

2020

Annual Report





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Mayor and City Council

Please find attached, for your review and comment, the Office of Public Safety Accountability's annual report covering calendar year 2020.

Summary

The Office of Public Safety Accountability (OPSA) remained resilient and resourceful as it began 2020 during a period of transition with a recently hired Interim Director, Kevin Gardner, and a long-term vacancy in the Specialist position. OPSA transitioned back to staffing the Sacramento Community Police Review Commission (the "Commission"), working with the City Clerk's Office, and meeting with Commissioners regularly. In the days following the March 9, 2020 Commission meeting, the momentum was briefly halted by the COVID-19 global pandemic, as in-person meetings were no longer possible.

OPSA staff transitioned to working from home to align with local and federal guidelines and social distancing recommendations for the containment of the coronavirus. OPSA continued fulfilling its core mission of providing independent and impartial public safety oversight for the Sacramento Police Department (SPD) and the Sacramento Fire Department (SFD) by executing the roles and responsibilities of the office while working remotely, which encompasses timely communication with complainants and community stakeholders, as well as strengthening the process in the thorough review of completed investigations.

Meanwhile, the City of Sacramento had launched a nationwide recruitment for a permanent replacement for the position of Director, which became vacant in September 2019. As a result of the recruitment, the Council appointed Dr. LaTasha Watson for the position of Director of the Office of Public Safety Accountability effective June 8, 2020, completing Mr. Gardner's tenure as Interim Director from November 25, 2019 to June 9, 2020.

Dr. Watson's initial 90 days encompassed an observation and evaluation phase in an effort to understand and evaluate the operational as well as administrative functions of the office. The observation and evaluation phase was essential in developing a roadmap for the future by assessing the strengths and weaknesses of the office.

Onboarding meetings remained ongoing and included meetings with the Mayor, all City Council members, Sacramento Fire Chief, Sacramento Chief of Police, Sacramento Community Police Review Commissioners, Police Association President, Sacramento Area Firefighters Local 522 Vice President, City Attorney's Office, and various city department directors and staff. Community stakeholder meetings were also conducted virtually with a variety of community members and organizations and remain ongoing.

In an effort to expand the oversight ability of the Office of Public Safety Accountability to increase transparency and accountability of the police department, the Sacramento City Council passed a motion on July 1, 2020, authorizing the creation of an Inspector General (IG) position in the Office of Public Safety Accountability. The IG position entails full independence and authority to investigate officer-involved shootings and use-of-force incidents that result in serious bodily injury or death.

The ongoing pandemic created uncertainty, fear, frustration, and anxiety within City of Sacramento communities and across the nation. In addition to the ongoing pandemic, historic wildfires, large-scale protests, and social unrest created wide-spread tensions within communities as well.

Through all this change, OPSA remained unwavering in its commitment to serving the Sacramento community and fulfilling the mission and responsibilities of the office. As the infrastructure improved with resuming public meetings via teleconference, OPSA worked with the Commission to schedule a Special Meeting on July 29, 2020, allowing them to continue providing a venue for community participation in reviewing police department policies, practices, and procedures in a virtual format.

In October 2020, OPSA filled the vacancy for the position of Specialist and launched a nationwide recruitment for the IG position. As the office onboarded new staff and moved into 2021, the Office of Public Safety Accountability continues its efforts in the improvement of policing and better serving the interests of the public. The goals and objectives of the office will focus on creating meaningful opportunities for the community to influence decisions that impact them, incorporating innovative and progressive ideas to resolve issues, explaining challenges and limitations, and ensuring outcomes meet goals while remaining inclusive and accessible.

The following report includes summaries of the seven critical incidents that occurred in 2020, including one in custody death investigation involving SFD and SPD, and six officer involved shootings. The charts illustrate the 313 complaints regarding police misconduct and 59 complaints regarding fire misconduct reported to directly to the office, through SPD Internal Affairs Division, or SFD Professional Standards Unit. Additionally, the findings regarding the completed police and fire investigations are illustrated as well as any reported discipline.

Note: OPSA utilized the best available case data at the time of reporting to prepare this report. Case work is dynamic and has multiple moving parts.

About the Office of Public Safety Accountability

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.

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.

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.

On July 1, 2020, the Sacramento City Council passed a motion authorizing the creation of an Inspector General (IG) position in the Office of Public Safety Accountability, further expanding the office. The IG position entails full independence and authority to investigate officer-involved shootings and use-of-force incidents that result in serious bodily injury or death.

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.

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 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. OPSA also collects data points to identify potential systemic issues and provide early warning of complaint trends.

Sacramento Community Police Review Commission

The Mayor and City Council established the Sacramento Community Police Review Commission (the “Commission”) in 2016 to make recommendations to the Mayor and Council regarding police policy, procedures, and best practices. At least annually, the Commission is required to report and make its recommendations to Mayor and City Council.

The Commission met in February and March of 2020, before in-person meetings were halted following in accordance with Public Health Orders in the State of California and Sacramento County related to COVID-19. The Commission was able to form Ad Hoc Committees and worked in small groups among three active committees: 1) Rules of Procedure Ad Hoc; 2) Discipline and Accountability Ad Hoc; and 3) Mental Health Ad Hoc.

In July 2020, public Commission meetings resumed via teleconference meetings only to align with local and federal guidelines and social distancing recommendations for the containment of the coronavirus. During the July 29, 2020 Special Meeting, the Commission was introduced to the new OPSA Director, Dr. LaTasha Watson, who was appointed for the position effective June 8, 2020.

Teleconference meetings continued to provide a space for the public and Commission to meet throughout 2020. The three Ad Hoc Committees presented their proposed recommendations to the Commission in February 2021 and approved the Commission’s recommendations to be presented to the Mayor and City Council.

Sacramento Police Department

Complaint Process

When a member of the public makes a complaint against a public safety employee, there must 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 and 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 may offer to watch the body worn camera footage with the complainant.

The Internal Investigations Manual published effective August 1, 2019 requires that all complaints be investigated and documented on a Personnel Complaint Form (SPD 330). OPSA receives notification of all complaints received by SPD and continues to send complaints submitted to OPSA to IAD for investigation.

For completed complaint investigations, each allegation of misconduct receives a disposition and complaint dispositions are documented on a Personnel Complaint Disposition Form (SPD 332). Even frivolous complaints will be given a disposition of “Unfounded” and tracked by both IAD and OPSA. The disposition types and definitions can be found on page 12. When there is a violation of policy, disciplinary action is issued by the department’s administration and those actions can be found in Table 6 on page 14. OPSA has broad authority to review investigations upon completion, agree or disagree with the findings of the investigation, request the further investigation to be performed, as well as make recommendations regarding future investigations, policies, and practices.

During 2020, OPSA documented 313 complaints of police misconduct with a total of 794 allegations. The following tables will show the breakdown of the 711 allegations filed with SPD and 83 allegations filed with OSPA. There were 263 complaint investigations completed during the year, closing a total of 664 allegations. Of those, 490 allegations were from complaints filed in 2020 and 174 allegations were filed in prior years, with 121 allegations resulting in a Sustained finding.

Police Complaint Classifications and Allegations

Complaints are allegations of misconduct against any Department employee involving a violation of any law, rule, regulation, policy, or other improper job performance.

The following is a list of complaint classifications and their definitions (SPD Internal Investigations Manual updated 8/1/2019). More than one classification can be attached to a complaint.

CONDUCT UNBECOMING AN EMPLOYEE –

Behavior that is malicious, criminal, brings discredit upon the department, or fails to follow ordinary and reasonable rules of good conduct while on or off duty.

DISCOURTESY – Rude or abusive actions directed towards another person.

DISCRIMINATION – Actions or misconduct due to the race, ethnicity, nationality, gender, age, religion, gender identity or expression, sexual orientation, or mental or physical disability of any person.

DISHONESTY – Knowingly giving false or misleading information.

FALSE ARREST – Removal of personal liberty without proper authority or legal justification.

FIREARM DISCHARGE – Anytime a firearm is discharged in violation of Department policy.

FORCE – Any unreasonable amount of force, ranging from any physical contact to use of any weapon.

HARASSMENT – Any unsolicited or unwarranted employee action or conduct that reasonably appears meant to annoy, threaten, intimidate, or alarm any person.

IMPROPER SEARCH AND SEIZURE – A detention, arrest, search, or seizure of an individual's person or property that is unlawful or in violation of Department policy.

IMPROPER TACTICS – Procedures utilized by an employee that are different from approved practices or procedures.

IN-CUSTODY DEATH – Administrative review of an in-custody death incident.

INSUBORDINATION – Failure or refusal to follow a lawful written or verbal order issued by a superior.

INTOXICATION – On-duty personnel under the influence of any intoxicant.

MISSING PROPERTY – Property that has been in the custody of an employee and becomes unaccounted for or missing. This also includes the misappropriation or theft of funds or property.

NEGLECT OF DUTY – The failure to perform a required duty.

OFFICER INVOLVED SHOOTING – Administrative review of an officer involved shooting incident.

PROFILING – The consideration or reliance on actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability when deciding to subject a person to law enforcement activities. However, an officer may consider or rely on characteristics listed in a specific suspect description.

SERVICE – The failure to adequately provide timely and required police action.

TRAFFIC – Improper or illegal driving by an employee.

WAGE GARNISHMENT – Failure to pay just debts

Table 1: Allegation Comparison 2016-2020 – Police

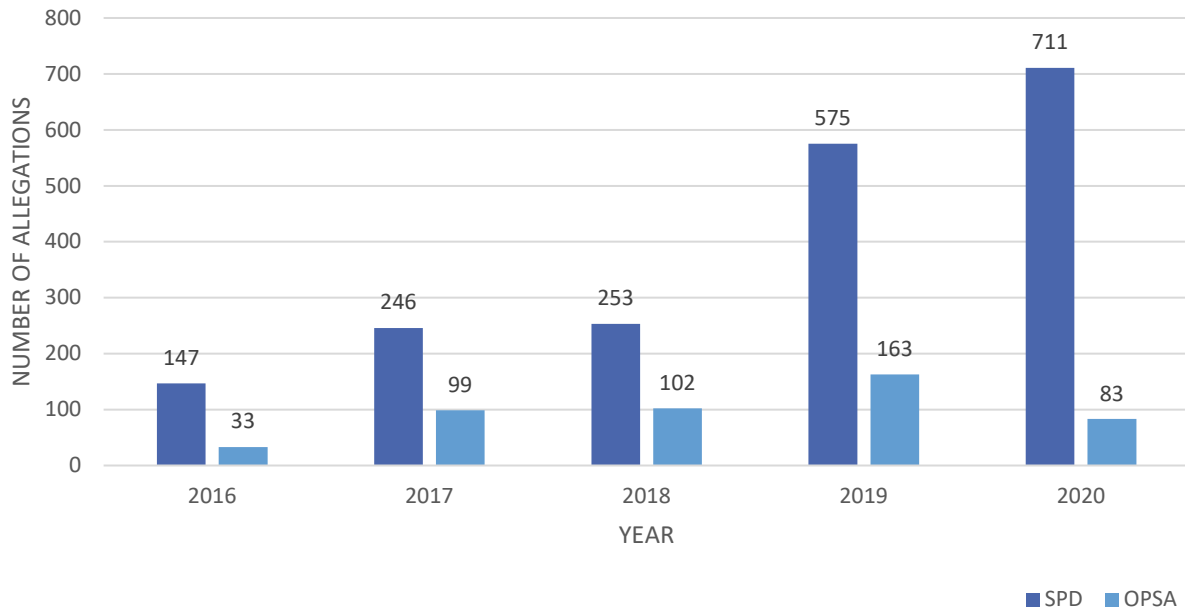


Table 1 compares the total complaint allegations received by OPSA and SPD from 2016 through 2020, showing an 8% increase in total police complaint allegations from 2019.

Table 2: Allegation Breakdown 2020 – SPD

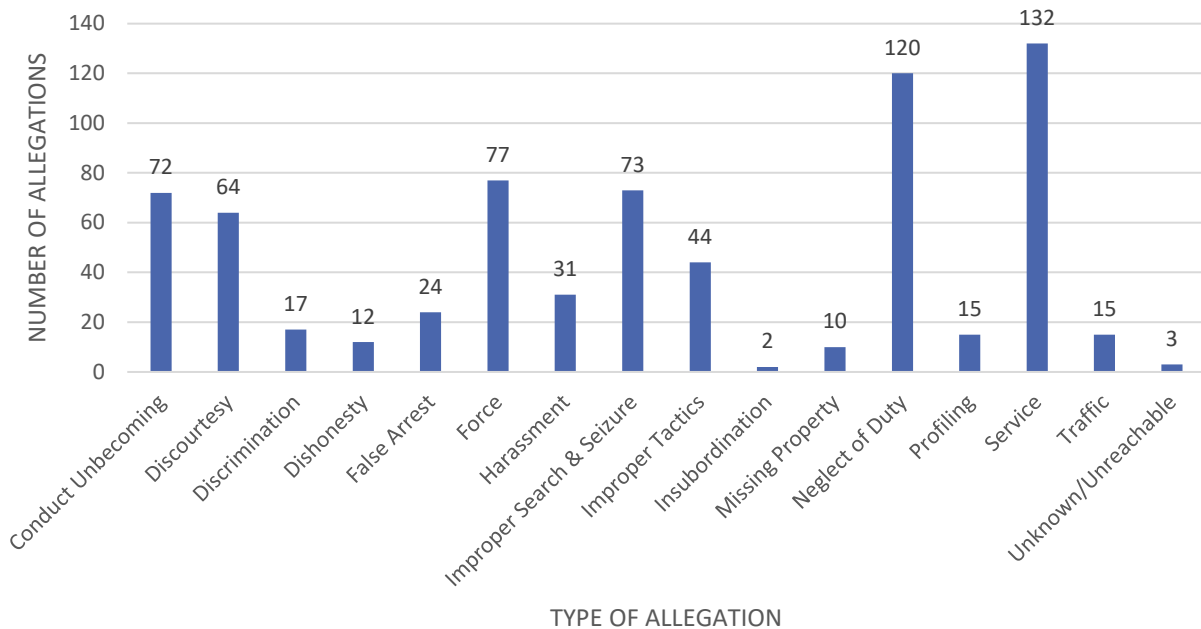


Table 2 identifies the 711 misconduct allegations that were filed directly with SPD against police personnel during this reporting period. Note: one investigation could include multiple allegations.

Table 3: Allegation Breakdown 2020 – OPSA

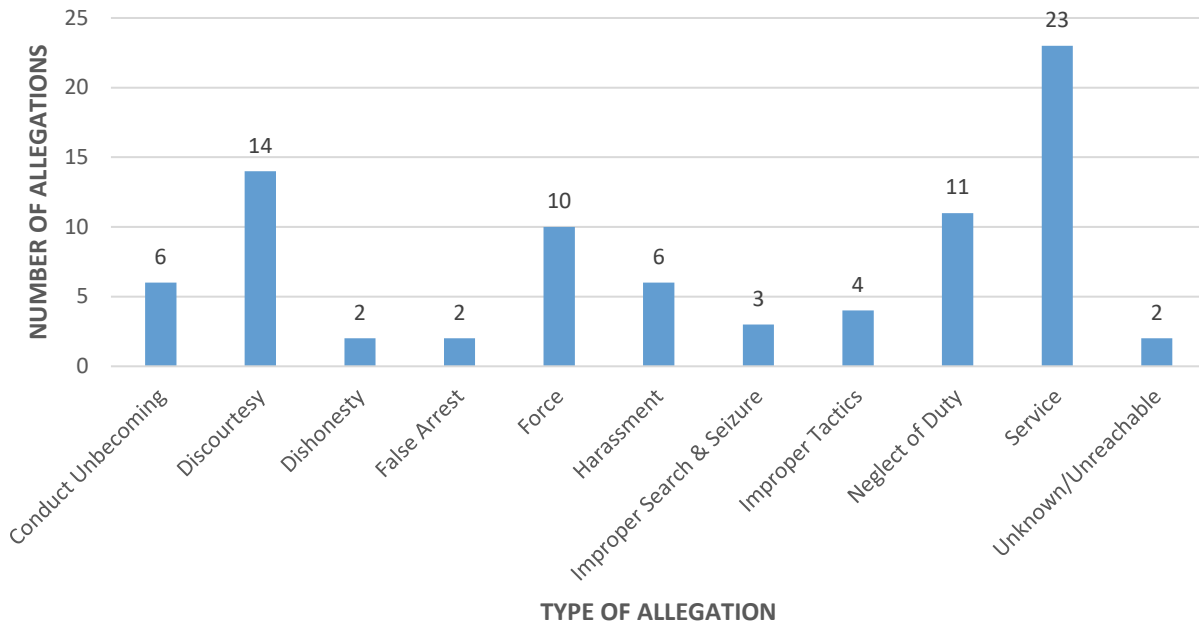


Table 3 identifies the 83 misconduct allegations that were filed with OPSA against police personnel during this reporting period. These allegations were evaluated with OPSA receiving the preliminary complaint information and discussed or forwarded to SPD for investigation, as needed. Note: one investigation could include multiple allegations.

Dispositions

Each allegation of misconduct shall receive one of the following dispositions:

- SUSTAINED:** Sufficient evidence supports the allegation against the employee(s).
- NOT SUSTAINED:** Sufficient evidence does not exist to clearly prove or disprove the allegation.
- EXONERATED:** The investigation clearly established that the alleged act occurred and was justified.
- UNFOUNDED:** The investigation clearly established that the alleged act did not occur, or the identified employee was not involved. This also includes frivolous complaints, which are found to be totally and completely without merit, or those for the sole purpose of harassing an employee.

Table 4: Allegation Dispositions – Police

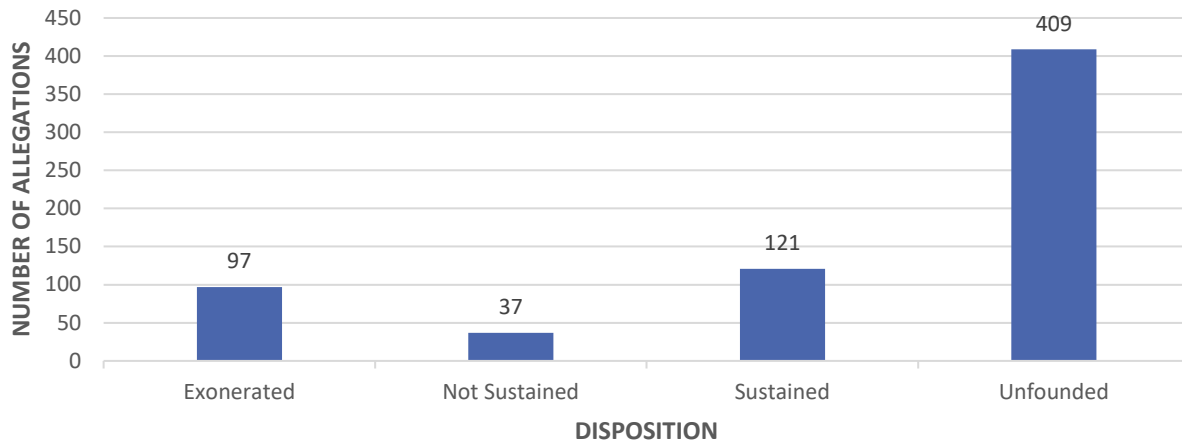


Table 4 shows that of the 263 completed misconduct cases with a total of 664 allegations, 121 of the allegations were Sustained and referred to Police Command Staff for disciplinary action against employees.

Table 5: Dispositions by Allegation – Police

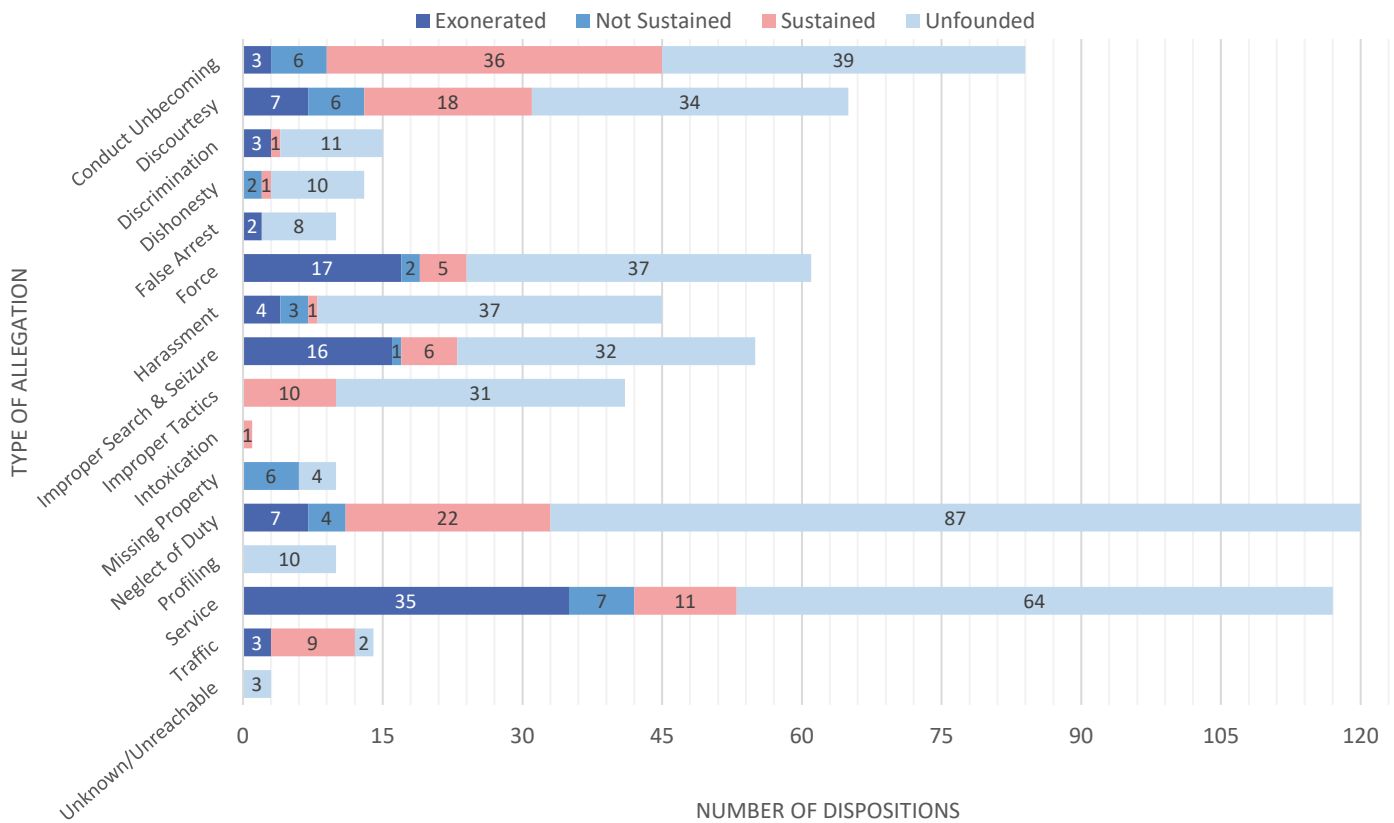


Table 5 shows the dispositions of 584 allegations from complaints filed directly to SPD and 80 allegations filed to OPSA, that were investigated by IAD and completed during 2020. 490 of the allegations were filed in 2020 and 174 allegations were filed in prior years.

Table 6: SPD Discipline from Completed Investigations

Discipline	# of Cases
Documented Counseling	9
Education Based Discipline	3
Letter of Reprimand	19
Released from Probation	1
Retraining	6
Suspension	8
Termination	2
Verbal Counseling	25

Table 6 reflects the discipline imposed from misconduct investigations completed in 2020 according to data provided by Internal Affairs. Note: One case can result in multiple disciplinary actions against multiple employees.

Critical Incidents

February 25, 2020

In Custody Death Investigation – 5300 block of 25th Street

On Tuesday, February 25, 2020, at 7:46 p.m., SFD requested SPD assistance on a medical aid call at a residence. SFD advised of an uncooperative adult male who was experiencing a medical emergency. Officers and SFD personnel entered the residence and observed the adult male sitting on a couch, making incoherent statements, and moving erratically. Officers assisted in controlling the male by placing him on his stomach in handcuffs so medical aid could be administered. The involved officers continued to comfort the individual by rubbing his back and reassuring him that they were there to help. SFD personnel began to administer medical aid once the individual was controlled.

While aid was being administered, it was observed by personnel on scene that the male was no longer talking or moving. SFD personnel checked his condition and provided an explanation as to why the individual's condition appeared to change. In order to facilitate additional medical treatment, the handcuffs were removed, and the male was secured on a gurney for transport to a local hospital. Once in the ambulance, SFD personnel informed officers that the male was no longer breathing, and they had begun Cardiopulmonary Resuscitation (CPR). The male was transported to a local area hospital in critical condition. He received medical treatment and remained hospitalized for several days.

On March 17, 2020, the Sacramento Police Department received notification that the male involved in this incident had died on March 3, 2020. Once this information was received, Detectives initiated an investigation into the incident and OPSA was notified.

April 11, 2020

Officer Involved Shooting - 7400 Block of West Stockton Boulevard

On April 11, 2020, at approximately 3:38 p.m., the Sacramento Police Department was notified by the Marysville Police Department to be on the lookout for a suspect wanted for attempted homicide with a firearm. At approximately 4:38 p.m., Sacramento Police Department officers located the male adult suspect in a vehicle. Officers attempted to stop the vehicle in the 7400 block of West Stockton Boulevard when the suspect opened the driver's side door and exchanged gunfire with officers. The suspect was injured as a result.

Officers safely detained the suspect and began to render medical aid. Sacramento Fire Department personnel arrived and transported the suspect to a local hospital. The suspect was listed in stable condition. No officers were injured during the shooting. The suspect's firearm was recovered on scene.

July 21, 2020

Officer Involved Shooting – 2900 block of Ramona Avenue

On Tuesday, July 21, 2020, at approximately 2:15pm, Sacramento Police Department officers were at an apartment complex in the 2900 block of Ramona Avenue conducting follow-up regarding a shooting that occurred on July 15, 2020. While on scene, officers observed a subject matching the description of the suspect from that shooting who had a distinctive visible tattoo. Officers verbally identified themselves and attempted to contact him. The subject removed a handgun from a satchel and began pointing it at officers. The suspect continued to point the firearm at officers and remained non-compliant with their commands to drop the weapon. One officer discharged their patrol rifle, striking the subject at least once. Officers approached the subject and rendered medical aid until personnel from the Sacramento Fire Department arrived. The suspect was transported to a local hospital with life-threatening injuries, where he was later declared deceased.

September 1, 2020

Officer Involved Shooting – 500 block of Wisconsin Avenue

During the afternoon hours of September 1, 2020, Sacramento Police Department detectives were in the 500 block of Wisconsin Avenue conducting follow-up to locate a suspect who was wanted for the attempted murder of a Sacramento Police Department officer with a firearm in the north Sacramento area. The suspect was described as a white male in his 50s. Detectives were able to confirm that the suspect was inside the residence along with multiple other occupants. At approximately 3:42 p.m., SWAT officers and Crisis Negotiators responded and took over the scene. Crisis Negotiators were able to contact the residents inside and had them safely exit. At approximately 6:02 p.m., negotiators contacted the suspect, who was inside of the residence, and began negotiating for his safe surrender. For nearly an hour, Crisis Negotiators attempted to negotiate with the suspect via phone while officers maintained a perimeter around the residence. While on the phone, the suspect made statements to negotiators that he was not going to go back to prison. At approximately 6:52 p.m., a police helicopter observed the suspect exit the rear of the residence and run toward a perimeter officer. The suspect was determined

to be armed with a semi-automatic style handgun which was later recovered in his immediate vicinity. The officer fired multiple rounds at the suspect, striking him at least once. Officers assembled a contact team and began to render aid to the suspect. Fire department personnel arrived on scene and took over CPR. Despite these efforts, the suspect was pronounced deceased on scene.

November 4, 2020

Officer Involved Shooting – Park City Court

On November 4, 2020, at approximately 7:49 p.m., Sacramento Police Department patrol officers responded to multiple callers reporting a disturbance occurring in an apartment on Park City Court in South Sacramento. One of the callers alleged several family members were currently being held hostage in an apartment. Call takers also received a call from a male inside the same apartment, claiming he was being stabbed by another male. Additionally, that same caller reported that the other male was armed with a firearm in addition to a knife.

When officers arrived, they identified the apartment where the assault was occurring and could hear a male screaming. Officers observed an injured male on the ground with a large amount of blood around him. The male suspect was also seen actively assaulting the man with a knife. One of the first arriving officers fired his rifle in defense of the victim, striking the suspect.

Officers deployed an unmanned aerial system to ensure no additional victims or suspects remained in the apartment. After the residence was deemed safe to enter, officers formed a contact team to approach the suspect, who was later declared deceased at the scene.

A large knife was recovered near the suspect. The victim was transported to a local hospital and was found to have sustained multiple serious stab wounds during the assault. The victim was treated for these injuries and has since been released from the hospital. There were no other individuals located inside of the apartment.

November 14, 2020

Officer Involved Shooting – 1600 Block of Juliesse Avenue

On November 14, 2020, at approximately 6:30 p.m., Sacramento Police Department patrol officers responded to reports of reckless driving on the 1600 block of Juliesse Avenue in North Sacramento. When officers arrived on scene, they observed a boxing event at a warehouse on that block. A patrol sergeant remained in the area to conduct administrative tasks unrelated to the event.

At approximately 8:00 p.m. the sergeant observed a crowd beginning to flee from the warehouse. One witness running from the scene told the sergeant that a Hispanic male was armed with a gun. Shortly after, the sergeant heard shots being fired in the area of the warehouse. The sergeant ran towards the gunfire and confronted an armed male who was pointing a firearm at the crowd inside of the warehouse. The sergeant discharged his firearm, striking him.

Surveillance footage from the same time frame captured the man acting erratically and recklessly waving a firearm in the direction of the crowd. The surveillance footage also captured him approaching the open

doors of the warehouse and aiming his gun at the crowd while an unknown subject inside of the building fired a weapon in his direction. Almost immediately after, the sergeant arrived and fired at the armed man.

Officers rendered medical aid until relieved by Sacramento Fire Department personnel. The suspect was transported to a local hospital, where he was pronounced deceased. His firearm, and a partially loaded magazine, was recovered on scene.

Officers located a victim of a shooting who had sustained a non-life-threatening gunshot wound. Based on the investigation thus far, it is not believed the victim was struck by the sergeant's firearm. The shooter from the warehouse has not been identified at this time.

December 13, 2020

Officer Involved Shooting – 3200 Block of Arena Boulevard

On December 13, 2020, at approximately 6:34 a.m., a Sacramento Police Department patrol officer responded to the 3200 block of Arena Boulevard regarding a solo vehicle colliding into a building. As the officer was responding to the scene, multiple callers from inside of a grocery store reported that the adult male involved in the collision was armed with a knife and was observed cutting his own throat.

Once the Sacramento Police Department officer arrived, employees fleeing the store told the officer that a man inside was armed with a knife near the bakery. Once inside the grocery store, the officer observed a male with a large knife and lacerations to his neck.

The officer contacted the man and ordered him to drop the knife multiple times. He did not comply and instead charged towards the officer. The officer created distance between himself and the man in an attempt to de-escalate and negotiate a peaceful resolution.

Minutes later, additional officers arrived with less-lethal options. Sacramento County Sheriff's Deputies and an officer from the California Highway Patrol also responded to assist. As the negotiations continued for over 20 minutes, additional Sacramento Police Department officers located employees who were hiding throughout the store and guided them to safety.

During the negotiations, the man ran towards officers armed with the knife. Multiple less-lethal systems, including a conductive energy device (Taser), 40mm exact impact rounds and bean bag shotguns were deployed. Despite being struck with multiple less-lethal systems, the man was minimally affected and continued to run toward a Sacramento Police Department K9 Officer and a California Highway Patrol Officer with a large serrated knife. Both of those officers fired their service handguns, striking the man. He went to the ground and remained armed with the knife until additional less-lethal systems were deployed. Officers formed a contact team to safely approach him. Once restrained, officers rendered medical aid until they were relieved by Sacramento Fire Department personnel. Despite these efforts, the man was declared deceased on scene.

Sacramento Fire Department

Fire Complaint Allegations

COMPLAINT — Any complaint pertaining to SFD policies, rules, procedures, or employee conduct. Misconduct complaints include, but are not limited to, allegations of:

CRIMINAL OFFENSE

As statutorily defined.

CITY EQUIPMENT

Any misuse of City equipment.

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.

DISCOURTESY

Rude or abusive actions directed toward another person.

DISCRIMINATION

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

DISHONESTY

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

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.

EXCESSIVE FORCE

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

IMPROPER TACTICS

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

INSUBORDINATION

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

INTOXICATION

The use of intoxicants by on-duty personnel.

MISSING PROPERTY

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

NEGLECT OF DUTY

The failure to perform a required duty.

SERVICE

The failure to provide adequate, timely and required action.

TRAFFIC

Improper or illegal driving by an employee.

WAGE GARNISHMENT

Failure to pay just debts.

Table 7: Complaint Comparison 2016-2020 – Fire

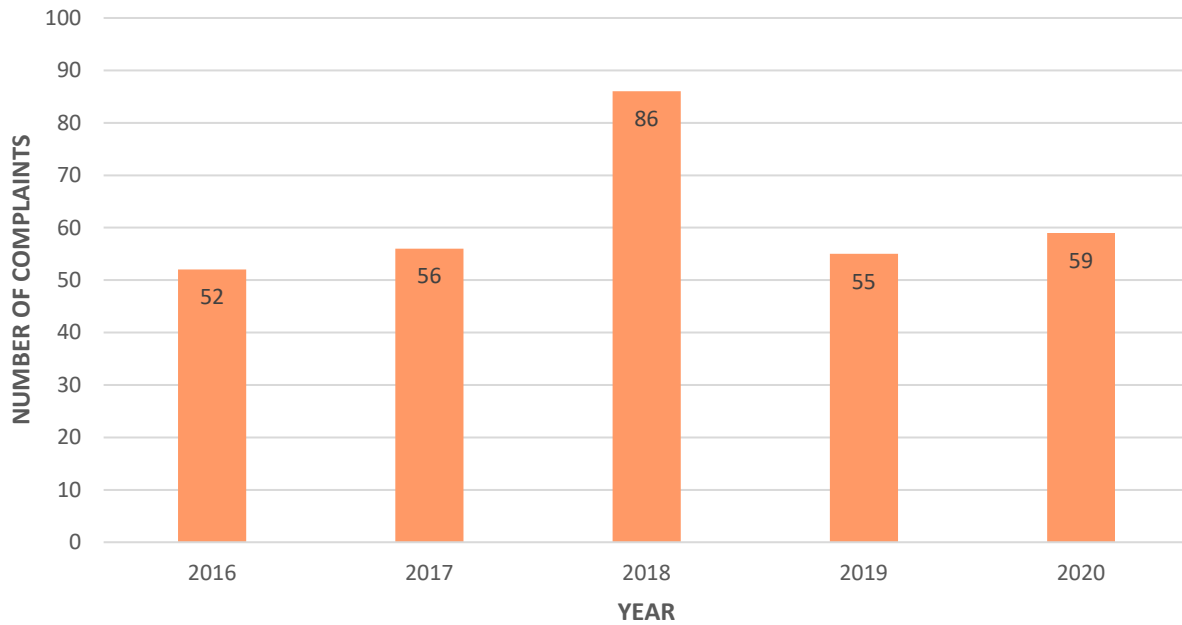


Table 7 compares the total complaints concerning SFD from 2016 through 2020, showing an 7% increase in fire complaints from 2019.

Table 8: Allegation Breakdown 2020 – Fire

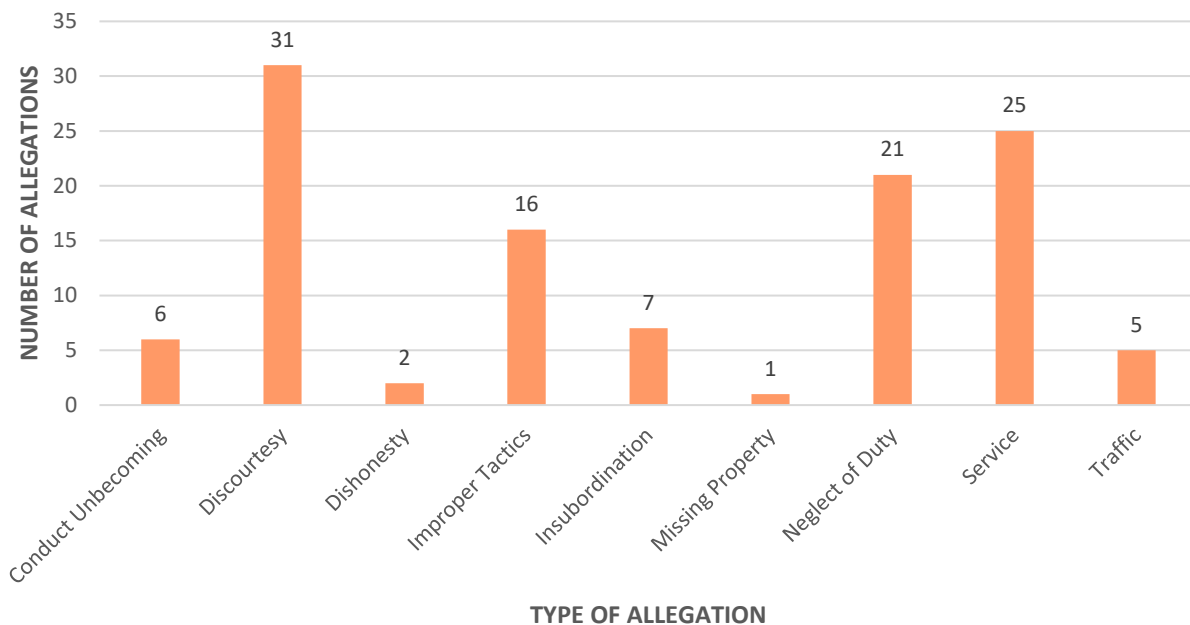


Table 8 identifies the breakdown of the 114 misconduct allegations filed against SFD employees during the period of this report. Note: There may be multiple allegations per investigation.

Table 9: Allegation Dispositions – Fire

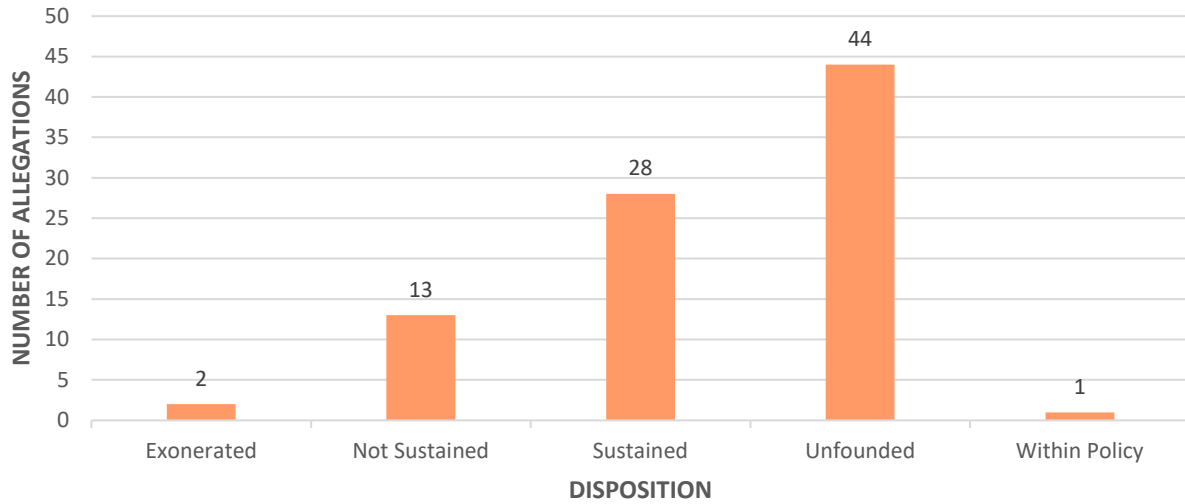


Table 9 shows that of the 47 completed misconduct cases with a total of 88 allegations, 28 of the allegations were Sustained and referred to Fire Command Staff for disciplinary action against employees.

Table 10: Dispositions by Allegation – Fire

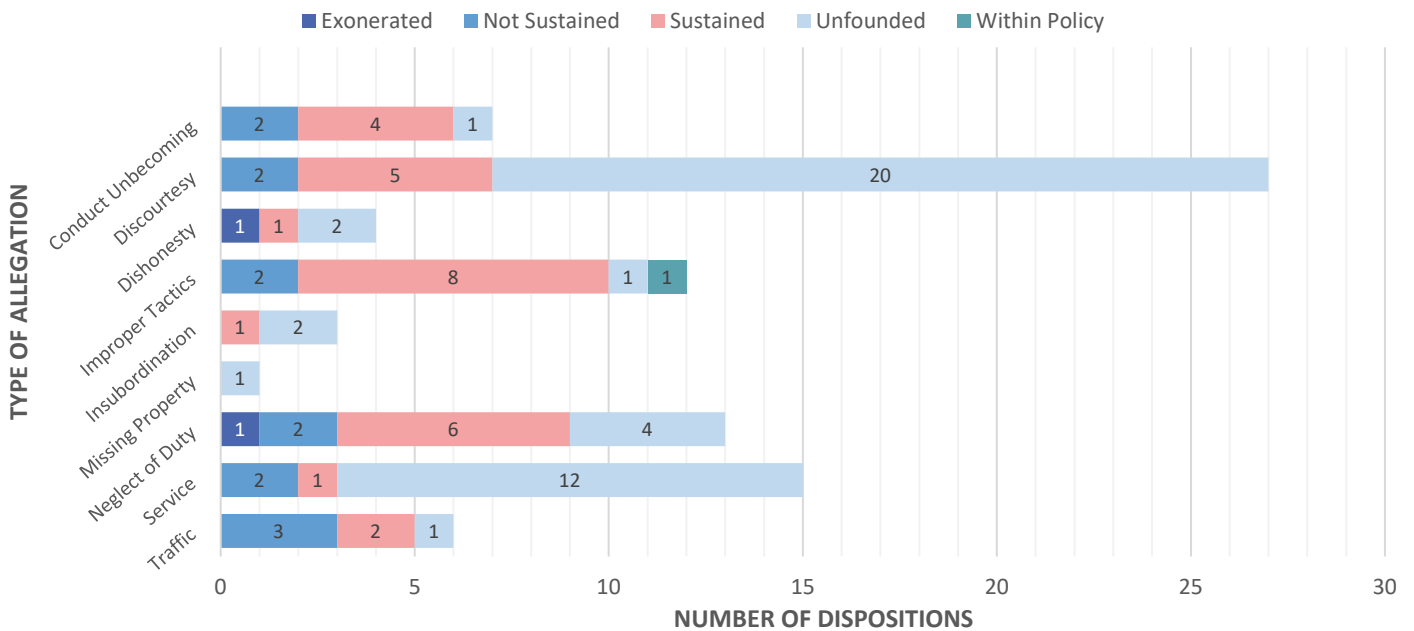


Table 10 shows that allegations of Discourtesy were the most common complaint type made against Fire personnel in 2020.

Table 11: SFD Discipline from Completed Investigations

Discipline	# of Employees
Coaching/Counseling	7
Documented Counseling	3
Letter of Reprimand	2
None - Resigned	1
None - Time Bar	1
Suspension	7

Table 11 reflects the discipline imposed from misconduct investigations completed in 2020 according to data provided by SFD PSU. Note: One case can result in multiple disciplinary actions against multiple employees.

Outside Jurisdiction

There were 69 complaints or inquiries reported to OPSA that were not attributed to misconduct allegations against Sacramento Police Department or Fire Department personnel. OPSA staff attempts to connect constituents with the proper agency or information to help resolve their issues regardless of it falling outside of the office's scope of authority and responsibility.

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.

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 do not 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 do not. While it is useful information, if you do not 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

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.

Meet the Office of Public Safety Accountability

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 us.



Call: (916) 808-7525



Online: <https://www.cityofsacramento.org/OPSA>



Mail: 915 I Street, Historic City Hall 3rd Floor
Sacramento, CA 95814

Due to COVID-19, OPSA staff is currently not available to meet constituents at the office.

