that the City anticipates calling anywhere
6 from 150-200 current officers to defend against plaintiff's legal and equitable
7 claims, and that trial of these claims could last several months. Officers are
8 considered "on-duty" when appearing in court because they are testifying in their
9 official capacity. Officers called to testify, during their non working hours, receive
10 a minimum of four hours of overtime pay. Requiring a large number of on-duty San
11 Diego Police Officers to appear in court and testify in this matter may cause a
12 significant disruption in the operation of police activities for a protracted period of
13 time. It will be a burdensome and logistical challenge for our Human Resources
14 Department as well as for the command staff of the testifying officers.
15 Coordinating various schedules and shifts to accommodate the trial schedule for
16 this case, and compensating officers for their time spent waiting to be called to
17 testify and testifying, will expend copious amounts of precious time and resources
18 which the department lacks due to budgetary and operational constraints.

19 *I declare under penalty of perjury, under the laws of the State of California,*
20 *that the foregoing is true and correct.*

21 Executed this 16 day of April, 2014, at San Diego, California.

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SHELLEY ZIMMERMAN, Declarant