



**The City of San Diego
M E M O R A N D U M**

DATE: June 24, 2022

TO: Sharmaine Moseley, Executive Director, Commission on Police Practices
Brandon Hilpert, Vice Chair, Commission on Police Practices

FROM: David Nisleit, Chief, San Diego Police Department

SUBJECT: **Procedure Recommendation: Approval of Use of Force Opinions**

REFERENCE: CPP August 12, 2021 Memo

The Commission recommended the following change to the San Diego Police policy and procedures:

1. Use of Force opinions shall include only facts available, not include potential scenarios that do not/did not exist nor narratives of what "could" happen.
2. Training Command Staff (lieutenant or captain) shall review, approve and sign off on all Use of Force opinions.
3. The police department's legal counsel shall review all Use of Force opinions to ensure the opinion is legally valid, within existing procedure and appropriate given the circumstances.

The first two (2) recommendations have been implemented in full.

All reports will be reviewed by supervisors to ensure that facts known at the time of the incident are used to help determine the reasonable opinion of the expert.

The Training Lieutenant will also review the document and will affix their initials near the subject line.

The Training Unit's Operational Manual will reflect these changes.

The third (3rd) recommendation will not be implemented as stated, however, legal review will take place when it is necessary to ensure compliance to laws and policies.

Thank you for giving us the opportunity to respond.


David Nisleit