



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: October 12, 2023

TO: Terrell Totten, Police Officer II, #7617

FROM: Jeffrey Peterson, Captain, Central Division

SUBJECT: Notice of Reprimand, Mandatory Training and Removal of FTO Status

This memorandum is being hand delivered to you to advise you of a Disciplinary Reprimand. In addition to your Reprimand, you will be required to complete two (2) hours of Use of Force training. This training will be completed on City time and paid for by the City. Furthermore, in accordance with California Assembly Bill 26, an officer is prohibited from training other officers for a period of at least three (3) years from the date that an abuse of force complaint against the officer is substantiated. In accordance with Department Procedure 6.23, Section IX, A, 3, a Field Training Officer (FTO) may be removed from the Field Training Program when misconduct subjects them to discipline. Based on this sustained Use of Force allegation, you will be removed from the Field Training Program and no longer receive FTO pay.

On February 9, 2023, at approximately 0630 hours, you were working as an FTO with your assigned trainee. You responded to Mercy Hospital to watch over a prisoner who was in custody and was receiving medical care. At approximately 0820 hours, you unhandcuffed the prisoner to allow him to use the restroom. Once in the restroom, the prisoner escaped through a second door inside the restroom. You observed the prisoner running down the hall and chased after him.

You chased the prisoner into the stairwell of the hospital. You commanded the prisoner to stop running, but he disobeyed your command and continued to run. The prisoner's hospital gown fell off as he fled from you, and the prisoner was completely nude. The prisoner was gaining distance on you by approximately a flight of stairs. The resistance displayed by the prisoner according to your statements and body worn camera footage was consistent with active resistance.

As the prisoner fled down the stairwell, you unholstered your department-issued taser and gave a command to the prisoner to stop or you would tase him. The prisoner continued to flee and, once he was on the flat surface of the landing of the stairwell, you elected to tase the prisoner to overcome his active resistance. The prisoner fell to the ground and was taken into custody by your trainee who placed him in handcuffs.

You have violated Civil Service Rule XI, Section 3(d), in that you have violated the following lawful or official regulations:

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- a. Department Procedure 1.04 Use of Force, Section V, A, revised July 8, 2020, which states in part: "Force, as defined above, may be used to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or, protect the officer, the subject, or another person from injury or death. Any time force is used, the officer shall apply a level of force that is reasonable for the situation."

You violated this Department Procedure on February 9, 2023, at approximately 0820 hours, when you tased a prisoner as he fled from you through a hospital. The use of the taser was unreasonable for the situation given that the subject was not exhibiting assaultive or life-threatening behavior, nor was he actively resisting and reasonably believed to possess or have immediate access to a deadly weapon. The prisoner, in this case, was actively resisting but he was not armed, and he had no immediate access to deadly weapons.

- b. Department Procedure 1.07 Use of Tasers, Section VI, A, 1, revised February 18, 2018, which states in part: "The Taser may be used on subjects exhibiting assaultive behavior or life-threatening behavior, as defined in Department Procedure 1.04, Use of Force. The Taser may also be used to control actively resisting subjects reasonably believed to possess or have immediate access to a deadly weapon. Commands and warnings should normally be given, if feasible, prior to using the Taser."

You violated this Department Procedure on February 9, 2023, at approximately 0820 hours, when you tased a prisoner as he fled from you through a hospital. The use of the taser was unreasonable for the situation given that the subject was not exhibiting assaultive or life-threatening behavior, nor was he actively resisting and reasonably believed to possess or have immediate access to a deadly weapon. The prisoner, in this case, was actively resisting but he was not armed, and he had no immediate access to deadly weapons.

Previous disciplinary actions include:

None

You are hereby notified that any further instances of misconduct may result in more serious disciplinary action being taken against you.

You have the right to appeal this Notice of Reprimand, mandatory training, and removal from FTO status to the Chief of Police. Appeals must be submitted in writing to the Chief of Police within ten (10) working days of receipt of this notice. Failure to make written appeal within the ten (10) day period will be deemed a waiver of your right to appeal this disciplinary action within the Department.

Attached are copies of all reports and discipline applicable to this action. These reports are listed below:

1. IA Case #2023-0077 completed by Detective Sergeant Patrick Kelly #6540 and all associated evidence listed on Page 19 of the investigation.

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[REDACTED]
Jeffrey Peterson
Captain

This Reprimand, mandatory training, and removal from FTO status has been discussed with me and I have received a copy of it and the above listed documents.

[REDACTED] 7617
Terrell Totten #7617

10/12/2023

Date

[REDACTED] #7617
Lt. Nicholas Dedonato

10.12.2023

Date