

City of
SACRAMENTO

Office of Public Safety Accountability

Building Public Trust Through Transparency



ANNUAL REPORT 2016

CITY OF SACRAMENTO COUNCIL MEMBERS

Mayor

DARRELL STEINBERG

916.808.5300

mayor@cityofsacramento.org

District One

ANGELIQUE ASHBY

916.808.7001

aashby@cityofsacramento.org

District Five

JAY SCHENIRER

916.808.7005

jschenirer@cityofsacramento.org

District Two

ALLEN WARREN

916.808.7002

awarren@cityofsacramento.org

District Six

ERIC GUERRA

916.808.7006

eguerra@cityofsacramento.org

District Three

JEFF HARRIS

916.808.7003

jsharris@cityofsacramento.org

District Seven

RICK JENNINGS, II

916.808.7007

rjennings@cityofsacramento.org

District Four

STEVE HANSEN

916.808.7004

shansen@cityofsacramento.org

District Eight

LARRY CARR

916.808.7008

lcarr@cityofsacramento.org

City Manager

HOWARD CHAN

916.808.5704

hchan@cityofsacramento.org

Mayor and City Council,

Please find attached, for your review and comment, the Office of Public Safety Accountability's (OPSA) report covering calendar year 2016 and the first six months of calendar year 2017.

2016 was a defining year for many police departments. Videos from across the nation showed officer involved shootings and cases of, excessive force prompting a public reaction of outrage. Their disclosure focused national attention on the issues of police-community relations, accountability and transparency. Sacramento became part of the national dialogue and a subject of community concern after a series of police-related critical incidents. Conditions reached a crisis point in the city when, in July 2016, a knife-wielding African American man was shot at 18 times and killed by Sacramento police officers. Community outrage over the incident was compounded further by the Police Department's lengthy delay in releasing information and video footage related to the incident.

The Mayor and City Council took input from the community both in Council Chambers and in community forums and heard first-hand about the declining state of police relations with the Sacramento community. Concerns were also expressed about the status of police oversight and the City's accountability policies. As a result, Council directed an operations and policy review be carried out with recommendations developed to help improve relationships between Sacramento police and the communities that they serve and enhance civilian oversight of the department.

In November 2016, Council approved an ordinance which provided greater community input and participation by sun setting the Sacramento Community Police Commission and replacing it with the Sacramento Community Police Review Commission. The ordinance also expanded the role and authority of the Office of Public Safety Accountability by increasing the office's budget to hire additional staff. Further, the reporting chain was changed so that the OPSA Director would report to the Mayor and City Council, rather than the City Manager. The provisions of the ordinance went into effect on July 1, 2017.

OPSA annual reports typically include statistics regarding the volume and nature of complaints filed against Sacramento police and fire employees. The 2016 annual report will show that complaints against police officers rose 188% over the previous year (taking into consideration the additional six months that were included in this 18-month report total). This increase is not an anomaly unique to the City of Sacramento. Several other major cities experienced an upward trend in complaints against police officers in 2016. Conversely, complaints filed against Sacramento fire employees went down by 23%.

OPSA monitors the investigations of critical incidents that involve police and fire personnel. This helps ensure transparency, accountability, and to enhance the public's trust. Over the period of this report, there were six critical incidents involving police officers and no critical incidents involving fire personnel.

Critical incidents across the nation last year drew attention to the need and importance of better communication between government agencies, the community, social media and the conventional media outlets. As global access is now a reality, the need to get accurate information out to the public regarding police critical incidents is unprecedented. The media's ability to shape opinions can help mediate a beneficial outcome, or conversely, complicate the handling of a crisis. Therefore, media needs to receive information that is as accurate as possible in a timely manner that facilitates factual reporting. OPSA staff worked more closely with the media in 2016 than at any other time. It is anticipated that in the future, OPSA will take more of a lead role in disseminating information directly to the media, as well as the community and families affected by critical incidents.

Previous OPSA annual reports have identified specific recommendations for improvements to police and fire department operations. The purpose of these improvements has been to facilitate police-community relations and to move the public safety departments towards greater accountability and transparency. However, prior to July 2017, those recommendations were advisory only and were regarded as such by the departments and were implemented, or not, at the discretion of the Police and Fire Chiefs. It is anticipated, that under the authority vested in the new ordinance, that OPSA's recommended improvements regarding accountability and transparency will be implemented by the Police and Fire Departments.

This report would not have been possible without the input and cooperation of the Sacramento Police Department Internal Affairs and Professional Standards Unit and the Sacramento Fire Department Professional Standards Unit, Sacramento Police Officers Association and Sacramento Area Firefighters Local 522.

I am available to City Council members, media outlets, and community members to respond to questions about this report, as requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine", followed by a long, sweeping horizontal line that extends to the right.

Francine Tournour, Director
Office of Public Safety Accountability





TABLE OF CONTENTS

MISSION	6
BACKGROUND	6
PUBLIC ACCESS TO THE CITY'S COMPLAINT PROCESS	7
2016: SIGNIFICANT DEVELOPMENTS	7
Sacramento Community Police Review Commission	7
Office of Public Safety Accountability Transfer	7
Body Worn Cameras.....	8
COMPLAINT STATISTICS	8
COMPLAINT INQUIRIES	8
OPSA CASE AUDITS	9
SACRAMENTO POLICE DEPARTMENT	9
POLICE COMPLAINT ALLEGATION DEFINITION	10
Table 1: COMPARISON OF COMPLAINTS AGAINST POLICE OFFICERS IN 2015 & 2016	11
Table 2: NUMBER AND TYPES OF POLICE COMPLAINTS IN 2016.....	12
Table 3: FINAL DISPOSITION OF SPD MISCONDUCT CASES IN 2016	13
Table 4: NUMBER AND TYPES OF OPSA COMPLAINTS IN 2016.....	13
CRITICAL INCIDENTS IN 2016	14
CRITICAL INCIDENTS, JANUARY 2016 – JUNE 2017	14
Incident One	14
Incident Two	15
Recommendation	15
Incident Three.....	15
Recommendation	16
Incident Four	16
Incident Five	17
Recommendation	17
Incident Six.....	17
OPSA RECOMMENDATIONS	18
FIRE DEPARTMENT.....	19
FIRE COMPLAINT ALLEGATION DEFINITIONS	19
Table 5: COMPARISON OF CASES AGAINST FIRE PERSONNEL FILED IN 2015 & 2016	20
Table 6: NUMBER AND TYPES OF FIRE COMPLAINTS IN 2016.....	20
Table 7: FINAL DISPOSITION OF CASES AGAINST FIRE PERSONNEL IN 2016..	21
APPENDIX A: Frequently Asked Questions	22
APPENDIX B: Ordinances	24



MISSION

The Mission of the Office of Public Safety Accountability is to enhance relationships between the City of Sacramento's public safety employees and the community by independently accepting, monitoring and investigating complaints of misconduct.

BACKGROUND

In 1998, a Blue Ribbon Citizens' Committee appointed by the City Manager examined concerns regarding the Sacramento Police Department (SPD). The Committee recommended significant changes in the processing and investigation of community complaints of police misconduct. As a result, in 1999, the Mayor and City Council established the Office of Police Accountability.

The Committee additionally recommended giving the City Manager the authority to extend the Office's scope and review responsibilities. In 2004, the City Manager, with the approval of the Mayor and City Council, expanded the scope of responsibility of the Office to include the Sacramento Fire Department (SFD). The name was changed to the Office of Public Safety Accountability (OPSA).

OPSA's charter is to provide civilian oversight to the City's Police Department and Fire Department complaint process and become a liaison between the City and its diverse communities. The goals of OPSA are to promote trust, transparency and accountability in the City's most critical public service departments.

Led, since 2008, by Director Francine Tournour, OPSA provides fair and impartial civilian oversight of the Police and Fire Departments' complaint process. OPSA is charged with receiving complaints from the community, auditing departmental investigation results and independently conducting investigations into allegations of police or fire employee misconduct. Additionally, OPSA issues recommendations concerning community relations outreach, public safety departments' policy and procedures, training needs of their personnel and individual case resolution, as needed.

To safeguard the public trust, OPSA works closely with community members and its leaders, maintains a close working relationship with Police and Fire Command staffs, the Sacramento Police Officers Association (SPOA) and the Sacramento Area Fire Fighters Local 522. OPSA functions with complete and necessary independence, which is key to success in providing fair, objective, and impartial oversight service to the City and its communities, all while maintaining a professional relationship with the Police and Fire Departments.

PUBLIC ACCESS TO THE CITY'S COMPLAINT PROCESS

Members of the public can file a misconduct complaint against Police or Fire Department employees through OPSA or directly to the Police or Fire Department. Complaints made to OPSA can be filed by email, postal mail, telephone, in person or online using the Public Safety Complaint Form on the [website](#).

OPSA maintains a comprehensive, independent database of complaints received from the community. In addition to OPSA collecting demographics pertaining to officers and complainants, OPSA collects data points to identify potential issues and provide early warning of trends.

2016: SIGNIFICANT DEVELOPMENTS

SACRAMENTO COMMUNITY POLICE REVIEW COMMISSION

In March 2004, the Sacramento City Council established a Community Racial Profiling Commission (CRPC) to serve as an advisory body to the Mayor and City Council regarding traffic stop data collection and analysis regarding racially biased policing. In August 2015, the Sacramento City Council adopted an ordinance to replace the CRPC with the Sacramento Community Police Commission (SCPC). SCPC's main scope of authority was to provide guidance and recommendations to the Mayor and City Council regarding bias-free policing. SCPC reviewed the SPD's training programs, workforce diversity, community engagements and other evaluation measures, to provide recommendations to strengthen community-police relations. The ordinance prohibited the Commission from hearing any complaints from the community.

In November 2016, to further enhance transparency of inquiries and investigations brought about from the community, City Council passed a new ordinance repealing the SCPC and replacing this board with the Sacramento Community Police Review Commission (SCPRC). The new Commission consists of eleven members with one appointment from each Council District and three from the Mayor's office. SCPRC will provide a public venue for community participation in reviewing and recommending police department policies, practices and procedures and monitoring the implementation, evaluation, and sustainability of city policing initiatives and programs. The Commission conducted its first meeting in August 2017.

OFFICE OF PUBLIC SAFETY ACCOUNTABILITY TRANSFER

In addition to establishing the Sacramento Community Police Review Commission, City Council also passed an ordinance to transfer supervision of OPSA from the City Manager's Office to Mayor and City Council, based on a Public Safety Subcommittee's recommendation. The transfer was effective as of July 1, 2017. This transfer allows OPSA to monitor and/or independently investigate any matter as directed by the City Council and respond directly to critical incidents involving public safety personnel, reporting updates to the City Council regarding details and concerns as the situation unfolds. Further, this transfer allows OPSA to effectively communicate with the SCPRC concerning inquiry/investigation status, trend information, and recommendations to further improve transparency, accountability and enhance community relations.

In addition to the responsibilities already defined, OPSA will serve in a public information capacity, to include providing updates to the community on pending investigations as directed by City Council and making presentations in various community forums. To better manage these responsibilities, OPSA was provided additional funding to properly staff the office which has since grown from an office of one to an office of three.

BODY WORN CAMERAS

Body Worn Cameras (BWCs) have great potential to enhance accountability for both officers and citizens during law enforcement encounters. Their introduction in other jurisdictions has been linked to decreases in both uses of force and citizen complaints. Seen as an enhancement to the in-car camera systems, these cameras can be a great asset in assisting officers with investigations and providing transparency to the community. These wireless cameras are worn on the officers' uniforms and can capture video and audio during the course of their duties.

In 2015, SPD conducted a pilot deployment of BWCs; OPSA reviewed SPD's draft policy and provided input regarding that policy. After a successful study, SPD selected a camera system, including hardware, software and upgrades, which was subsequently approved by the Sacramento City Council, at a cost of less than four million dollars. In March 2017, SPD began issuing new BWCs for use in the field; all sworn officers are expected to be outfitted and trained in the use of these cameras by September 2017.

OPSA will continue to monitor the progress of SPD's BWC program and provide input regarding BWC policy, where needed.

COMPLAINT STATISTICS

The data in this section covers an 18-month period, January 1, 2016 through June 30, 2017.

COMPLAINT INQUIRIES

In some cases, complaints are filed against Police or Fire personnel because complainants are not satisfied with information they received or lack of information from employees at a scene. Because these types of complaints rarely rise to the threshold of employee misconduct, they are dealt with quickly and informally by the department's command staff. These types of complaints do not get reported to OPSA and consequently are not part of OPSA's complaint database.

OPSA CASE AUDITS

OPSA audits all Sacramento Police Department Internal Affairs Division investigations of alleged excessive force, discrimination, improper tactics, and discourtesy, as well as selected misconduct investigations at the OPSA Director's discretion. Since Fire Department complaints do not normally involve force or physical contact, OPSA audits these allegations on a case-by-case or priority basis. In addition, the OPSA Director confers with the Chiefs and Deputy Chiefs of Police and Fire on all cases where OPSA disagrees with the finding of a case or requires additional or alternate corrective action be taken against an employee.

SACRAMENTO POLICE DEPARTMENT

SPD and OPSA received 317 complaint allegations against SPD officers during the reporting period. SPD's Internal Affairs Division (IAD) formally investigated 39 of the allegations, while review of the preliminary information on 196 allegations resulted in resolution without a formal investigation being needed. That determination is made after evaluating a number of factors including the nature of the complaint, review of available video, department policies and procedures, and the complainant's desire as to how to resolve the issue. The remaining 82 complaint allegations were handled directly by OPSA without the need to refer them to IAD.

OPSA received an additional 86 complaints regarding individuals employed by departments outside of OPSA's purview. These complainants' allegations were heard and referred to the appropriate authority.



POLICE COMPLAINT ALLEGATION DEFINITIONS

MISCONDUCT—An allegation against an employee involving a violation of any law, department order, rule, regulation, or policy. The following is a list of misconduct classifications and their definitions. More than one classification can be attached to a complaint.

A. CONDUCT UNBECOMING

Behavior that is malicious or criminal, or a failure to follow ordinary and reasonable rules of good conduct and behavior while on or off duty. This includes any misconduct bringing discredit upon the Department.

B. DISCOURTESY

Rude or abusive actions directed toward another person.

C. DISCRIMINATION

Allegations that the employee's actions or misconduct was due to the race, sex, religion, physical disability, ethnicity, or sexual orientation of an individual.

D. DISHONESTY

Theft, misappropriation of funds or property of the City or others, or giving false or misleading information.

E. FALSE ARREST

Most of these situations deal with the arrest and become legal rather than internal matters. The District Attorney and the courts usually have to make the decision in these levels of complaints. Often these complaints turn into civil suits and are investigated as such. If it is determined through legal channels that the complaint may be sustained, the Sacramento Police Department's Internal Affairs Division shall conduct an internal investigation.

F. FIREARM DISCHARGE

Anytime a firearm is discharged in violation of Department policy.

G. FORCE

Covers any amount of force from shoving or pushing to excessive.

H. HARASSMENT

Any employee action or conduct including, but not limited to, the making of threats of violence, physical intimidation, verbal abuse, derogatory comments, sexual demands or an act of retaliation because of the sex, race, ancestry, physical handicap, medical condition, marital status, age, sexual preference, or any other protected characteristic of an individual.

I. IMPROPER SEARCH and SEIZURE

As in false arrest, this is a legal matter and is handled in the same manner. When the complaint indicates a probability of misconduct, an immediate internal investigation is conducted by Internal Affairs.

J. IMPROPER TACTICS

Procedures used by an employee that could be different from approved procedures. Examples could be using other than approved techniques to handcuff suspects, mishandling a call to the point that the employees inflame rather than alleviate the situation and giving inappropriate advice or taking inappropriate action.

K. INSUBORDINATION

Failure or refusal to follow a lawful written or verbal order of a superior.

L. INTOXICATION

On duty personnel under the influence of intoxicants.

M. MISSING PROPERTY

Property which has, at one time, been in the custody or control of a member of the Department, but is subsequently unaccounted for or missing.

N. NEGLIGENCE OF DUTY

The failure to perform a required duty.

O. SERVICE

The failure to provide adequate, timely and required police action.

P. TRAFFIC

Improper or illegal driving by an employee.

Q. WAGE GARNISHMENT

Failure to pay just debts.

TABLE 1: COMPARISON OF COMPLAINTS AGAINST POLICE OFFICERS IN 2015 & 2016

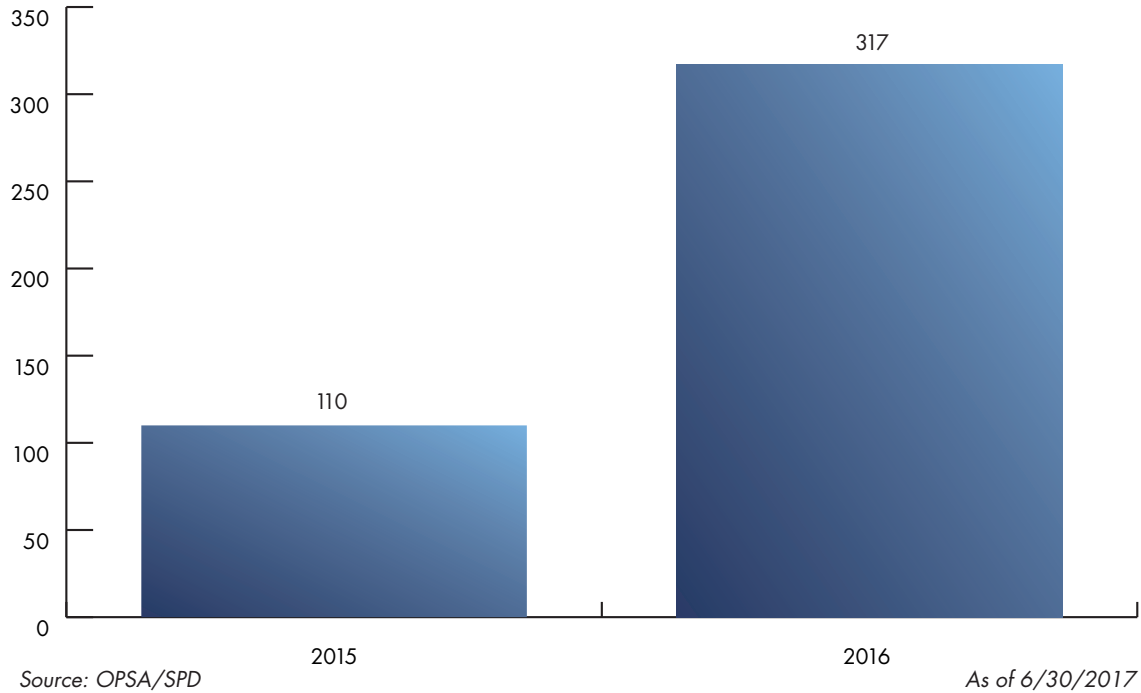
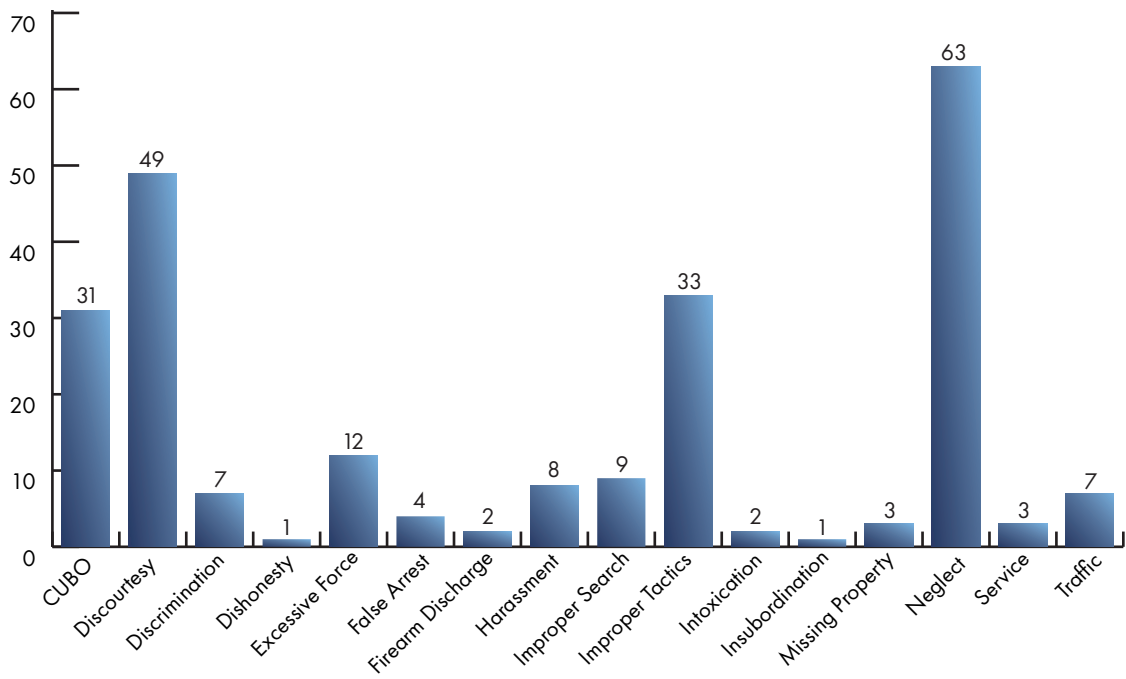


Table 1 compares total complaints received by OPSA and SPD in 2015 vs 2016 (and the first 6 months of 2017).



TABLE 2: NUMBER AND TYPES OF POLICE COMPLAINTS IN 2016



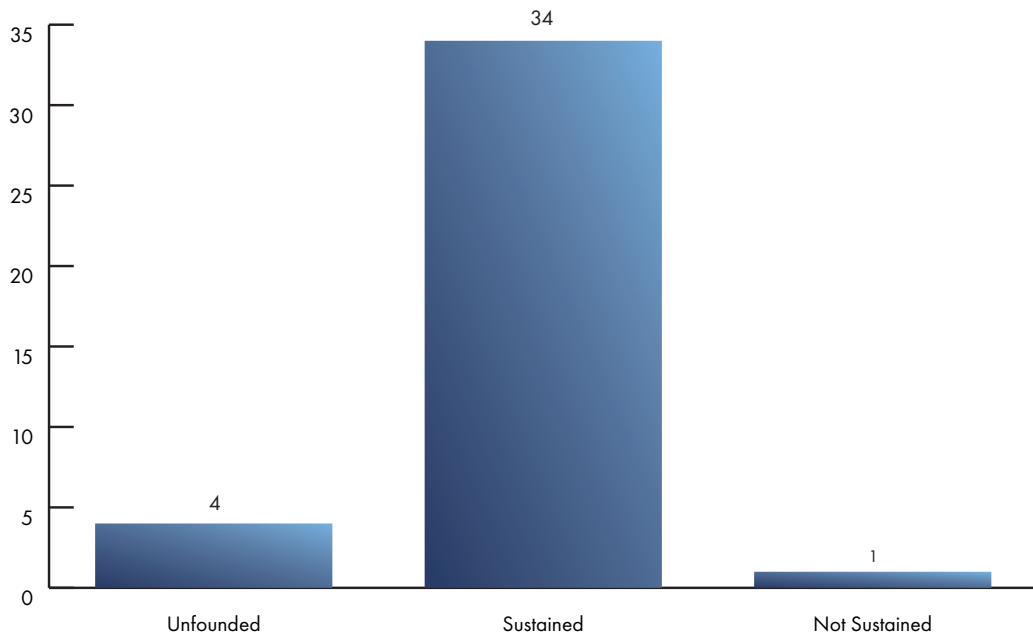
Source: SPD

As of 6/30/2017

Table 2 identifies the number and types of misconduct complaint allegations that were filed directly to SPD against police officers during this reporting period. Note: one investigation could have multiple complaints.



TABLE 3: FINAL DISPOSITION OF SPD FORMAL INVESTIGATIONS IN 2016

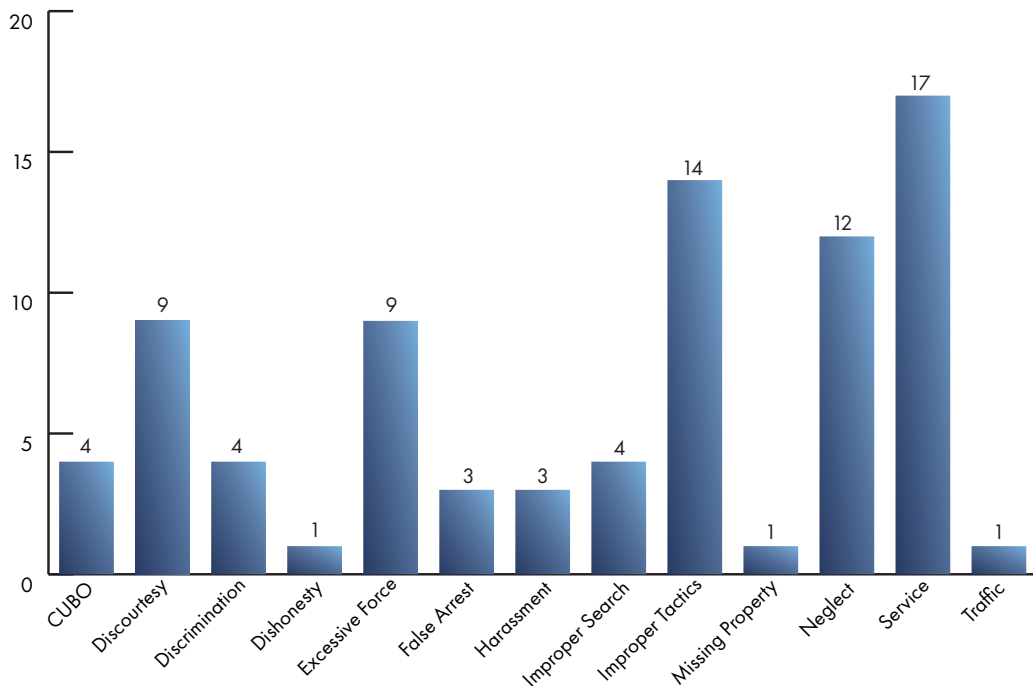


Source: SPD

As of 6/30/2017

Table 3 shows that, over this period, there were 39 formal investigations by IAD. There were 17 cases open at the time of this report. Of the 39 completed investigations, 87% resulted in disciplinary action against the officers; 15 officers were disciplined.

TABLE 4: NUMBER AND TYPES OF OPSA COMPLAINTS IN 2016



Source: OPSA

As of 6/30/2017

Table 4 identifies the number and types of misconduct complaint allegations that were filed against police officers to OPSA during this reporting period. These 82 complaints were evaluated, discussed with SPD and resolved by OPSA without a formal investigation.

CRITICAL INCIDENTS IN 2016

In light of high-profile events in 2016, locally and across the country, critical incidents such as officer involved shootings (OIS) and Deaths In-Custody (DIC) continue to have the potential to create great concern on the part of the community and to strain police-community relations. Fortunately, while many communities across the country are establishing more robust civilian oversight of law enforcement and fire departments, the City of Sacramento already maintains an effective and well-established oversight process.

To ensure investigations are thorough and impartial, and to promote public confidence in SPD's internal investigative process, OPSA actively monitors all critical incident investigations. OPSA's monitoring role begins immediately after a critical incident occurs with a notification to the OPSA Director by SPD Dispatch. The OPSA Director responds to the scene and is briefed with preliminary information.

The Director further monitors the on-scene investigation as it progresses. Following on-scene monitoring, the Director monitors the interviews of involved officers and witnesses. In cases where the Director believes additional questioning is warranted, the Director may request investigators ask further questions of the interviewees. The OPSA Director reviews all video footage related to the critical incident prior to its release.

Additionally, OPSA participates in post-incident administrative reviews of every critical incident. The purpose of these reviews is to provide SPD command staff the opportunity to evaluate whether the incident was handled in compliance with Department policy. OPSA's oversight role extends to these reviews and the Director participates to identify areas for improvement, trend information and potential issues of community concern or interest.

In the 18-month period of this report, SPD personnel were involved in five OIS and one DIC event involving Sacramento Police Department officers.

OPSA was not notified of any Fire Department high profile incidents from the period of this report.

CRITICAL INCIDENTS, JANUARY 2016 – JUNE 2017

INCIDENT ONE

On February 20, 2016, officers from the Sacramento Police Department were processing a 31-year old male who had been arrested for drug possession charges at the Sacramento County Jail. While at the nurse's station getting an intake evaluation, the man began to suffer a medical emergency. He was immediately assisted by jail medical staff and eventually the fire department. He was rushed to the hospital where he was pronounced deceased.

After further investigation and review of in-car camera (ICC) footage, it was determined the man intentionally ingested a large amount of illegal narcotics while in the back seat of the patrol car which were hidden on him. This ingestion caused the medical emergency.

OPSA responded to the scene of the incident, monitored interviews of involved officers, facilitated a conversation between the man's family and police management and was part of the management review. An SPD department review did not find the officers violated any policy which contributed to the man's death.

OPSA agrees with these findings. No recommendations.

INCIDENT TWO

On April 8, 2016, officers from the Sacramento Police Department responded to a call for service regarding an individual looking over fences in a residential neighborhood. The initial officer arrived and spoke to the man who was cooperative. When an additional officer arrived, the man was detained, uncuffed, in the backseat of the patrol car. The two officers started to talk to witnesses when the man's behavior caused one officer to return to the car to investigate. When the officer opened the back door, the man jumped out of the car and ran. The initial officers did not give chase; however, they did communicate what had happened and requested additional officers to help locate the individual. During the search, the man had used a stolen pickaxe to break into an occupied home and then armed himself with two kitchen knives. He eventually was spotted by officers on Center Parkway and was ordered to drop his weapons and get on the ground. The man charged directly at one officer with knives in hand. Three officers fired a total of 16 rounds, hitting the man 7 times. He was pronounced deceased at the scene by the Sacramento Fire Department.

OPSA staff responded to the scene, monitored interviews of the involved officers, were present at the management review and facilitated a meeting between the man's family and police management.

SPD department review of the incident determined the shooting officers' actions did not violate any department policy; however, one of the initial responding officers did violate policy due to discourteous comments made prior to the shooting.

OPSA agrees with these findings.

RECOMMENDATION

OPSA recommends the SPD implement a thorough process regarding attempting to confirm information received at the scene from witnesses prior to including that information in press releases. Generally, initial information from the scene can be inaccurate; however, it is often shared during the early stages of the critical incident and becomes the story. As investigators obtain a more thorough understanding of the situation as the investigation progresses, the conflict with the initial information shared and the actual facts may cause the public to question the integrity of SPD based on the conflicting information initially released.

INCIDENT THREE

On July 11, 2016, several residents observed a man walking through their neighborhood with a knife in his hand and acting erratically. One resident reported seeing a gun in the man's waistband or pocket. Officers from the Sacramento Police Department responded and began giving verbal commands to the man to drop the knife and to get on the ground. The individual failed to comply,

continued to brandish the knife and behave erratically. Eventually a sergeant arrived on the opposite side of the street. The man ran directly at the sergeant's patrol car. The sergeant drove off to avoid confrontation. A two-officer patrol car was arriving on scene at the same time as the man running towards the sergeant's patrol car. The officers decided to attempt to hit the man with their patrol car; after two unsuccessful attempts, the officers exited their patrol car and began a foot pursuit of the individual. After a short, 12-second chase, the individual stopped, turned and faced the officers and made some motions with his arms with the knife still in hand. The two officers subsequently fired 18 rounds at the individual, striking him 14 times. The individual was transported to a local hospital where he was pronounced deceased.

OPSA monitored involved officer's interviews, facilitated a conversation between the man's family and police management and was part of the management review. Additionally, OPSA sat in the administrative interviews of the shooting officers.

SPD's administrative investigation determined the officers' actions violated several policies.

OPSA agrees with these findings.

RECOMMENDATION

The management review of this shooting took place three months after the incident. At that time, the Chief of Police determined Internal Affairs Division (IAD) needed to review the case for potential policy violations. The investigation was started and stopped several times at the direction of police management; however, it was eventually completed by IAD ten months after the incident happened. The public's need for information and clarity regarding critical incidents, like officer involved shootings, is paramount to transparency and public trust. OPSA recommends the department develop a process where all critical incidents can be reviewed by a knowledgeable team of officers and the findings made public within a reasonable amount of time. This process would afford the opportunity for SPD to review their policies and processes surrounding a critical incident, even when there may not be potential misconduct, which is required for a formal administrative investigation by IAD. This should be done in a timely manner with enhanced information sharing with the community, which will aid relationship and trust building.

INCIDENT FOUR

On November 6, 2016, an officer from the Sacramento Police Department was working a supplemental position in full uniform at a local gaming facility. A fight had taken place in the parking lot between two groups of individuals; the officer and two security guards intervened and separated the groups. As the individuals started to leave, one of the individuals pulled out a handgun and started shooting towards the officer and the crowd. The officer drew his firearm and fired 5 shots at the suspect, who was not hit and ran from the area. Unfortunately, during the shooting, an innocent bystander was struck by the suspect. He later died at the hospital. The suspect was later arrested.

OPSA staff responded to the scene of the incident, monitored the involved officer's interview and attended the management review. The department did not find any policy violations by the involved officer.

OPSA agrees with these findings. No recommendations.

INCIDENT FIVE

On February 10, 2017, undercover officers from the Sacramento Police Department North Gang Enforcement Team and Post Release Community Supervision Unit were conducting surveillance on an individual wanted for a parole violation and recent shooting. The man was seen leaving a home when two undercover cars and one marked patrol car approached the scene to attempt to take him into custody. As the officers pulled up, the suspect began running in the opposite direction. He fired several shots at the arriving officer in the marked patrol vehicle and at the other officers who were now pursuing him on foot. Three SPD officers and one Sacramento County Deputy fired a total of 29 shots at the man striking him 4 times. The man was taken to an area hospital where he was treated for his injuries prior to being booked in the county jail.

OPSA staff responded to the scene of the incident, monitored involved officers' interviews, and attended the management review. OPSA also facilitated communication between the man and his family while he was recovering in the hospital. The department did not find any policy violations by the involved officers.

OPSA agrees with these findings.

RECOMMENDATION

OPSA recommends SPD establish a protocol regarding facilitating communication between injured arrested suspects and their families. Currently, families are given very limited information regarding the incident, including the whereabouts or the condition of their family member. Although the individual may be legitimately in police custody, the department should attempt to alleviate any unnecessary duress for the family, where possible.

INCIDENT SIX

On March 6, 2017, officers from the Sacramento Police Department responded to a disturbance near the 1100 block of Alhambra Boulevard where a shirtless man was reportedly running up to citizens outside an open business and challenging people to fight. The first responding officers located the subject and attempted to detain him. After resisting their commands, the subject fled into an open medical facility. The subject continued to run through the facility, unsuccessfully attempting to enter doors. Pursuing officers tackled the subject to physically detain him, but were met with violent resistance.

During the 3 ½ minute confrontation, two officers utilized their Tasers several times with no effect on the subject. The officers then struck the subject with their baton, in a further attempt to subdue him. Finally, additional officers responded to the scene and they collectively detained the subject in handcuffs. Fire was requested to respond to the scene due to officer's suspicion that the man may

be suffering from excited delirium due to his erratic behavior. As fire arrived, the man began to lose consciousness. The medics initiated CPR and treated the man for nearly 25 minutes on scene before transporting him to a nearby hospital in critical condition.

Although this incident did not fall under the parameters of the video release policy, public interest and SPD's commitment to transparency prompted SPD to release multiple videos to the media and public, including in-car camera recordings, store surveillance video and dispatch audio. OPSA facilitated a meeting between SPD and the subject's family to privately show all video/audio evidence prior to the public release.

OPSA and SPD conducted a management review of this incident, including pertinent evidence, video/audio, interviews of witnesses and statements from officers involved. The department did not find any policy violations by the involved officers, but did recognize areas that needed to be addressed regarding personal upkeep of police equipment.

OPSA agrees with these findings. No recommendations.

OPSA RECOMMENDATIONS

In addition to the specific critical incident recommendations mentioned in the previous section, OPSA made the following recommendations in October 2016 to the City Manager in light of public concerns for more transparency and better information sharing from City of Sacramento departments:

1. SPD evaluate its current Use of Force policy to determine whether it is consistent with current best practices. This evaluation should include consideration of whether the "imminent" threat threshold is sufficiently restrictive so as to limit the use of deadly force to only those exceptional circumstances where such force is warranted. The evaluation should also include consideration of whether officers should be required to employ de-escalation tactics when safe and feasible to do so.
2. SPD review its current deployment of less-lethal weapons to ensure optimal availability to officers in the field.
3. SPD evaluate current training provided to officers for interacting with individuals with mental illness to ensure that training sufficiently prepares officers to deal effectively with such encounters.
4. SPD research current tactical and strategic best practices used by police departments nationally regarding dealing with non-compliant individuals armed with weapons other than firearms.
5. SPD review current policies regarding transparency with a view to maximizing public confidence in SPD's processes related to officer involved shootings and other high-profile/critical incidents. This review should include consideration of establishing a designated point of contact for families of individuals seriously injured or killed during police operations. The review should also include consideration of how information regarding such incidents and related investigative and adjudicative processes can most effectively be shared with the community.

Note: These recommendations have already been submitted to the appropriate department.

FIRE DEPARTMENT

During the 18-month duration covered in this report, the Sacramento Fire Department did not have any critical incidents. However, the Professional Standards Unit (PSU) received 72 complaints against SFD personnel.

FIRE COMPLAINT ALLEGATION DEFINITIONS

COMPLAINT—Any complaint pertaining to SFD policies, rules, procedures or employee conduct.

Misconduct complaints include, but are not limited to, allegations of:

A. CRIMINAL OFFENSE

As statutorily defined.

B. CITY EQUIPMENT

Any misuse of City equipment.

C. CONDUCT UNBECOMING

Behavior that is malicious or criminal or a failure to follow ordinary and reasonable rules of good conduct and behavior. This includes any misconduct bringing discredit upon the SFD.

D. DISCOURTESY

Rude or abusive actions directed toward another person.

E. DISCRIMINATION

Allegations that the employee's actions or misconduct was due to race, sex, religion, physical disability, ethnicity or sexual orientation of an individual.

F. DISHONESTY

Theft, misappropriation of funds, property of the City or others, or giving false, or misleading information.

G. HARASSMENT

Any action or conduct including, but not limited to, the making of threats of violence, physical intimidation, verbal abuse, derogatory comments, sexual demands, or an act of retaliation because of the sex, race, ancestry, physical handicap, medical condition, marital status, age, sexual preference, or any other protected characteristic of a citizen or employee.

H. EXCESSIVE FORCE

Includes attempted or actual intimidation as well as physical use of force.

I. IMPROPER TACTICS

Improper or unapproved procedures and techniques used by an employee, such as giving inappropriate advice or taking in appropriate action.

J. INSUBORDINATION

Failure or refusal to follow a lawful written or verbal order of a superior.

K. INTOXICATION

The use of intoxicants by on-duty personnel.

L. MISSING PROPERTY

Property missing, which has, at one time, been in the custody or control of a member of the SFD.

M. NEGLIGENCE OF DUTY

The failure to perform a required duty.

N. SERVICE

The failure to provide adequate, timely and required police action.

O. TRAFFIC

Improper or illegal driving by an employee.

P. WAGE GARNISHMENT

Failure to pay just debts.

TABLE 5: COMPARISON OF INVESTIGATIONS AGAINST FIRE PERSONNEL FILED IN 2015 & 2016

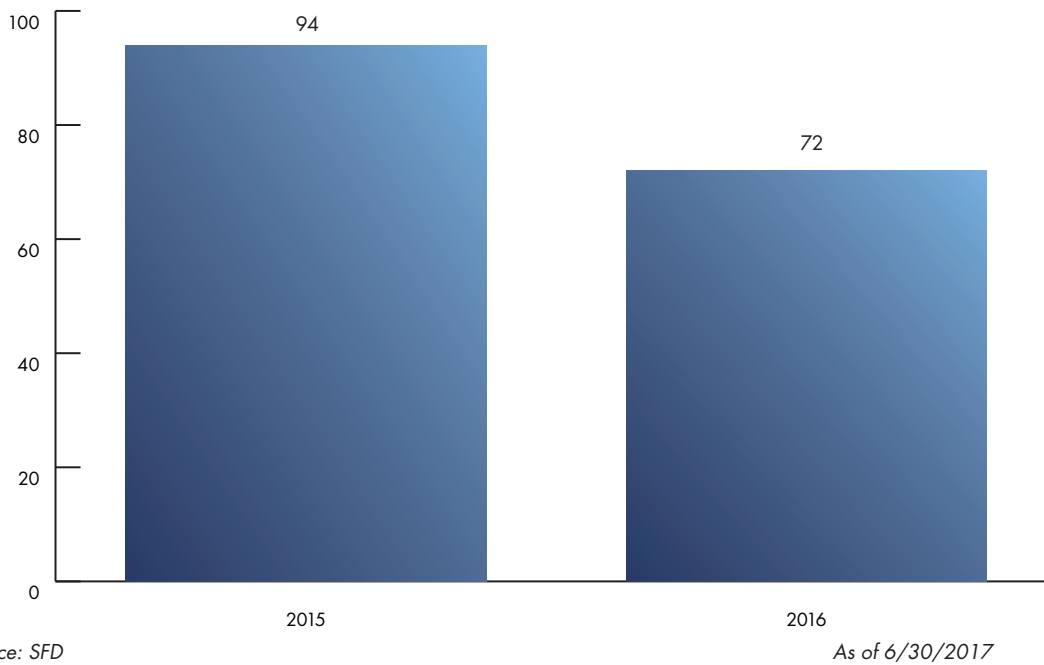


Table 5 compares 2015 vs 2016 (and the first 6 months of 2017). SFD reported a decrease in community-generated complaints over the last year, reflecting a 23% reduction.

TABLE 6: NUMBER AND TYPES OF FIRE COMPLAINTS IN 2016

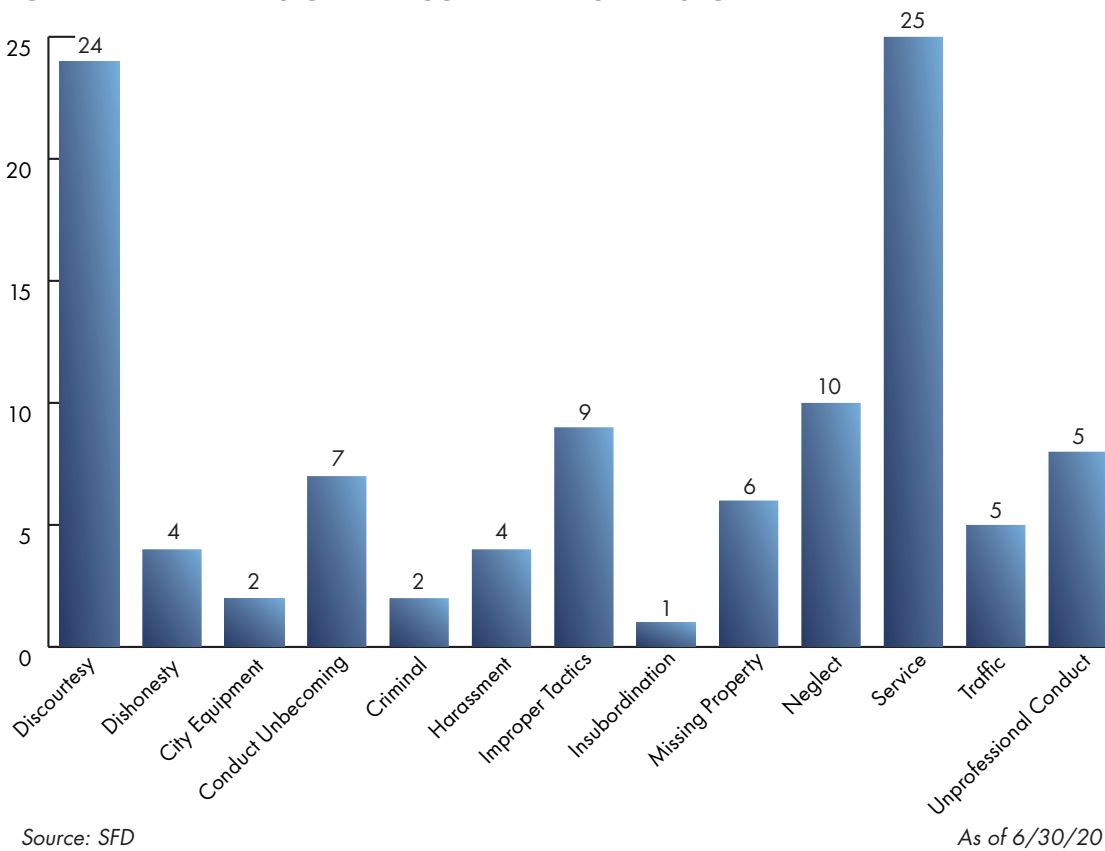
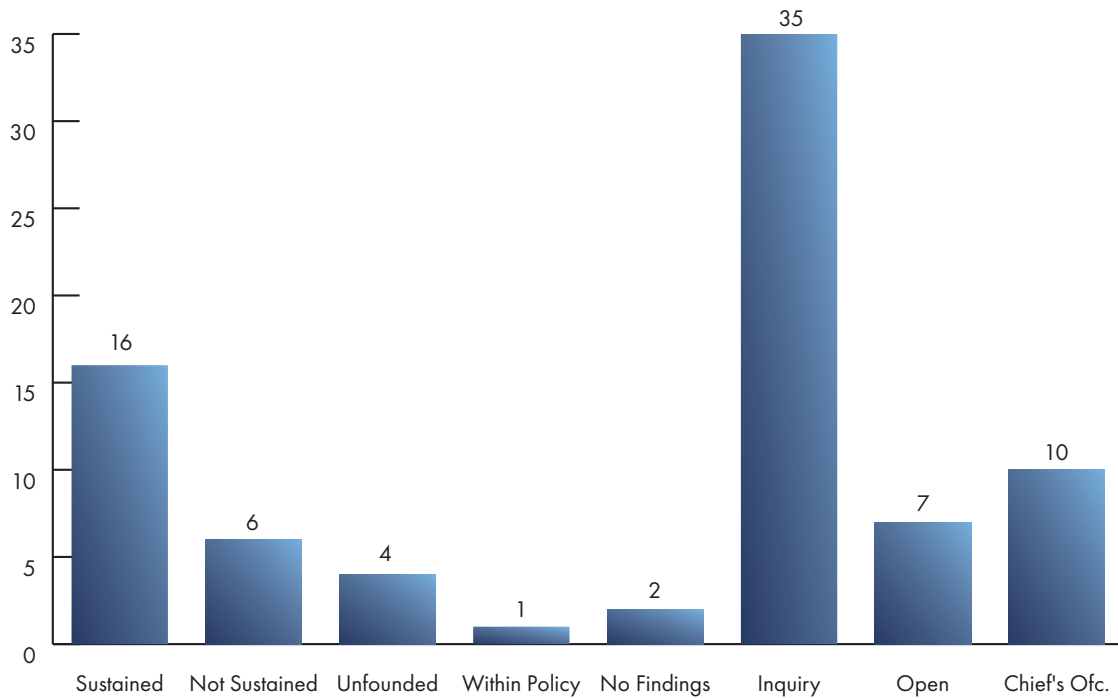


Table 6 identifies the number and types of misconduct allegations filed against Fire Department employees during the period of this report. Note: there may be multiple allegations per investigation.

TABLE 7: FINAL DISPOSITION OF INVESTIGATIONS AGAINST FIRE PERSONNEL IN 2016



Source: SFD

As of 6/30/2017

Table 7 shows that of the 27 completed misconduct investigations (first 4 data columns), 59% of the complaints referred to Fire Command Staff during this period resulted in disciplinary action against employees (sustained).

Moving forward, SFD PSU will continue to refine their complaint process and procedures to watch for trends and improve their services. Further, OPSA hired their third employee to work directly with SFD leadership and assist the SFD PSU with conducting investigations and inquiries.

APPENDIX A: FREQUENTLY ASKED QUESTIONS

WHAT IS THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY?

The Office of Public Safety Accountability (OPSA) is a Mayor and City Council established office whose main responsibilities are: (1) taking in complaints from members of the public against Sacramento Police (SPD) or Fire Department (SFD) employees, (2) makes sure that SPD and SFD investigates those complaints thoroughly and fairly, and (3) recommends improvements to SPD and SFD policies and procedures.

The Director is Francine Tournour, who has a current staff of two people.

WHY DOES OPSA MATTER?

OPSA helps keep SPD and SFD accountable to the communities they serve by auditing the investigations into claims of police or fire employee(s) misconduct to ensure that those investigations are fair and thorough. The work of OPSA has resulted in improved department policies and increased transparency.

IS OPSA PART OF THE POLICE DEPARTMENT? WHY SHOULD I TRUST OPSA?

No. OPSA is not part of the police department. The OPSA Director answers to the Mayor and City Council. The Chief of Police answers to the City Manager. The City Manager answers to the Mayor and City Council.

You should trust OPSA because the office is independent. OPSA is free to agree or disagree with the decisions of SPD.

WHAT CAN I DO IF I THINK A PUBLIC SAFETY EMPLOYEE DID SOMETHING WRONG?

One of the things you can do is file a Misconduct Complaint with OPSA.

WHAT IS A MISCONDUCT COMPLAINT?

A Misconduct Complaint is a statement from you explaining why you think a City of Sacramento public safety employee broke one (or more) of the rules that the employee is required to follow and requesting that the employee's conduct be investigated by the department. The SPD General Orders are the Police Department's policies governing every aspect of their day-to-day operations and actions. The SFD Manual of Operations contains all policies and procedures that fire personnel are required to follow.

WHAT IF I DON'T KNOW WHICH RULE THE EMPLOYEE MAY HAVE VIOLATED?

There are many rules SPD and SFD personnel are required to follow and you don't need to know them. If you have a question about whether a certain kind of behavior by a public safety employee is against the rules, you can contact OPSA to ask.

DO I HAVE TO KNOW THE EMPLOYEE'S NAME OR BADGE NUMBER?

No, you don't. While it's useful information, if you don't have that information, you can still file your complaint.

CAN I FILE A COMPLAINT WITH OPSA AGAINST A PUBLIC SAFETY EMPLOYEE WHO IS NOT WITH THE SACRAMENTO POLICE OR FIRE DEPARTMENT?

No. OPSA can only process your complaint if it is about an SPD or SFD employee. Complaints about public safety employees employed by other law enforcement agencies cannot be filed with OPSA. However, OPSA will do its best to guide you to the proper authority.

WHO CAN FILE A MISCONDUCT COMPLAINT WITH OPSA?

Any member of the public can file a Misconduct Complaint about SPD or SFD personnel. You can file a Misconduct Complaint about something that happened to you or about something that happened to somebody else. You can live in Sacramento or outside the city. You can be a U.S. citizen or you can be an immigrant – with or without papers. OPSA staff are fluent in English, but can access a translation service to assist in taking your complaint if necessary.

You can also file a complaint if you are a defendant in a criminal case; but if the case is related to the complaint you want to tell us about, we recommend that you talk to your lawyer first.

HOW DO I FILE A COMPLAINT OR COMMENDATION?

You can file a complaint or commendation by email, regular mail, telephone, on our website, or in person.

Please provide as much information as possible regarding the incident, including:

1. Your contact information: Name, Address, Phone Number(s).
2. Incident information: Date, Time, Location.
3. Employee(s) involved: Name and Badge Number, if possible.
4. Unit involved: Fire Company, Fire Station, and/or Fire Vehicle, if possible.
5. Description of the incident: Please provide as much detail as possible.
6. Witness information: Name, Address, Phone Number(s) of any witnesses to the incident.

WILL I HAVE MORE PROBLEMS WITH POLICE OR FIRE IF I FILE A MISCONDUCT COMPLAINT?

No. SPD and SFD have strict rules that prohibit personnel from retaliating against complainants.

WHAT HAPPENS AFTER I FILE A MISCONDUCT COMPLAINT?

When a complaint is received by OPSA, it is reviewed by the Director or staff and then forwarded to Internal Affairs Division (IAD) of SPD or to the Professional Standards Unit (PSU) of SFD for a preliminary investigation. IAD or PSU reviews and categorizes the complaint. Sometimes a complaint can be resolved after speaking to the complainant. In other instances, a formal investigation is conducted. IAD has one year to complete that investigation.

OPSA reviews completed formal investigations for the final disposition as recommended by the Police or Fire Chief.

IAD or PSU notifies the complainant(s) of the case disposition(s). Throughout this process OPSA is available to the complainant to provide information and answer questions excluding disclosure of any confidential or legally protected information.

WHAT IF I DON'T HAVE A MISCONDUCT COMPLAINT AGAINST AN INDIVIDUAL EMPLOYEE, BUT I DON'T LIKE A PATTERN I SEE WITH THE POLICE OR FIRE DEPARTMENT?

You can file a policy complaint. Policy complaints are not requests for individual personnel to be investigated and disciplined. Instead, they are requests that SPD or SFD change its policies or procedures or adopt new ones. You can file a policy complaint with OPSA.

I HAVE BEEN CHARGED WITH A CRIME. WILL FILING A COMPLAINT AFFECT THE CRIMINAL CASE AGAINST ME?

No. The complaint you file with us is separate from your criminal case. OPSA cannot advise or represent you on any legal matter.

APPENDIX B: ORDINANCES

To view the Ordinances amending City Code relating OPSA and the Sacramento Community Police Review Commission and Resolutions adopting the Officer Next Door Framework and City Council Policy on Use of Force (Passed for Publication 11/22/2016; Published 11/23/2016) follow the attached link:

http://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=3900&meta_id=485761



City of
SACRAMENTO

Office of Public Safety Accountability

www.cityofsacramento.org/opsa