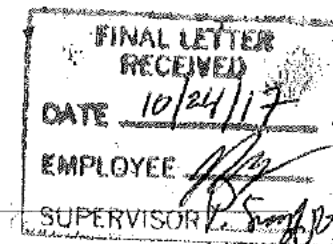


City of
SACRAMENTO
Police Department



Daniel Hahn
Chief of Police

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October 23, 2017

IAD2016-272

Officer John Tennis, #733
5770 Freeport Blvd., Suite #100
Sacramento, CA 95822

Dear Officer Tennis:

This letter is to inform you that you are hereby terminated from your position as a Sacramento Police Officer and from City Service effective October 23, 2017. This action is based on the following facts:¹

1. On July 11, 2016,² you were partnered with Officer Randy Lozoya #237 and working a District 2 patrol unit known as 2B21.
2. At approximately 0927 hours, you and Officer Lozoya were dispatched. You responded to [REDACTED] Lochbrae Road to assist Officer Frank Reyes, #737 and Officer Bryan Gomez, #889 (2B27) on a suspicious subject/circumstances, weapon-involved call. There was information that the suspect, Joseph Mann, was armed with a knife and a gun.
3. At 09:31:49 hours, prior to your arrival at Lochbrae Road, Officers Reyes and Gomez located Mann and confirmed that he was armed with a knife. They followed Mann and continued to give updates, via dispatch, describing the suspect's uncooperative behavior and direction of travel.
4. At 09:33:14 hours, you were heard on your In-Car Camera (ICC) video saying, "Do something Frank."
5. At 09:35:14 hours, you and Officer Lozoya arrived in the area of Del Paso Boulevard and Edgewater Road. You observed the suspect running towards Sergeant Michael Poroli's patrol car with a knife in his hand; however, Mann never attempted to enter the vehicle or assault Sergeant Poroli.

¹ The specific times, distances and sequence of events are recounted below, based on the best estimates of audio/video recordings and witness statements. To the extent there may be any minor deviations or discrepancies in terms of seconds, feet, etc., the proposed discipline is based on your general course of conduct and violation of the Rules and Regulations of the Civil Service Board and Sacramento Police Department Manual of Orders, as detailed herein.

² Pursuant to Government Code section 3304(d)(2)(F), the one-year time limitation for completing the Department's investigation and notifying the public safety officer of proposed discipline is tolled where the investigation "involves a matter in civil litigation where the public safety officer is named as a party defendant." In such situations, the one-year time period "shall be tolled while that civil action is pending." As you know, there have been multiple lawsuits brought naming you as an individual defendant regarding your involvement in the death of Joseph Mann. The original lawsuit, filed on August 4, 2016, was dismissed on or about February 17, 2017. Subsequently, another lawsuit was filed on June 8, 2017, which remains pending.

6. At 09:35:22 hours, you were heard on your ICC video stating, "I'm gonna hit him." After making this statement, and within ten (10) seconds of arriving on scene, you attempted to use deadly force by using your patrol vehicle to strike Mann when there was no imminent danger of death or serious bodily injury to you, other officers or other persons, and where other containment options were available, and underway. You failed in your attempt to strike Mann with your patrol car.
7. At 09:35:34 hours, you attempted to use deadly force for a second time by using your patrol vehicle to strike Mann as he fled eastbound across Del Paso Boulevard when there were other containment options available. When your second attempt to strike Mann failed, you stopped your vehicle, exited, and pursued Mann on foot as he ran northbound on the east sidewalk of Del Paso Boulevard.
8. At 09:35:53 hours, Mann stopped and turned towards you as you approached him with your firearm pointed at him. Mann made a jabbing motion towards you with a knife in his hand as you continued to close the distance between you and him. When Mann made repeated jabbing motions towards you with the knife in his hand, you fired eight (8) rounds from your firearm at him from approximately fifteen (15) to twenty (20) feet away as you continued to move towards him. The shooting occurred at 09:35:54 hours, eighteen (18) seconds after your second attempt to strike Mann with your patrol vehicle and within forty (40) seconds of arriving on scene, despite other containment methods available to you.

Basis for Discipline

Your use of your patrol vehicle as lethal force (twice) during your pursuit of Mann, and your subsequent shooting of Mann resulting in his death, did not rise to the level of an extraordinary condition that involved risk of serious bodily injury or death, and was not a reasonable means of force to prevent injury or death to yourself, or any other person. You committed several violations of Sacramento Police Department policy throughout the above-described incident.

First, contrary to your training, when you arrived at the scene, you did not attempt to coordinate a containment or action plan with any of the other officers. The other officers at the scene had already been involved in efforts to contain Mann for several minutes before you arrived. Your actions in twice attempting to strike Mann with your police vehicle almost immediately upon arrival, and subsequently, exiting your vehicle and rapidly closing the distance with Mann created an unnecessary exigency that did not exist previously.

Second, for the short duration of time that you pursued Mann on foot prior to utilizing lethal force, you failed to give him any clear commands with which he could comply. This also is contrary to your training. Moreover, you failed to continuously assess the observable information presented to you throughout this incident as you pursued Mann. Mann had ample opportunity to enter businesses and/or assault citizens, yet he never attempted to enter any businesses or assault anyone. By failing to continually evaluate all reasonable and readily available force options available to apprehend or subdue Mann, you resorted to the use of deadly force, resulting in Mann's demise.

Third, based on your statements to Internal Affairs, as well as the statements of other officers, it appears you pre-judged the situation prior to arriving on the scene. You expressed to investigators that, before you arrived at the scene, you were frustrated with the manner in which the call was being handled and that the situation had been allowed by other officers – including Officers Reyes/Gomez and Sergeant Poroli – to continue for too long. You stated that, in your mind, the incident was already "out of control" before you arrived. However, you admitted that you did not know what commands Mann had been given by the other officers who had been following Mann for several minutes, and relied

primarily on your own assumptions as to what was occurring. You also told Internal Affairs that you had wanted Officer Reyes to “engage” Mann, which you explained could be “just getting out of the car...., anything, but do something.” Although the other officers had been following Mann closely, none determined that it was appropriate to either exit their vehicles or to strike Mann with their police vehicle. Yet you chose to do so almost as soon as you arrived while the other officers were actively endeavoring to contain Mann and avoid the need for a lethal use-of-force. Contrary to these other officers’ actions (and to your own training), you unnecessarily closed the distance with Mann by exiting your vehicle and walking briskly towards him, resulting in a significantly heightened escalation of the immediate danger and creating a situation that culminated in yourself and Officer Lozoya firing numerous rounds at Mann. Additionally, while you could have resorted to less lethal options, such as utilizing your Department-issued Taser, you never attempted to use any device other than your firearm.

Based on the above, your use of deadly force was not reasonable for self-defense or the defense of others and was not necessary to affect the arrest of Mann, to prevent his escape, or to overcome his resistance.

The proposed discipline of termination is based on the facts and statements described above, as well as the available audio/video evidence, statements of other officers and witnesses at or near the scene, the City of Sacramento’s Civil Service Board Rules and Regulations and Sacramento Police Department Manual of Orders, and your own interview statements, including but not limited to those reflected below.

Internal Affairs Interview

During a fact-finding interview conducted on March 23, 2017, you admitted or stated the following facts/rationale to Internal Affairs in discussing your actions regarding the lethal use-of-force incident involving Joseph Mann on July 11, 2016.

- You carried a Sig Sauer P220 with four magazines, a Taser, pepper spray, two pairs of handcuffs and a wooden baton which you had in your car on the day of the shooting. (page 10 of 61)
- While you were still en-route to the scene, you heard Officer Lozoya over the radio saying, “We can’t let him get in those businesses,” and indicated that “You were puzzled why nothing was being done.” You stated that you agreed with Officer Lozoya’s statement. (page 14 of 61)
- While en-route, you and Officer Lozoya discussed why something wasn’t being done, that you couldn’t let an armed subject who is violent run free, that you had to do something; at a minimum, contain their movement, because you did not know if he (Mann) would button-hook into a business or approach somebody walking out on the street. You stated that you couldn’t just follow him in the car, that you were puzzled by that, and did not know if there was a plan going on. (page 15-16 of 61)
- While responding to the call, you stated, “Do something Frank,” referring to Officer Reyes. In your interview, you asserted that you had wanted him to “[e]ngage” with Mann, by which you meant “[it] can be just getting out of the car...., anything, but do something.” (page 16 of 61)

- You believed that nobody was taking control, that you were frustrated, and thought that the situation had gone on too long. (page 16 of 61)
- You stated that you thought the situation was getting worse and worse, and that later on when you watched the videos, you felt that “by getting on a PA (public announcement), yelling at a person 30 times to get on the ground, it just made him angrier and angrier.” (pages 16-17 of 61)
- When asked what you perceived Mann as doing while you were en-route based on the radio traffic from Officer Reyes, you stated, “He’s being violent, he’s being aggressive, he’s charging the car.” You further stated that it was hard for you to understand what was going on because it was like a play-by-play. When confronted about your statement regarding Mann charging Officer Reyes’ vehicle, you were unable to locate that information in the radio transcript. You later admitted that you did not know if you thought Mann was charging the car or not, but just knew the guy was extremely violent by listening to Officer Reyes’ broadcasts. (page 18-19 of 61)
- When asked about your statement to Detective Travis Hunkapiller of the Homicide Unit, taken on the day of the incident, regarding Officer Reyes supposedly putting out updates that Mann was waiving a knife around, you were unable to locate that information in the radio transcript or the CAD call. (page 18-19 of 61)
- When asked what you would have done differently had you been there when Officer Reyes first arrived, you stated you “would’ve got out of the car and started talking to the guy” because “[t]hat’s what I always do.” You further stated that you “try and do things in the most low-key way that I can,” and that “sometimes I have to take risk(s) doing that,” but you knew you would have gotten out of the car and used “some safety techniques.” Additionally, you stated that hiding behind a car door with your gun out can sometimes make things worse. You also stated that you rarely get on the PA; you clarified that you weren’t saying getting on the PA was “wrong,” but that you “just do things a little bit differently.” (page 19-20 of 61)
- When asked what your plan was while you were en-route, you replied, “Well, I did not have a plan because it changes. I mean, I didn’t have a plan. My plan was to stop his movement hopefully.” (page 20 of 61)
- When asked if you should have had a conversation with Officer Lozoya related to any type of tactical issues or concerns, you replied, “No.” (page 20-21 of 61). Asked further whether you expected Sergeant Pettit to come on air and manage the call, you stated, “Well, you’ve got a call with a lot of experienced (officers) on board and that’s a situation where you don’t want the sergeant to get on the air it just it – at times it can confuse things, you know.” You further stated that you “didn’t agree with what was going on but the radio traffic was good. It was descriptive and so everybody knew what was going on. But that was a very unique and dynamic call.... I think it caught a lot of people off guard. So you have to be careful about when you get on the radio because you don’t want to talk over the officer that’s there.” (page 21 of 61)

- When asked if you believed that lethal force was justified prior to you arriving on scene, you said, "Yes." (page 26 of 61)
- When asked if you remembered when you first decided to use force against Mann, you said it was when you saw Mann run towards Sergeant Poroli's car with a knife. (page 26-27 of 61)
- When asked what exactly you saw Mann do when you arrived, you stated that you saw Mann run towards Sergeant Poroli's car with a knife, that you did not know if he was getting in the car, did not know if the window was open, and "did not know anything." You stated that Mann disappeared behind Sergeant Poroli's car, but when he popped out around the corner, you had already determined that you were going to use your car to "at a minimum, take him off his feet." (page 27 of 61)
- When asked if you assumed if Mann was going to go back and attack Sergeant Poroli, you stated, "Yeah, that was one of my assumptions." (page 28 of 61)
- When asked to elaborate on other assumptions that you were making at that time, you stated, "The foot traffic, that he was going to go towards someone who - because he was obviously agitated. I'm not going to say I knew what was going through his mind. I don't know him. He was obviously agitated and anyone near him was probably going to get - be in a lot of trouble." (page 28-29 of 61)
- When asked about your thought process when you told Officer Lozoya that you were going to hit him (Mann) with your car and what you were trying to do, you stated, "I was trying to, at a minimum, take him off his feet, I went around the corner - I really wasn't going that fast. I still had the authority to use lethal force at that point and time. So, there's a variety of options you know? Do I get out of the car? Do I engage him with my gun? Because getting out of the car and saying, "hey dude," and that stuff I talked about earlier, that was off the table. That was gone." (page 29 of 61)
- When asked why those options were off the table, you stated, "He was completely agitated and I could listen to the updates and there was - there wasn't going to be a whole lot of reason - trying to talk rational to a human being that is that far aggressive. That was off the table and there's a safety issue of getting out of a car and saying, 'Hey dude,' when he's right close to you and trying to have a conversation with a guy with a knife and a gun - so that was off the table. So, my thought process is I come around the corner, I hit him. I have the authority and the justification to use lethal force. However, I (think) maybe I can take this guy off his feet, knock some sense out of him, knock, maybe break some ribs, maybe not but just take him off his feet so I can get out of the car and deal with it however, whatever, grab him. Maybe I have to shoot him, maybe a Taser, something but just deal with it." (page 29 of 61)
- When reminded about your statement to Detective Hunkapiller about wanting to get containment on Mann, you stated that it would be impossible to come up with a plan to contain him due to it being a dynamic situation, that Mann could out-run you, and you did not know that Officer Lozoya had gotten out of the car. You said that you ran alongside Mann, and you were totally surprised and amazed that officers were still in

their cars, basically doing nothing. You also said that your plan was to run alongside him, and if he were to stop, you could maybe button-hook around and get ahead of him or something to at least stop his movement. (page 35-36 of 61)

- When asked about your statement to Detective Hunkapiller about being concerned about foot traffic and open businesses, you stated that you did not see anybody else out, you weren't focused on whether there was foot traffic or not, and you weren't paying attention to see if anybody else was out there. You said that you weren't looking for that and you were looking right at Mann. You added that if there were other people out there, you wouldn't have seen them, that it did not matter then, and that you weren't paying to attention to that. (page 37-38 of 61)
- When asked if once you were out on foot, you considered stopping at a safe distance and giving commands to Mann, you stated, "No." When asked why, you said, "Well, it's pretty obvious commands aren't working at all. I actually tried to - I said, 'Come on, come on,' like you can hear - even hear me go, 'Relax.' I thought it was Randy but apparently, I probably did. You can hear somebody going, 'Relax.' I'm still thinking maybe in the back of my mind maybe he got agitated because there's all these cops here and he just - somebody just tried to run him over. Maybe if he sees, okay, enough is enough, right? That it will just de-escalate. And so, I guess I said, 'Relax.' You can hear somebody saying it. It was probably me. And then I'm going, 'Come on, come on,' like enough already; you know what I mean?" (page 39 of 61)
- When asked about your statement to Detective Hunkapiller regarding what you meant by saying "come on, come on" to Mann, you confirmed that you meant for him to "Mellow out" or stop. When asked how you made that correlation, you stated, "That's what I was trying to do. I don't know." (page 39-40 of 61)
- When asked how much time there was between the time that Mann stopped and you opened fire, you stated, "Probably seconds." (page 40 of 61)
- When asked at what point there was no turning back other than shooting Mann, you stated, "When I was approaching him and I saw him stop and, you know, like I said, he's enraged. I could see his face. He's enraged. He's standing there. And he wasn't just standing there. He was standing there in an aggressive enough stance to like he was ready to go. And when that - as soon as the knife came up, I realized that's it." (page 41 of 61)
- When asked if you ever considered that Mann stopped because he was going to comply, you replied, "No." However, you did not give Mann any commands other than "Come on. Come on" and you never heard any other officers give Mann any commands. You confirmed that officers are trained to give commands to suspects. (page 41-42 of 61)
- When asked why you did not give commands in this situation, you stated, "Well, I know he'd been given multiple commands so if you're watching the videos I realize he was given more than I even thought he was. He was not responding to anything. He wasn't responding to anything. The command's not going to make - make or break

this. It's not going to do anything. It's going to do zero. And I thought at the time he's already been yelled at and screamed at and everything else. That's just going to make it worse." (page 42 of 61)

- When asked if you knew where Officer Lozoya was when Mann stopped running, you stated you did not know that Officer Lozoya had gotten out of the car or was running and did not know he was shooting until you stopped shooting. (page 44 of 61)
- When asked how far you thought Mann was from you when he was going to lurch at you just prior to the shooting, you stated, "Well, I think I said in my statement that when I stopped and started walking toward him, I was right around twenty (20) feet - about twenty (20) feet, and I made a few steps. And I believe when I first started firing, I was right around fifteen (15) feet." (page 45 of 61). You said you thought he lunged towards you, but after watching the video, you said his knife was up in an aggressive manner, his body faced towards you in somewhat of a fighting stance, and he was standing there with a knife up getting ready to go. (page 45-46 of 61)
- When asked why you continued to run towards Mann once he stopped, you replied, "I did not run towards him, I walked towards him." (page 46 of 61)
- When asked why you continued to walk towards him, you said, "Ah, to affect an arrest because he was going to be arrested. He wasn't going to be transported to the hospital. He was going to be arrested. And stop his movement, detain, arrest, you know, to stop it. It had to have been stopped before he killed somebody." (page 46 of 61)
- When asked if you believed that you created your own exigency by closing the distance on Mann, you stated, "He's the one that stopped. He made the choice, I did not. He's the one that stood there and threatened me and raised the knife up, I did not." (page 46 of 61)
- When asked if you were the one that closed the distance on Mann, you replied, "Yes, I did." (page 47 of 61). You had your Taser, but stated that you never thought about using it because Mann had baggy clothes, a gun, was in an agitated state, was armed with a knife and had the ability to close the distance extremely fast. (page 47 of 61)
- When reminded that you previously stated that you were defending yourself and Officer Lozoya at the time of the shooting, but also said you did not know Officer Lozoya was there at that time, you replied, "I figured he was somewhere around because he's the same mindset as me but I did not see him. So, I was - I didn't know he was right next to me, but I figured he was somewhere around." (page 50 of 61)
- When asked if you thought Mann was less of a threat because he passed a number of open businesses in the area surrounding the incident, and that he had several opportunities to engage the businesses or citizens but he did not, you replied, "No, he's too unpredictable." (page 51 of 61)

- When asked if you had a cover officer, you said, "I did not know he - where he was at. I figured he was probably coming up but I did not know where he was at and I had to react to what Mr. Mann was doing. There was no time to - to like I said before, there was no time for a contact team. There was no time to establish some plan of action or whatever we - I reacted to what he did." (page 53 of 61). You said that even with a cover officer, you would not have considered the Taser an option. (page 53 of 61)
- When asked if you thought you limited your options by not giving Mann commands, you stated, "No, absolutely not. He was given commands for almost five minutes." However, when asked how you knew that, you stated, "I heard - I - well, I found out on a tape but I assumed that's what they were doing. I knew they were doing something. I did not know what they were doing but it's - it's gone beyond that. He's well aware of what's going on." (page 54 of 61)
- When reminded of your statement to Detective Hunkapiller regarding your thinking that Mann had a mental illness or was on some type of drug, you were asked if you thought Mann had the mental capacity to understand your command of "Come on. Come on" and you replied, "I don't know. I have no idea." (page 55 of 61). You said you believed that by the time you arrived on scene, the call was already out of control. (page 58 of 61)

As indicated above, your own statements to Internal Affairs reflect numerous violations of the Rules and Regulations of the City of Sacramento Civil Service Board and the Sacramento Police Department Manual of Orders. The statements made by you, as well as those of your fellow officers and witnesses at the scene and the related audio/video evidence, compel the conclusion that you had determined prior to arriving on the scene that you did not agree with how the call was being handled by the other officers, and that you were frustrated by the strategy being employed by those officers in attempting to contain the suspect in accordance with their training. Moreover, you were unaware of what commands had been given to Mann by your fellow officers before your arrival, yet assumed that it would be fruitless to give Mann additional commands prior to utilizing lethal force.

Rather than continually evaluating your possible options and remaining in constant communication with the other officers at the scene, as you are trained, you took it upon yourself to employ force within ten (10) seconds of arriving by attempting to strike Mann with your police vehicle, and then attempting to do so again approximately twelve (12) seconds later. Thereafter, you exited your car and rapidly closed the distance with Mann, creating an exigency that led you to discharge your firearm within forty (40) seconds of your arrival. Moreover, at the time of the shooting, although Mann displayed a knife, he remained fifteen (15) to twenty (20) feet away and the video of the incident does not reflect Mann moving towards you or "lunging," creating a need to apply deadly force at that instant. Had the incident played out further, with you and Officer Lozoya working in concert with the other officers, and acting in accordance with the training you have been provided, Mann may have been subdued at a later point or there may have been a legitimate exigency necessitating the use of lethal force outside of your actions that unnecessarily escalated the situation.

These actions were in direct contravention of your training with regard to, e.g., attempting to contain the suspect without the use of deadly force, providing proper commands to the suspect, not unnecessarily escalating a dangerous situation, and communicating properly with your fellow officers and your commanding officer.

Your actions constituted incompetence; inefficiency; inexcusable neglect of duty; willful disobedience of a lawful rule, order or direction; disruption and discredit to your employment and the public service and is cause for disciplinary action pursuant to Rule 12.2 (b), (c), (d), (p), and (w) of the Rules and Regulations of the Civil Service Board.

Your actions in this matter are also in violation of the Sacramento Police Department's Manual of Orders, which states, in relevant part:

GENERAL ORDER
210.04
GENERAL/PROFESSIONAL CONDUCT
03-20-15

PURPOSE

The purpose of this order is to establish criteria for the general and professional conduct of Department employees.

POLICY

It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE

A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off duty shall:
 - a. be governed by ordinary and reasonable rules of good conduct and behavior.
 - b. not commit any act whether negligent, intentional, criminal or otherwise that could bring discredit upon the Department or the City.
 - c. abide by all laws to include but not limited to: the Penal Code, the Health and Safety Code, and the Welfare and Institution Code. In addition, employees shall ensure that their personal vehicles are compliant with the California Vehicle Code.

2. Employees shall:
 - d. properly perform assigned police responsibilities during a scheduled shift.
NOTE: Improper performance or failure to perform assigned police responsibilities during a scheduled shift shall be regarded as neglect or dereliction of duty and cause for disciplinary action.

E. OFFICER RESPONSIBILITY

1. Officers shall act reasonably within the limits of their authority as defined by statute and judicial interpretations to ensure the rights of both the individual and the public are protected.

**GENERAL ORDER
580.02
USE OF FORCE
07-12-11**

POLICY

It shall be the policy of the Sacramento Police Department that officers only use the amount of force which appears reasonably necessary, given the facts and circumstances as perceived by the officer at the time of the event.

B. GENERAL

1. Force shall be used in compliance with Penal Code Section 835a, which states "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to affect the arrest or to prevent escape or to overcome resistance."
2. Officers may use deadly force if, under the circumstances, the officer reasonably believes that the suspect poses a threat of death or serious bodily injury, either to the officer or to others.
4. When using force, officers should use techniques and equipment that are approved by the Department. Under extraordinary conditions that involve the risk of serious bodily injury or death, and in situations where it may be impractical or impossible to comply with the provisions of this order, officers may resort to using any reasonable means of force to prevent injury or death to themselves or any other person.

**GENERAL ORDER
580.03
DISCHARGE OF FIREARMS
08-03-09**

POLICY

It shall be the policy of the Sacramento Police Department that officers continually evaluate all reasonable and readily available force options to apprehend or subdue an individual before resorting to the use of greater physical and/or deadly force. A thorough investigation will be conducted on all incidents resulting in firearm discharges by department employees.

PROCEDURE

A. GENERAL

1. Officers may discharge a firearm in the performance of their official duty:
 - a. in the necessary defense of themselves or in the defense of another person when the officer reasonably believes that an imminent danger of death or serious bodily injury exists.

- b. to affect an arrest, prevent an escape, or recapture an escapee, when the officer reasonably believes the suspect to be arrested poses an immediate threat to cause death or serious bodily injury if apprehension is delayed.
4. Justification for the use of deadly force shall be limited to what reasonably appears to be the facts known or perceived by the officer at the time. Facts unknown to an officer shall not be considered in later determining whether the shooting was justified.

**GENERAL ORDER
420.01
USE OF POLICE VEHICLE
06-26-08**

PURPOSE

To establish procedures for the use of police vehicles.

POLICY

To ensure that City vehicles are used in a safe manner for official business.

PROCEDURE

B. GENERAL

- 1. Employees shall operate Department vehicles with due care, caution, and obey all traffic laws except as authorized by law.

**GENERAL ORDER
532.02
FELONIES IN PROGRESS
05-13-93**

POLICY

That officers respond to felonies in progress without delay and in a coordinated manner that ensures the optimum safety and protection to the victim, the officer, other responding police units, and citizens of the community.

A. GENERAL

- 3. Officers shall take all reasonable and prudent measures, not to needlessly endanger their lives

LAW ENFORCEMENT CODE OF ETHICS

Your actions are in violation of the Law Enforcement Code of Ethics which you swore to uphold when you were sworn in as a Sacramento Police Department Police Officer. The Code of Ethics states in relevant part:

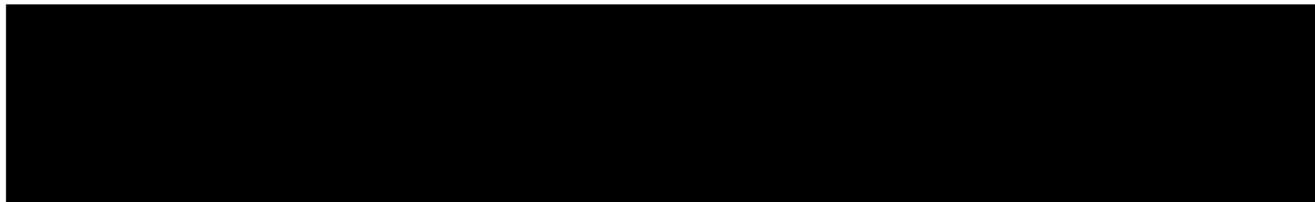
As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or

intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

Additionally, you have been disciplined in the past as follows:



2. On April 26, 2017, you were suspended for one hundred sixty (160) hours from your position as a Police Officer and from City service for Excessive Force, Traffic, Neglect of Duty and Improper Tactics. The discipline was imposed following an investigation of an incident that occurred on February 23, 2016 where you struck a fleeing domestic violence suspect with your patrol vehicle.

Notably, the misconduct resulting in this prior use-of-force incident encompasses many of the same inappropriate and excessive behaviors as the current incident, including using your patrol vehicle in a violent manner that could (and did) strike the suspect, resulting in serious bodily harm, failing to use Department-approved techniques or equipment to take the suspect into custody, and failing to employ less lethal options at your disposal, such as pepper spray, taser, or your baton. You also used excessive force by repeatedly applying foot strikes to the area around the suspect's head after he already was immobilized. After this incident, you stated on your ICC: "I'm done, I'm fucking gonna quit, I'm tired of this, I'm tired of it. I'm tired of this fucking job, yes, I am. I'm tired. Yeah, I'm not going to be here tomorrow. I'm not going to be here fucking Thursday, I might not come back to work. I don't know. I'm done, I'm fucking done. I have no business being a police man."

Although not involving the discharge of a firearm, your suspension relating to this prior use-of-force incident reflected many of the same policy violations at issue in the Mann incident.

A copy of this letter will be placed in your personnel file. Pursuant to Rule 12.7 of the Rules and Regulations of the Civil Service Board, you have the right to appeal this disciplinary action to the Civil Service Board within fifteen (15) calendar days from the date you receive this letter. You may submit

your request for appeal, in writing, to the Secretary of the Civil Service Board 915 I Street, Historic City Hall, Second Floor, Sacramento, CA 95814

Sincerely,



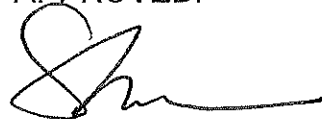
Daniel Hahn
Chief of Police

APPROVED:



Howard Chan
City Manager

APPROVED:



Shelley Banks-Robinson
Labor Relations Manager

cc: Human Resources – Labor Relations
Human Resources – Talent Acquisition and Workforce Development