



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: April 30, 2021

TO: Honorable Council President Jennifer Campbell and Honorable City Councilmembers

FROM: Police Chief David Nisleit

SUBJECT: San Diego Police Department Update

Calls for changes to policies, procedures and training on how we as police officers interact with community members, particularly those in communities of color, have never been greater. I support the need to enhance the way in which we interact with and build trust with our residents.

Together with Mayor Gloria, I hope we can bring all sides of this issue to the table for meaningful dialogue that will create policies in the best interest of the communities we serve. We should make every effort to evaluate the potential for unintended consequences which may negatively impact the community.

This memo serves to highlight what has been done over the past year to implement change to our police department and provide an update on what is in progress.

My goal is to provide clarity on where we're headed as a department and continually enhance our policies and procedures and provide the highest quality police services to all of our communities.

Actions Taken

Over the past year, SDPD has made several changes, including:

1. **Refocused Special Operations Unit to prioritize intelligence-led operations (Spring 2020):** SDPD's Special Operations Unit (formerly known as the Gang Suppression Unit) refocused their operations to prioritize intelligence-led operations, instead of broad-reaching patrol operations. One such intelligence-led operation was recently conducted in coordination with federal partners to target illegal gambling and drug activity, resulting in the arrest of 35 people and the seizure of 44 guns, 12 pounds of methamphetamine, \$263,000 in cash and 640 gambling machines ([San Diego Union-Tribune – April 14, 2021](#)).

- a. The Special Operations Unit will still use broad-reaching patrol operations on a case-by-case basis. For example, saturation patrol was implemented following the recent shooting incident in the Gaslamp, among others.
2. **Ensured timely release of critical incident videos:** Knowing transparency is of high importance in officer-involved shootings (OIS) and use of force incidents, SDPD has prioritized releasing the videos and body-worn camera footage related to these incidents as quickly as possible. State law mandates (SB 1421 and AB 748) such videos be released within 45 days, however, on average SDPD typically releases them within 7-10 days. One OIS incident that occurred in Downtown San Diego in Summer 2020 was able to be released within 24 hours.
3. **Removed SDPD officers from the Metropolitan Transit System's Joint Agency Task Force (Feb 2020):** SDPD removed officers from the Task Force to be able to better prioritize already limited staffing resources in other areas of the city and move away from enforcing certain low-level offenses where possible.
4. **Updated Use of Force procedure ([Procedure 1.04](#) – July 8, 2020):** Made extensive revisions to guidelines on how and when to use reasonable force in the best interest of public safety when an encounter calls for it. The revisions included adding language to the procedure for greater emphasis on de-escalation and an officer's duty to intervene.
5. **Created stand-alone procedures for:**
 - a. **De-Escalation ([Procedure 1.55](#) – June 25, 2020):** Established guidelines on the use of de-escalation techniques, crisis intervention tactics and other alternatives to force. This procedure aims to clearly outline SDPD's expectations on de-escalation and building trust, in addition to the extensive training officers receive in the academy and post-graduation on de-escalation.
 - b. **Intervention Duties ([Procedure 1.56](#) – June 25, 2020):** Established guidelines and actions required for department members who observe or become aware of another officer's use of unreasonable force or misconduct.
 - c. **First Amendment Activity Facilitation and Management ([Procedure 4.17](#) – February 17, 2021):** Establishes guidelines for the coordination, facilitation and management of the safe exercise of an individual or group's First Amendment rights. The department is currently evaluating requests for amendments to the procedure per community feedback.
6. **Prohibited the application of the carotid restraint (Department Order – June 2, 2020):** Ended the application of the carotid restraint by SDPD officers. SDPD was the first in the San Diego region to implement this change that ultimately led to a statewide ban.
7. **Worked to meet expectations presented in the "8 Can't Wait" campaign:** Met expectations in all areas except one, a complete ban on shooting at moving vehicles.
 - a. SDPD fulfilled seven of the eight use of force policy criteria listed in the "8 Can't Wait" campaign: Require de-escalation, outline use of force continuum, ban chokeholds and strangleholds, require warning before shooting, exhaust all alternatives before shooting, establish a duty to intervene, and require comprehensive reporting.

- b. SDPD modified the language related to shooting at a moving vehicle ([Procedure 1.04](#) – July 04, 2020), however, in the interest of public safety will not fully meet this expectation to ensure the ability to mitigate tactics used by extremists who use vehicles as lethal weapons (i.e. Charlottesville, VA terror attack).
8. **Continued to meet and answer questions from community groups:** SDPD continued to meet with and respond to community groups regarding policies, procedures, training, reform or general community engagement. Discussions included with the Urban League, Citizens Advisory Board, NAACP, LGBTQ community leaders, and pastors and leaders from communities of color, among others.
9. **Created a new Force Analysis Unit:** This unit was created to track use of force trends within the department and nationally to identify strengths in current practices, areas of improvement and recommended changes in training based on the identified use of force trends.
10. **Updated SDPD website:** To further accountability and transparency, SDPD made updates to its website to place all SB 1421 and AB 748 documents in one place. The department is also in the process of reorganizing its entire website to make it easier to navigate and find information, with an emphasis on transparency.

Actions in Progress

The following are actions that are currently underway:

1. **Assist with the implementation of the independent Commission on Police Practices:** SDPD will assist where necessary with the implementation of the new independent Commission on Police Practices.
2. **Release of the Center for Policing Equity Study:** SDPD anticipates receiving the comprehensive analysis of stop and use of force data conducted by the Center for Policing Equity (CPE) soon. CPE is a nationally recognized research institute for analyses identifying and reducing the causes of racial disparities in public safety and advocates for large-scale and meaningful change. Once received, the department will present the findings to the community and to City Council.
3. **Revise procedure on consent searches (Procedure 4.01):** SDPD is in the process of revising its procedure on consent searches that will outline new guidelines for having clear, expressed consent to search a person or property, defining the scope and intensity of a search and the need to notify individuals of their right to refuse a search. This procedure is currently under review and will be distributed to all members of the department upon final approval.
4. **Create new procedure for interactions with transgender and gender non-binary individuals (Procedure 6.34):** Establishes guidelines for interacting with transgender and gender non-binary individuals, specifically in using visual and verbal cues to become aware of an individual's preferred gender identification, documenting this information in reports for continuity of treatment, and ensuring any jail bookings, pat-downs or searches are performed in accordance with their preferred gender status. This procedure is currently under review and will be distributed to all members of the department upon final approval.

5. **Establish collection of “Show of Force” Data:** In addition to collecting the standard use of force data, such as the discharge of a taser, use of a baton, use of a police service dog, discharge of a firearm, etc., SDPD will begin to track the times in which an officer simply shows a less-lethal force option, but does not deploy it. Examples include showing their baton, unholstering a taser but not discharging it, presence of a police service dog without releasing it, etc. This new data will be analyzed by the new Force Analysis Unit and is anticipated to begin being collected in summer 2021.
6. **Recruit and retain qualified and diverse candidates:** In 2018, SDPD launched an aggressive recruitment and retention campaign to attract highly qualified candidates, and particularly individuals with diverse backgrounds. Efforts include targeted local and national advertising, attending career fairs and community events, and working with candidates prior to exams and academies to ensure their success. In 2020, SDPD hired 219 officers, representing a 69% increase in hires over the just 129 officers hired in 2017, and in 2020 people of color represented 53% of hires to the department – amounting to a 15% increase in the ratio of people of color to white officers versus that of hiring efforts in 2017. SDPD will continue to outreach to diverse candidates using several tactics, including attending events like a recent virtual career webinar with Wiley College, a historically black college in Marshall, Texas, among other efforts.

Future Actions

[Mayor Todd Gloria has also proposed several policy and procedural items](#) for the San Diego Police Department to explore. I will continue working with Mayor Gloria and the Council to ensure those items are reviewed for feasibility and implementation where possible.

In conclusion, San Diego consistently ranks one of the safest big cities in the nation despite having the second-lowest officer-to-citizen ratio among the 30 largest cities, and that is due to the dedication of the men and women who continue to go to work every day.

Our mutual desire to constantly update our policies and procedures for how our officers interact with the public starts with open dialogue and I ask that we continue to come to the table together to discuss how to move forward and make progress based on holistic strategies in the best interest of all San Diegans.

Sincerely,

David Nisleit
Chief of Police

cc: Honorable Mayor Todd Gloria

Honorable City Attorney Mara W. Elliott

Paola Avila, Chief of Staff, Office of the Mayor

Jay Goldstone, Chief Operating Officer

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