

DPA Recommendations: DGO 5.05, Prop E Edits  
Department Responses

	DPA Recommendation for DGO 5.05	Date recommendation received	SFPD response	SFPD explanation
<b>R1</b>	Agree w/ addition on p. 5 (with Comment ML4), but recommend splitting that into two sections with headers to improve clarity and consistency. The first sentence could stand alone as "Due Regard" as this is a concept that is heavily emphasized during the EVOC training. The second sentence should have a header for "balance test" under "determining whether to initiate, continue or terminate" that stands on its own. Continue to include factors for consideration below it. Note: Factor (a) is already a balance test so it could be relabeled as its what officers are familiar with. And factors (b) and (c) are already included in factor (a). For example, see POST CA LD 19 at p. 3-4 and 3-5; see also Indiana State Minimum Standards for Vehicle Pursuits at p. 4.	6/13/24	Recommendation will not be included in draft DGO because not warranted or reasonable	The language in the draft policy was provided to officers to review and was understood as written. This recommendation is not warranted as it does not provide additional or substantive clarity to the policy.
<b>R2</b>	To simplify and clarify the policy, make "violent misdemeanor" a section heading and Replace the first 7 examples with "misdemeanor battery offenses" to. The current list of examples are the longest section of the DGO (2/3 page) and the list includes different subsections of the same Pen. Code 243.	6/13/24	Recommendation has partially been included in the draft DGO	The examples were provided because "violent misdemeanor" is not defined in CA Penal Code. The Department agrees that a title over this section would be helpful. While this edit was not made in time for public posting, the department is agreeable if this edit is made by the commission, during the meet and confer process or at final style guiding prior to issuance to members.
<b>R3</b>	Consider whether 5.05.IV.2.p. (Whether the violator can be identified and safely apprehended at a later time) should stand on its own outside of a list and whether positive identification outweighs the risk of pursuit for certain crimes. For example, see Austin, TX, which DPA identified as one of the 5 least restrictive vehicle pursuit policies in the nation. The Austin policy allows pursuits for serious misdemeanors, unless the identify of the suspect is known. This acknowledges the significant weight given to positive identification vs. endangering the public and members.	6/13/24	Recommendation will not be included in draft DGO because not warranted or reasonable	The Department does not agree with a stand alone section for this nor does it agree with including the language from the Austin PD policy. Officers should be allowed to make a decision based on the totality of the circumstances.

DPA Recommendations: DGO 5.05, Prop E Edits  
Department Responses

	<b>DPA Recommendation for DGO 5.05</b>	<b>Date recommendation received</b>	<b>SFPD response</b>	<b>SFPD explanation</b>
<b>R4</b>	Consider one of two amendments to "Termination of Pursuit:" either: 1) change the word to "follow" or 2) includes taking an overt action to terminate the pursuit, such as "turning in the opposite direction, turning down a street, or remaining stationary." See Indiana policy at p. 7. The current policy states "shall not continue to pursue the vehicle in an emergency or non-emergency manner." A question I heard posed to the EVOC class was something to the effect of can you follow the vehicle after terminating a pursuit. This was a point of emphasis and very clearly explained during the EVOC class and members would be served well to have the concept reiterated here.	6/13/24	Recommendation has partially been included in the draft DGO	Section 5.05.05 (A)(6)(c) now includes "to follow"
<b>R5</b>	Question regarding Prop E: Can our policy create a situation where misdemeanor evasion for a traffic infraction could rise to felony reckless evading (after breaking several traffic laws), which would then authorize pursuit?	6/13/24	Administrative Q&A	Yes. 2800.2CC is based on the suspects driver's action and not the reason the suspect was being pursued.
<b>R6</b>	Incorporate DN24-022 into the "Post-Pursuit Reporting and Analysis" section. This will ensure that members are aware that CHP 187a shall be sent to EVOC (it currently says chain of command).	6/13/24	Recommendation has been included in draft DGO	language was added to the draft.
<b>R7</b>	In the annual report to the Police Commission, this should also include the area of the pursuit and number of pursuits that were cancelled by the involved officers or supervisor and duration of the pursuit.	6/13/24	Recommendation will not be included in draft DGO because not warranted or reasonable	The annual report language was pulled directly from Prop E (SF Admin Code 96I)
<b>R8</b>	Question of Department capability: Can SFPD determine the highest speed attained and average speed? LAPD includes this information for pursuits with collisions resulting in serious injury or death. This might provide helpful context for EVOC to point to for training purposes. See ( <a href="https://www.lapdpolicecom.lacity.org/042523/BPC_23-082.pdf">https://www.lapdpolicecom.lacity.org/042523/BPC_23-082.pdf</a> ) at p 7.	6/13/24	Administrative Q&A	LAPD has telematics on their police cars. SFPD telematics is coming but not active yet. Short of accessing the data from the vehicle's original equipment manufacturer (OEM) black box recording systems after a crash, SFPD Fleet does not currently have the ability to determine top and average speed.