



# ANNUAL REPORT

2018

*City of*  
**SACRAMENTO**

Office of Public Safety Accountability

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# Mayor and City Council

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Please find attached, for your review and comment, the Office of Public Safety Accountability's annual report covering calendar year 2018.

2018 was a year of critical self-reflection and change for our Public Safety Departments. New policies were written, police officers completed a Crisis Intervention Training course, and additional non-lethal tools were added to the police department inventory. Even though the number of critical incidents, officer involved shootings, and deaths in custody decreased in 2018, Sacramento continued to be part of the national dialogue regarding the use of force and the Sacramento Police Department faced heavy public scrutiny following the shooting death of an unarmed African American man. Although the Police Department expeditiously released information and video footage of surrounding events of community interest, concerns surrounding transparency and accountability continued to be voiced at multiple venues.

The Mayor and City Council took input from the community, both in Council Chambers and in community forums, and heard first-hand about concerns over police shootings, accountability policies and civilian oversight. As a result of feedback from the community, the Sacramento Police Department revised their Body Worn Camera policy, updated their Use of Force policy, and added a new Foot Pursuit policy.

The Sacramento Community Police Review Commission held eight public meetings and two special community meetings to address accountability, transparency and diversity concerns. In its first full year, the Commission met with representatives of the Sacramento Police Department, received briefings from the US Department of Justice, American Civil Liberties Union and two State Assembly Representative offices. As a result, the Commission produced 27 recommendations for Mayor and City Council to review in an effort to enhance diversity, accountability and transparency efforts for the Sacramento Police Department. Additionally, Commission members attended over 50 events, neighborhood association meetings, ceremonies and training courses to continue its support of the relationship between law enforcement and the community.

OPSA annual reports include statistics regarding the volume and nature of complaint allegations filed against Sacramento police and fire employees. The 2018 report will show that allegations against Sacramento Police Department officers rose by 3%, with the majority of complaints alleging discourtesy, improper tactics or neglect of duty. Complaints filed against Sacramento Fire Department personnel rose 35% overall with the majority of complaints alleging discourtesy or service (defined as failure to provide adequate, timely, or required action).

OPSA monitors investigations of critical incidents that involve the police and fire departments. This oversight helps ensure transparency, accountability, and serves to enhance the public's trust. Over the period of this report, there were four critical incidents involving police officers and no critical incidents involving fire personnel. OPSA continued to be a bridge of communication between the Sacramento Police Department and the families affected by critical incidents.

This report would not have been possible without the cooperation of the Sacramento Police Department Internal Affairs and Professional Standards Unit, 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,



Francine Tournour, Director  
Office of Public Safety Accountability

# About the Office of Public Safety Accountability

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## 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, the training needs of their personnel, and individual case resolution, as needed.

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 (SCPRC), with staff support provided by OPSA. The ordinance also expanded the role and authority of OPSA by increasing the office's budget to hire additional staff. Further, the reporting chain was changed so that the OPSA Director reports to the Mayor and City Council, rather than the City Manager. The provisions of the ordinance went into effect in 2017 and resulted in the OPSA's growth from an office of one to an office of four.

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 Sacramento Police and Fire Departments.

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*The Mission of the Office of Public Safety Accountability is to improve the relationship between the City's public safety departments and the community they protect and serve.*

*We promote trust, excellence, transparency and accountability through independent and impartial oversight of complaints related to public safety employee misconduct.*

## Responsibilities

Under the direction, control and supervision of the City Council, the Director has the following authority and responsibility as related to the Sacramento Police Department and Fire Department:

- A. Audit all citizen complaint investigations of the police department and fire department, as the director deems necessary.
- B. Monitor all citizen complaint investigations conducted by the police department and fire department.
- C. Request the police department and fire department perform further investigation in those citizen complaint cases that require additional investigation as determined by the director.
- D. Receive all documents, reports, or any other item necessary to monitor or audit a complaint investigation.
- E. Assist the city council, or any duly appointed committee of the council, in performing its investigative functions under section 34 of the charter.
- F. As needed, request the city council, or any duly appointed committee of the council, to issue subpoenas as provided in section 34 of the charter. The city council may, by resolution, establish the procedures for the request, issuance, and service of those subpoenas.
- G. Perform such other inquiries and investigations as prescribed by council resolution.
- H. Accept and document complaints directly from citizens as an alternative procedure for citizen complaints concerning public safety personnel, using a complaint form distinct from that used by the police department or fire department. All such complaints shall be promptly forwarded to the respective public safety department for investigation.
- I. Provide complainants with timely updates on the status of investigations, excluding disclosure of any information that is confidential or legally protected.
- J. Explain how the complaint process works to all complainants.
- K. Monitor or independently investigate any other matter as directed by the city council pursuant to section 34 of the charter.
- L. Serve in a public information capacity, including providing public information, excluding disclosure of any information that is confidential or legally protected, on pending investigations as directed by the city council; and making presentations in community forums.
- M. Respond to critical incidents involving police or fire personnel and provide a report to city council regarding the details and concerns of those incidents.

## Public Access to the City's Complaint Process

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

OPISA maintains a comprehensive, independent database of complaints received from the community. OPISA also collects data points to identify potential systemic issues and provide early warning of complaint trends.

# Sacramento Community Police Review Commission



*Commissioners (left to right): Sam Kinsey, Renee Carter, Mario Guerrero, Kiran Savage-Sangwan, Basim Elkarra, Richard Falcon, Eddie Escobar, Johnny Coleman, Wendy Hoyt, and Mariana Sabeniano*

On November 29, 2016, the City Council adopted an ordinance creating the Sacramento Community Police Review Commission, replacing the previous Sacramento Police Commission. New members were appointed by the Mayor and City Council in June 2017 and the SCPRC held its first meeting August 14, 2017.

In its first full year, the SCPRC tackled some challenging issues affecting Sacramento communities. The SCPRC held 10 public meetings to address the implementation and sustainability of city policing initiatives and programs. The meetings also provided the community with a means to participate in reviewing and recommending police department policies, practices and procedures.

Throughout this year, the SCPRC followed their strategic plan and created ad hoc committees on diversity and accountability. These ad hoc committees addressed two of the four pillars of the Officer Next Door Program.

The diversity ad hoc committee evaluated the police department's hiring, retention, training and promotion opportunities in an effort to enhance diversity. They met several times to discuss current police department efforts as well as the previous commission's work to address enhancing diversity recruitment.

The accountability ad hoc committee evaluated the police department's use of force policies and transparency efforts. This committee met several times with police department representatives, evaluated current policies and programs and best practices from police departments around the country.

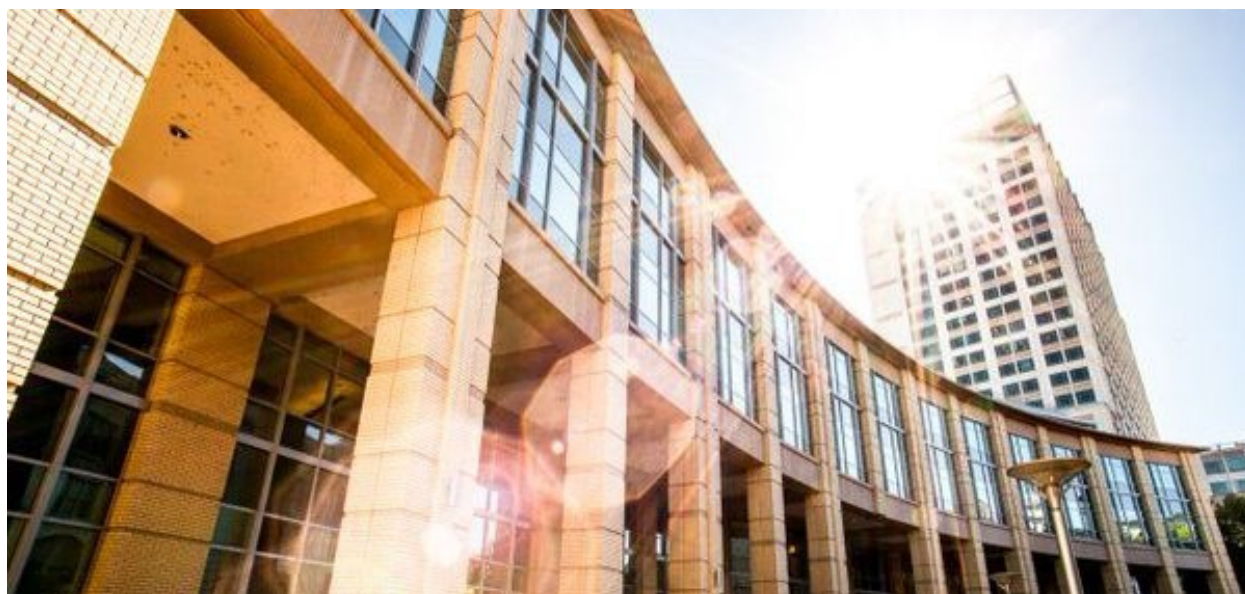
The two ad hoc committees had begun their initial research into their respective issues when the March 18, 2018 police shooting of Stephon Clark redirected the SCPRC's attention. It became evident that the two committees should work with the community to discuss and develop recommendations that would address issues arising from this critical incident.

After meeting with representatives of SPD and reviewing current policies, the SCPRC received briefings from the US Department of Justice, the California Department of Justice, American Civil Liberties Union and two State Assembly Representative Offices. Additionally, the SCPRC hosted two special meetings to solicit ideas and feedback directly from members of the Sacramento community. In September 2018, the SCPRC reviewed and approved 27 recommendations directed at changing use of force policies and improving recruitment, hiring, retention and the training of SPD officers in an effort to provide more diversity.

In addition to forming the two ad hoc committees, the SCPRC initiated preliminary efforts on other topics, including the California Gang Database usage, the City's sanctuary city policy, and sexual assault investigation training. In December of 2018, the SCPRC created its third ad hoc committee to research the effectiveness of SPD's training and protocols related to people living with mental illness and/or substance abuse disorders.

Finally, over the course of the year, SCPRC members attended over 50 events to help bridge communication between the police department and members of the community. Commission members participated in ride-along activities with SPD, attended numerous Neighborhood Association meetings and community discussion panels, completed Peace Officer Standards and Training (POST) Police Academy training classes, and several members graduated from the Sacramento Law Enforcement Community Engagement Academy.

Moving into 2019, the SCPRC remains dedicated to improving the accountability and transparency of SPD and working closely with the community on those efforts.





# Sacramento Police Department

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## Complaint Process

When a member of the public makes a complaint against a public safety employee there has to be a policy violation as well as behavior that falls into at least one of the allegation definitions listed on page 10.

OPSA lists all complaint allegations made in this report. One misconduct complaint investigation can have several allegations listed, as well as more than one officer accused. Once the complaint is received, the Internal Affairs Division (IAD) starts a preliminary investigation into the complaint. The complainant is interviewed to determine which policies the employee may have violated. Often the IAD investigator will review body worn camera footage to determine if the video can resolve the complaint in the preliminary stages. If there are no violations of policy seen, the IAD investigator will explain to the complainant why the officer's behavior does not violate policy and will offer to watch the body worn camera footage with them. This type of complaint is considered informal and closed without a disposition. If there is a possible violation of policy seen, a formal investigation is started.

When a formal investigation occurs, each allegation is examined on its own merits. These investigations may require investigators to contact and interview all available witnesses, including police officers, examine any relevant physical evidence, review video, and gather all information pertinent to each allegation made in the complaint. IAD notifies OPSA when a complaint warrants a formal investigation and provides a summary of the allegations. At the end of the investigation the Chief of Police decides whether the officer's behavior was within or outside of policy. That determination is called a "disposition" and those definitions can be found on page 12. When there is a violation of policy, the employee will receive discipline and those actions can be found in Table 4 on page 13. OPSA has the authority to review formal investigations upon completion, agree or disagree with the disposition, and make recommendations.

The following tables will show there were 355 allegations of misconduct received in 2018. SPD received 253 and OPSA received 102. Of those, 45 were formally investigated. There were 46 misconduct allegations closed through formal investigations. Thirty of the allegations were from 2017 complaints but closed in 2018. Sixteen of the 2018 allegations were formally investigated and closed with 29 allegations still open at the time of this report. The remaining 310 allegations were reviewed, investigated informally, and closed without a disposition.

## 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: SPD Complaint Allegation Comparison 2015-2018

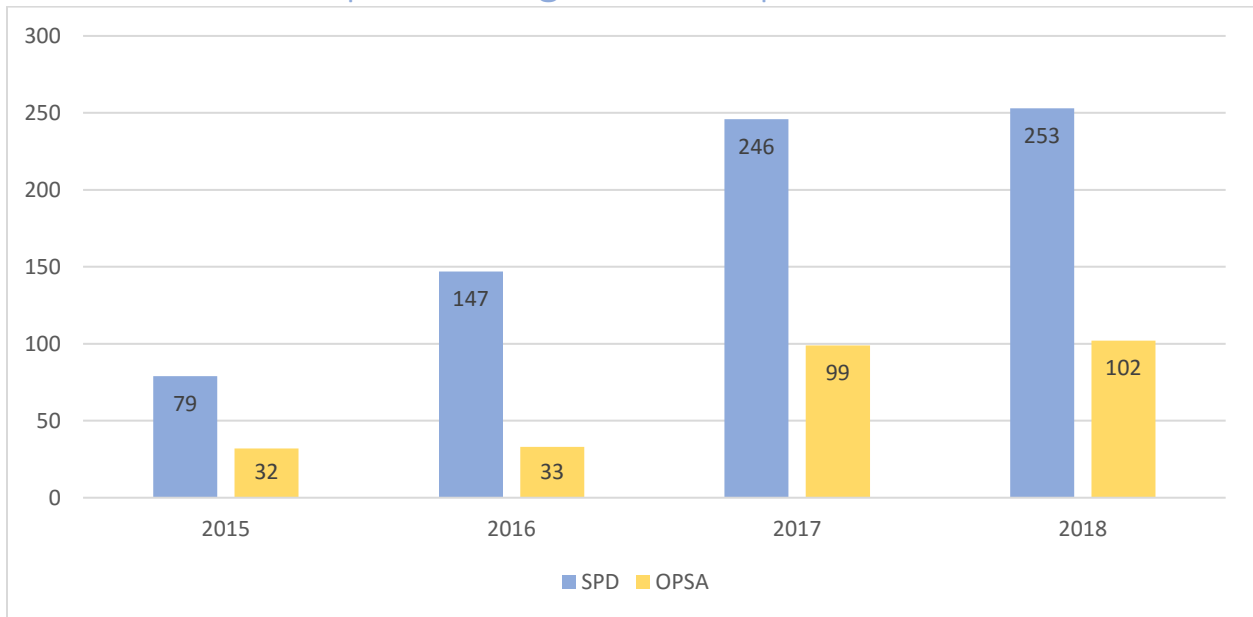


Table 1 compares the total complaint allegations received by OPSA and SPD from 2015 through 2018, showing a 3% increase in total police complaint allegations from 2017.

Table 2: SPD Allegation Breakdown 2018

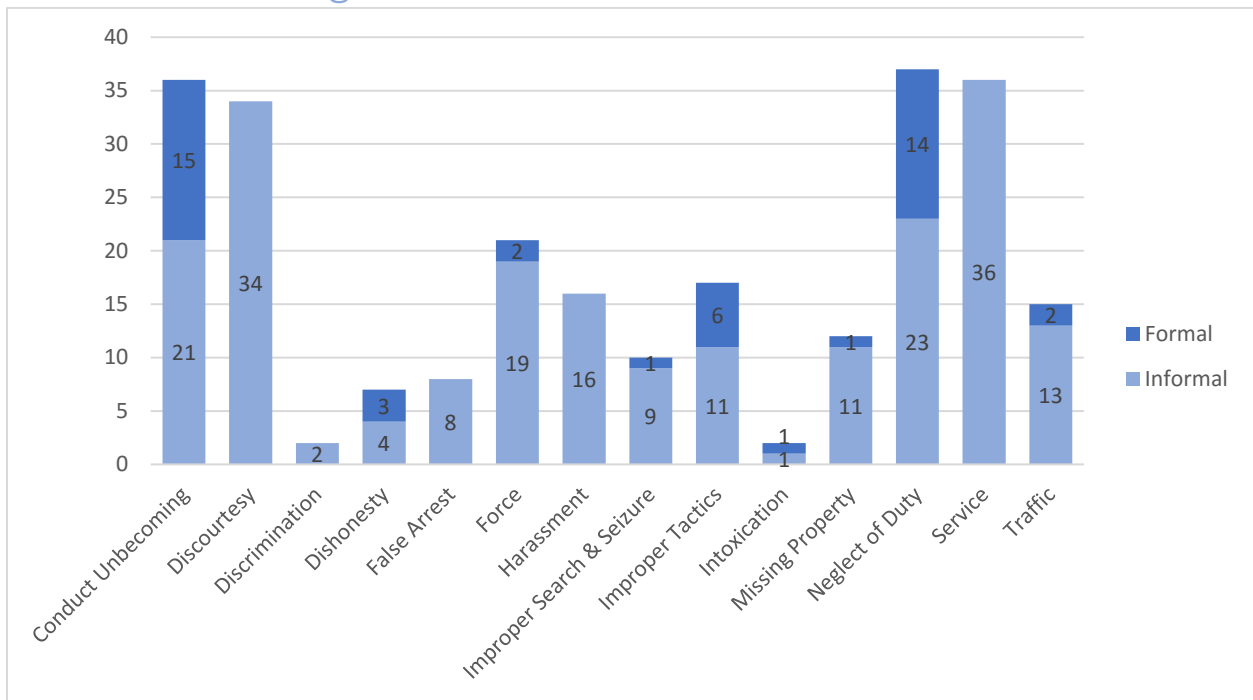


Table 2 identifies the 208 informal and 45 formal misconduct allegations that were filed directly to SPD against police officers during this reporting period. Note: one investigation could include multiple allegations.

Table 3: SPD Disposition of Formal Investigations

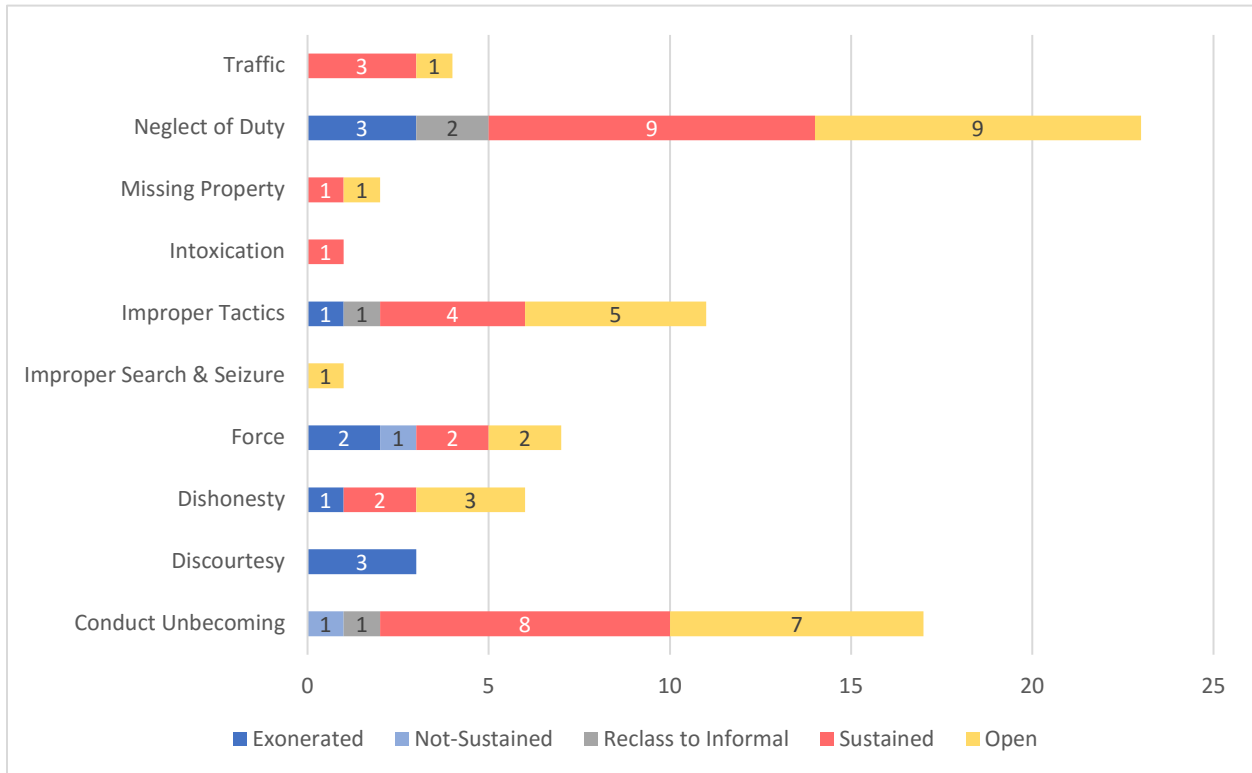


Table 3 shows the findings of 46 misconduct allegations attributed to 19 employees from 15 formal investigations completed by IAD in 2018. There were 11 formal investigations with 29 allegations open at the time of this report.

The following are possible dispositions of formal investigations:

**SUSTAINED:** The investigation disclosed enough evidence to clearly prove the allegation.

**NOT SUSTAINED:** The investigation failed to reveal enough evidence to clearly prove or disprove the allegation.

**EXONERATED:** The act which provided the basis for the complaint did occur; however, investigation revealed the act was justified, lawful and proper.

**UNFOUNDED:** The investigation has produced sufficient evidence to prove that the act or acts alleged did not occur. This finding shall also apply when individual personnel named in the complaint were not involved in an act that did occur.

**RECLASS TO INFORMAL:** Preliminary investigation determines the complaint should be handled at a lower level and is reclassified to an informal complaint.

Table 4: SPD Discipline from Completed Formal Investigations

Discipline	# of Officers
Demotion	1
Documented Counseling	2
Education-Based Discipline (EBD)	1
Letter of Reprimand	2
Released from Probation	1
Suspension	1
Termination	3

Table 4 reflects the 11 completed formal investigations where discipline was imposed.

Table 5: OPSA Allegation Breakdown 2018

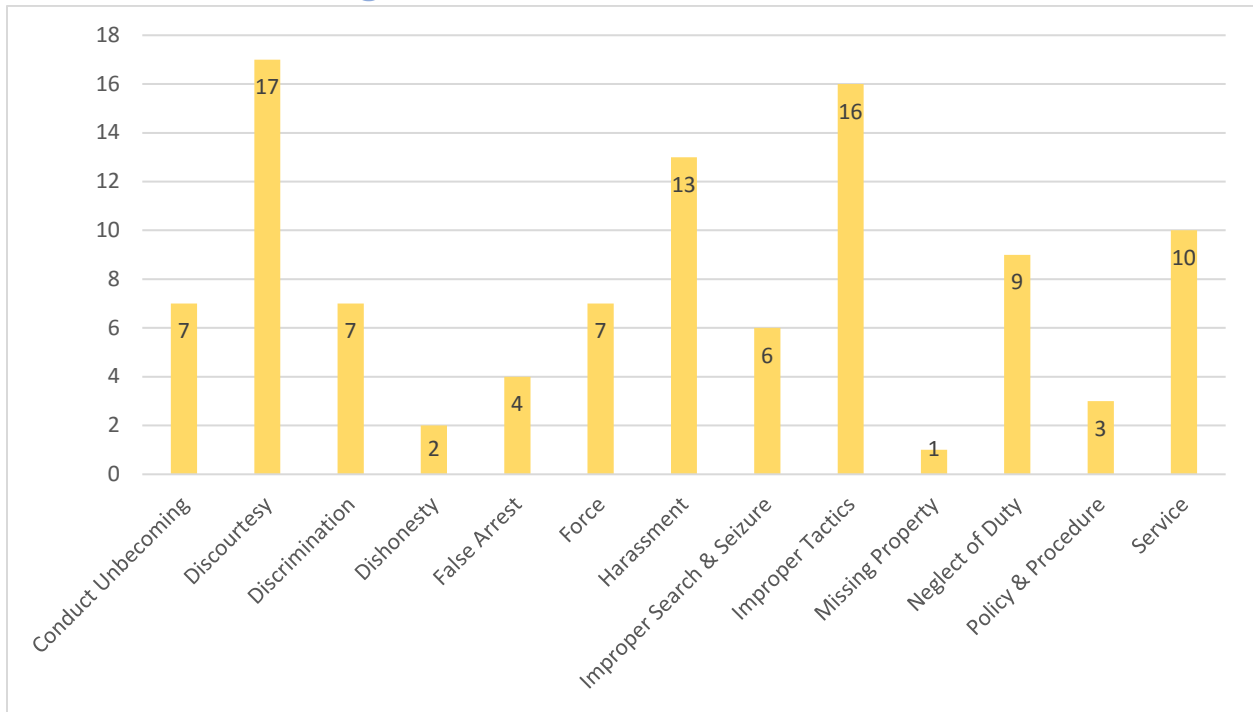


Table 5 shows the number and types of misconduct complaint allegations that were filed against police officers to OPSA during this reporting period. These 102 allegations were evaluated with OPSA conducting preliminary investigations, discussed with SPD as needed, and resolved without a formal investigation.

# Critical Incidents

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## March 18, 2018

### **Officer Involved Shooting – 7500 Block of 29th Street**

On the evening of Sunday, March 18, 2018 SPD dispatch received a call regarding a man breaking vehicle windows in the 7500 block of 29<sup>th</sup> Street and indicating that the suspect was now hiding in a neighboring backyard. When officers arrived, they were given an update from the Sheriff's helicopter that the suspect was in a nearby backyard and had broken the rear window of a home. Officers were also told the suspect jumped the fence of the adjoining property, was looking in the window of a car on the side of the house, and was "running" towards the front of the house.

When officers located the suspect, they yelled for him to stop and show his hands. The suspect ran back towards the back of the house and two officers chased him. As the officers rounded the corner, the man was coming back at them with his arms extended out in front of him. One of the officers yelled "gun" and began to shoot. The second officer also fired his gun.

Additional officers arrived and gave commands to the man to show his hands. There was approximately a five-minute delay before any officers approached the man to assess his injuries or render aid. The man was declared dead at the scene by Sacramento fire personnel. No weapon was found.

OPSA staff responded to the location of the incident for the briefing and scene walk through. Staff monitored the interviews of involved officers and witnesses at the Public Safety Headquarters, facilitated a meeting between the family and police management, and were present at the Critical Incident Debrief.

In response to this critical incident, there were several immediate changes made by the Chief of Police to police department policy, including the implementation of a new foot pursuit policy.

At the time of this report, the District Attorney's Office had not determined whether there is criminal culpability on the part of the involved officers.

**Recommendation:** In addition to the positive steps already taken by SPD, OPSA recommends the department develop a response or tactical approach that could allow officers to assess injured individuals with minimal delay. When someone is critically injured, it is not likely they will be able to respond to officer's commands. Medical aid needs to be provided as expeditiously as possible, without compromising officer safety.

## June 6, 2018

### **Death in Custody – 700 Block of N 5<sup>th</sup> Street**

On Wednesday, June 6, 2018 at approximately 1:45 p.m., a Sacramento Police Officer driving a marked patrol wagon was contacted by Parole Agents from the State of California, Department of Corrections and Rehabilitation, and asked to assist with transporting a man in their custody to the Sacramento County Main Jail. During the transport, the officer had been monitoring the man via a video monitoring screen inside the driver's compartment of the van. The officer became concerned about the man and decided to check on him as he pulled into the jail entry way. The officer opened the door and discovered the man

was in medical distress. The officer requested emergency medical assistance and began administering Cardiopulmonary Resuscitation (CPR). CPR remained in progress until the Fire Department arrived and took over medical care. The man was transported to a local area hospital where he was pronounced dead by a physician.

The coroner's report indicated the cause of death was "sudden death with methamphetamine intoxication." Based on the circumstances and cause of death, the coroner's report listed the manner as an Accident.

OPSA met with the family of the decedent to assist with questions and concerns surrounding the death of their loved one. In compliance with the Sacramento City Council Use of Force Policy, the director reviewed video and audio footage associated with the incident with family members prior to public release.

As of publication of this document, there has not been a management level review of this incident.

**Recommendation:** Through the investigation of this critical incident the police department became aware the camera system in the transport vehicle was not recording. The transporting officer could monitor the actions in the back of the vehicle, but none of those actions were recorded. OPSA recommends the police department establish a schedule to periodically check recording devices and camera systems. This will help build trust and ensure necessary transparency during critical incidents.

## July 31, 2018

### **Death in Custody – 5200 Block of Stockton Boulevard**

On Tuesday, July 31, 2018 at approximately 2:00 a.m., an SPD officer driving through a parking lot in the 5200 block of Stockton Boulevard noticed 5 individuals loitering near closed businesses. The officer contacted the individuals and requested an additional officer to assist.

A computer check revealed one of the individuals had an outstanding felony no-bail warrant, so the officer handcuffed him and placed him in the back of the patrol car while he attempted to confirm the warrant. As the officer continued with his investigation, he noticed the man was sweating and shaking. The officer asked the man if he had swallowed anything or if he needed any medical assistance, to which the man replied "No" to both. Despite the man declining medical attention, it became obvious that he was in some form of medical distress, so the officer requested the Sacramento Fire Department (SFD) to respond.

SFD responded and provided medical care and transported him to a local hospital. Shortly after arrival, he was pronounced dead. Medical personnel at the hospital located and removed an empty plastic bag from the man's throat.

The coroner's report indicated the cause of death was "methamphetamine intoxication." Based on the circumstances and cause of death, the coroner's report listed the manner as an Accident.

OPSA met with the family of the decedent to assist with questions and concerns surrounding the death of their loved one. In compliance with the Sacramento City Council Use of Force Policy, the director reviewed video and audio footage associated with the incident with family members prior to public release.

As of publication of this document, there has not been a management level review of this incident.

**Recommendation:** OPSA recommends the police department add a training component to the academy to help new officers recognize the signs of controlled substance ingestion and overdose. This training should include actual photos and videos that outline the differences when someone is in a true medical emergency versus feigning illness.

## September 6, 2018

### **Officer Involved Shooting – 2000 Block of 1<sup>st</sup> Avenue**

On Wednesday, September 5, 2018 at approximately 11:32 p.m., officers from the Sacramento Police Department (SPD) responded to a call for service in the area of Broadway and 16th Street. The caller stated a masked man had pointed a handgun at numerous people in the area.

At approximately 11:38 p.m., responding officers saw the person who then ran south on 20<sup>th</sup> Street. Responding patrol officers began setting a perimeter when one of the officers saw the man in an alley near residential homes with the gun in his hand. The officers gave commands to show his hands; however, the man fled over a fence back into a residential backyard. Once the perimeter was set, SPD SWAT and K9 officers were called to assist in the search.

At approximately, 1:36 a.m., September 6, 2018, the SWAT and K9 teams initiated a house to house search within the perimeter. At 3:12 a.m., SWAT officers located the man hiding under a stairwell at the rear of a home in the 2000 block of 1<sup>st</sup> Avenue. The man was ordered to drop his weapon, but according to involved officers, he instead pointed his gun at an officer. Two officers fired a total of 16 rounds at the man. The officers rendered immediate medical aid until relieved by the Sacramento Fire Department. The man was declared dead at the scene by fire personnel.

When officers approached the man, they recovered a firearm and a knife. Investigators determined the firearm was a pellet gun replica of a 9MM handgun.

OPSA staff responded to the scene and monitored interviews of the involved officers. Additionally, OPSA met with the family of the decedent to assist with questions and concerns surrounding the death of their loved one. In compliance with the Sacramento City Council Use of Force Policy, the director reviewed video and audio footage associated with the incident with family members prior to public release. OPSA staff was also present at the Critical Incident Debrief.

**Recommendation:** Through the investigation of this critical incident the police department became aware the placement of the Body Worn Camera was inadvertently being stopped by the stock of the rifle. OPSA recommends the police department review Body Worn Camera placement of each police assignment to determine whether specialty equipment may inadvertently affect the functionality of the camera system. This will help build trust and ensure necessary transparency during critical incidents.



# Sacramento Fire Department

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## 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. **NEGLECT OF DUTY**  
The failure to perform a required duty.
- N. **SERVICE**  
The failure to provide adequate, timely and required action.
- O. **TRAFFIC**  
Improper or illegal driving by an employee.
- P. **WAGE GARNISHMENT**  
Failure to pay just debts.

Table 6: SFD Complaint Comparison 2015-2018

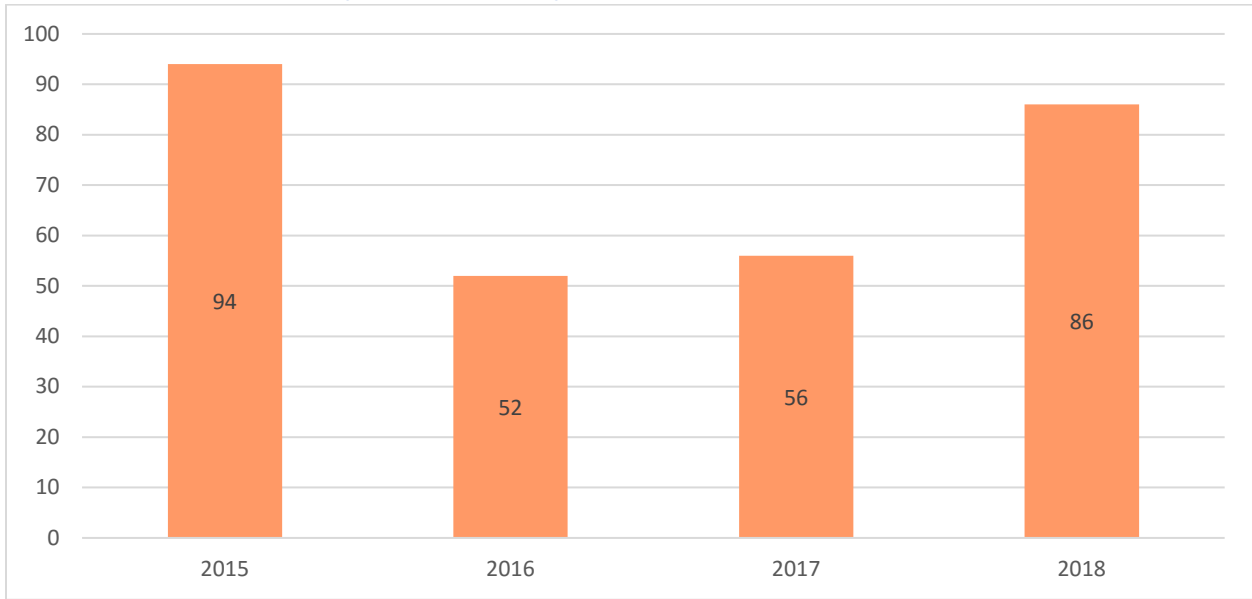


Table 6 compares the total complaints concerning SFD from 2015 through 2018, showing a 35% increase in fire complaints from 2017.

Table 7: SFD Allegation Breakdown 2018

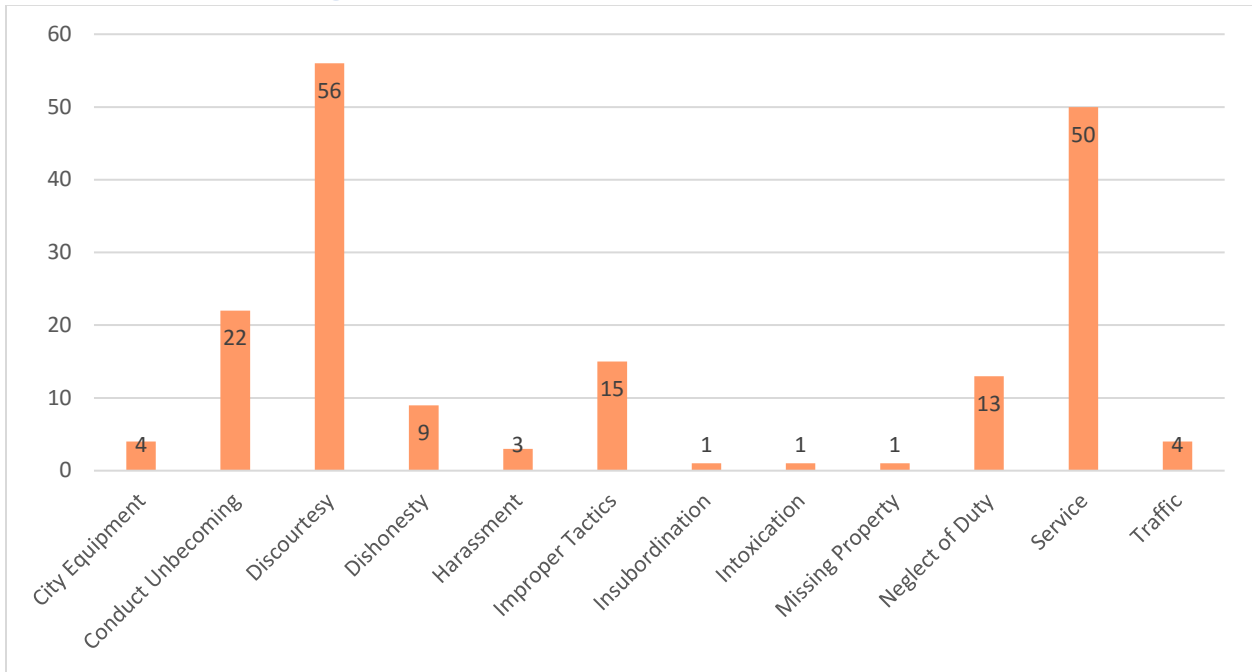


Table 7 identifies the breakdown of the 179 misconduct allegations filed against SFD employees during the period of this report. Note: there may be multiple allegations per investigation.

Table 8: SFD Disposition of Investigations

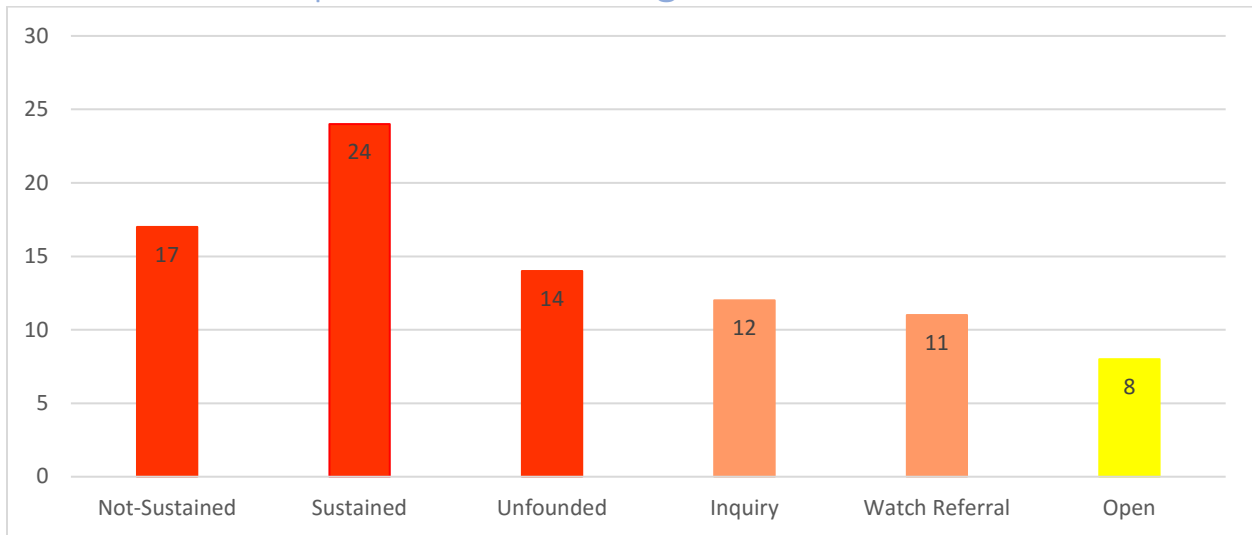


Table 8 shows that of the 55 completed misconduct investigations (first three data columns in red), 44% of the complaints referred to Fire Command Staff during this period resulted in disciplinary action against employees (Sustained). Twenty-three complaints were closed informally following a preliminary investigation, and 8 remain open.



## Outside Jurisdiction

OPSA received 41 complaints or inquiries that were not attributed to Sacramento Police or Fire and an additional 46 inquiries that did not require an investigation. Staff does its best to connect the complainants with the proper agency or information to help them resolve each issue that falls outside of the office’s scope of responsibility.

# Frequently Asked Questions

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## **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 three 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.

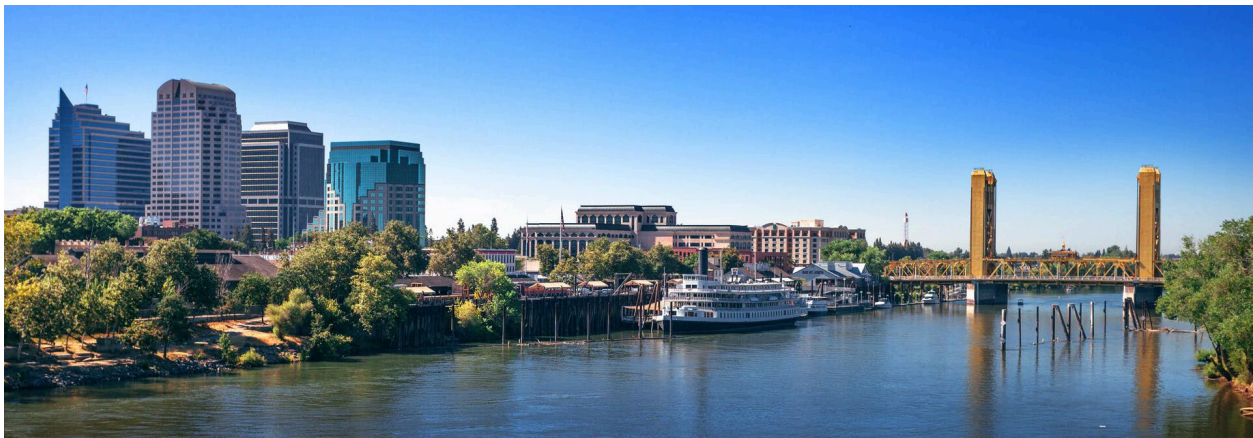
## Outreach & Events

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The Office of Public Safety Accountability continues to focus on reaching out to our community to inform them about the work of the office. OPSA ensures that community concerns are being heard and considered by the City’s Public Safety Departments. By providing information to the community regarding the complaint process and by making public safety policies and implementation of those policies more transparent, more trust can be built. The OPSA director and staff have attended numerous outreach events throughout the city and within the public safety departments to aid the effort of building more trust.

### *Notable events during 2018 included:*

- Three United States Department of Justice Community Relations Service meetings held throughout Sacramento Community
- Sacramento Police Academy Curriculum Review Committee for Use of Force (LD20)
- Sacramento March for the Dream
- Luther Burbank Law Academy Presentation
- 2018 National Association for Civilian Oversight of Law Enforcement Conference (St. Petersburg, FL)
- CA Lawmakers Introduce Legislation on “Necessary Force”
- Northern Sacramento Leadership Alliance Meetings
- Law Day Panel: “Separation of Powers – Framework for Freedom”
- Stonewall Democratic Club of Greater Sacramento – 15<sup>th</sup> Annual 4 Freedoms Gala
- Transparency and Justice: A Conversation About Policing and Community
- Numerous presentations to Sacramento Neighborhood Associations



# Meet the Office of Public Safety Accountability

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**Francine Tournour**  
Director

**Chris Wheeler**  
OPSA Specialist

**Mandy Holm**  
OPSA Analyst

**Alayna Aguilar**  
Executive  
Assistant

The Office of Public Safety Accountability is a Mayor and City Council established office designed to improve the relationship between the City's public safety departments and the community they protect and serve. We promote trust, excellence, transparency and accountability through independent and impartial oversight of complaints related to public safety employee misconduct.

OPSA's main responsibilities are to:

- (1) receive complaints and commendations from members of the public regarding City of Sacramento Police (SPD) or Fire Department (SFD) employees;
- (2) review SPD and SFD complaint investigations for thoroughness and fairness, and
- (3) make recommendations for improvements to SPD and SFD policies and procedures.

The Director has broad oversight authority to evaluate the overall quality of SPD and SFD personnel performance and the authority to encourage systemic change.

OPSA is available to conduct presentations to a wide spectrum of community groups, schools, neighborhood meetings, civic organizations, State and National professional agencies and associations in an effort to make sure OPSA is known throughout the Sacramento community as a resource and provide information on how the Office can be utilized.

If you are interested in scheduling a brief presentation, please contact the Office at (916) 808-7525 or by email to [opsa@cityofsacramento.org](mailto:opsa@cityofsacramento.org).

