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CITY OF SAN DIEGO

Exempt from fees per Gov't Code § 6103  
To the benefit of the City of San Diego

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **COUNTY OF SAN DIEGO**

11 FIRST AMENDMENT COALITION,

Case No. 25CU033245C

12 Petitioner,

**DECLARATION OF JULIE  
EPPERSON IN SUPPORT OF CITY  
OF SAN DIEGO'S OPPOSITION TO  
MOTION FOR JUDGMENT  
GRANTING VERIFIED PETITION  
FOR DECLARATORY RELIEF AND  
WRIT OF MANDATE**

13 v.

14 CITY OF SAN DIEGO,

15 Respondent.

I/C Judge: Hon. Terrie E. Roberts  
Date: June 12, 2026  
Time: 10:30 a.m.  
Dept.: 68  
Complaint filed: June 25, 2025  
Trial: Not Set

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21 I, **JULIE EPPERSON**, declare and state as follows:

22 1. I am a Captain with the San Diego Police Department (SDPD) and have been a  
23 sworn officer with the SDPD since June 1994. I am currently the commanding officer of the San  
24 Diego Police Dispatch Division. From August 2024 to February 2026, I was the commanding  
25 officer of SDPD Internal Affairs.

26 2. I have personal knowledge of the matters stated in this affidavit, except where  
27 stated on information and belief, and as to those matters I believe them to be true. If called as a  
28 witness, I could and would competently testify to the facts stated herein.

1           3.       This affidavit is submitted in support of the City of San Diego’s Opposition to  
2 Petitioner First Amendment Coalition’s Motion for Judgment on its Petition for Writ of Mandate  
3 in connection with the City’s decision to invoke exemptions to the California Public Records Act  
4 to withhold certain law enforcement records until (1) a civil lawsuit was resolved, (2) a  
5 prosecutorial charging decision is made, (3) any resulting prosecution is complete, and (4) the  
6 internal administrative investigation can be completed.

7           4.       The records at issue include investigative reports, witness statements, body-worn  
8 camera recordings, dispatch/audio recordings, photographs, internal affairs interview recordings,  
9 disciplinary recommendations, and investigative timelines relating to the arrest and uses of force  
10 in apprehending Marcus Evans in the early morning hours of October 25, 2024 in San Diego,  
11 California after a reporting party called 911 to report Evans had attacked his live-in girlfriend,  
12 pulled a handgun on the reporting party, and cocked the weapon.

13           5.       Since the incident described in paragraph 4 occurred, the United States Department  
14 of Justice reviewed for potential charges from November 7, 2024 to December 6, 2024. Evans  
15 filed a civil lawsuit on March 25, 2025, was resolved on October 13, 2025 after the City made a  
16 decision to settle the matter in an attempt to speed along the charging decisions and completion of  
17 its internal investigation.

18           6.       Currently, the San Diego County District Attorney’s Office is reviewing the matter  
19 to decide whether to file criminal charges against the officers involved in the incident. The City  
20 has not received a written prosecutorial decision regarding the DA’s office will file charges as of  
21 the date this I signed this declaration.

22           7.       Disclosure of the requested records before a charging decision is made would risk  
23 compromising the integrity of the criminal investigative and charging process by revealing  
24 investigative steps, investigative focus, and the status and direction of the investigation. Also,  
25 disclosing the records would refocus the public’s attention on the events of October 25, 2024,  
26 which will lead to public sentiment that will undoubtedly lead to pressure to bring charges.

27           8.       The records include information that could identify, locate, or expose witnesses,  
28 complainants, or other involved persons, including but not limited to names, contact information,

1 personal identifiers, and narrative details that would allow identification even if names were  
2 redacted.

3 9. Premature disclosure of witness identities or witness statements could subject  
4 witnesses to intimidation, harassment, retaliation, or undue influence, and could deter cooperation  
5 from witnesses in this matter and in future investigations.

6 10. The records include non-public investigative details, including: specific timelines,  
7 unreleased video segments, interview strategies, inconsistencies being evaluated by the public, and  
8 leads not yet corroborated. Disclosure of these details could enable involved persons to tailor  
9 statements, coordinate accounts, or otherwise interfere with fact-finding.

10 11. The records include law enforcement techniques, procedures, and operational  
11 information, including how and when to use less-lethal options such as a beanbag shotgun and a  
12 police K9, the disclosure of which could reduce the effectiveness of those techniques and could  
13 create safety risks for officers and the public.

14 12. If criminal charges are filed, disclosure of the requested records during the  
15 pendency of the prosecution could prejudice the prosecution and the defense by affecting witness  
16 recollection, contaminating witness testimony, and influencing potential jurors through pretrial  
17 publicity.

18 13. If criminal charges are filed, disclosure during the prosecution could reveal  
19 prosecution or investigative strategy, including the order of witnesses, anticipated evidentiary  
20 themes, and areas of impeachment, thereby impairing the fair administration of justice.

21 14. The San Diego Police Department tolled its internal investigation concerning  
22 potential policy violations and/or employee discipline related to the incident described in  
23 paragraph 4.

24 15. The San Diego Police Department is coordinating its internal investigation to avoid  
25 interfering with the criminal investigation and prosecutorial review, including by sequencing  
26 interviews and evidence review to prevent compromising criminal investigative steps.

27 16. Completing the internal administrative investigation before the criminal matter is  
28 resolved could create a substantial risk of interfering with the criminal process, including by

1 compelling statements, creating discoverable materials, or generating disclosures that could be  
2 used to circumvent criminal investigative confidentiality.

3 17. The internal administrative investigation may require interviews of involved  
4 employees and witnesses. Conducting those interviews while the criminal matter is pending could  
5 create conflicts with constitutional rights, criminal defense strategy, and prosecutorial needs, and  
6 could complicate the ability to obtain complete and candid statements.

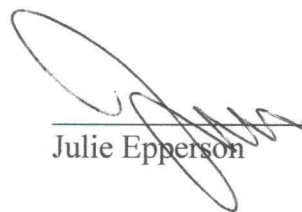
7 18. The internal administrative investigation may rely on evidence and findings  
8 developed in the criminal investigation and prosecution, including trial testimony, forensic results,  
9 and judicial rulings. Deferring completion of the internal investigation until after prosecution  
10 promotes accuracy, completeness, and consistency.

11 19. Once a final prosecutorial decision is made and, if charges are filed, once the  
12 prosecution is complete (including verdict, dismissal, or final disposition), the risks described  
13 above are substantially reduced, and the San Diego Police Department can more safely complete  
14 the internal administrative investigation.

15 20. After the prosecution is complete, San Diego Police Department can evaluate what  
16 portions of the requested records, if any, may be disclosed consistent with applicable California  
17 law, including appropriate redactions to protect privacy, safety, and legally protected information.

18 21. For the reasons stated above, withholding the requested law enforcement records  
19 until (1) a charging decision is made, (2) any prosecution is complete, and (3) the internal  
20 investigation can then be completed is necessary to protect investigative integrity, witness safety,  
21 evidentiary integrity, and the fair administration of justice.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct and that I executed this declaration on this 16th day of March 2026  
24 at Carlsbad, California.

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27 Julie Epperson  
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