

City of
SACRAMENTO
Police Department

KATHERINE LESTER
Chief of Police

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REVISED
February 10, 2022

July 16, 2020
Compl2019-001

Final Letter Received

Date 2/14/22

Employee Zach Tersteegen 2-14-2022 Back TER-STEEN
SUPERVISOR ZD R 5009

Zachariah Tersteegen
5770 Freeport Blvd
Sacramento, CA 95822

Dear Officer Tersteegen,

This letter is to inform you that you are hereby suspended without pay for one hundred and sixty (160) hours from your position as a Police Officer and from City service. This action is based on the following facts:

1. On August 9, 2019, the Sacramento Police Department's Internal Affairs Division received notification from the Office of Public Safety and Accountability of a "whistleblower" complaint that their office had received from the City Auditor on July 22, 2019. Per a memorandum from the City Auditor to the Office of Public Safety and Accountability, the City Auditor received a complaint on July 5, 2019, stating, "[o]n July 5, 2019 we received an allegation that Police Department employee Zach Tersteegen repeatedly made racist comments about Blacks, Hispanics and other races at a party. The party was at the residence of Sergeant [REDACTED]. In attendance were members of his patrol team and their spouses."
2. On August 15, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Sergeant [REDACTED] who confirmed he hosted a social gathering at his residence on June 29, 2019 and invited his patrol team which included you. [REDACTED] stated he hosted this gathering following Sacramento Police Officer Tara O'Sullivan's funeral which was held earlier in the week. [REDACTED] stated that people who attended this gathering included the following but were not limited to; Sacramento Police Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and Sergeant [REDACTED] wife, [REDACTED]. [REDACTED] stated at the conclusion of this gathering, his wife, [REDACTED] informed him that you referred to [REDACTED] neighbors, who are of Asian descent, by saying, "they don't speak English, they don't know what the hell I'm talking about". [REDACTED] stated his wife also told him you went on a "tirade about the Chief" in referencing Sacramento Police Chief Hahn, who identifies as being a bi-racial African American, as a "nigger," which is a derogatory word used to describe people of African descent, and that you referenced comments made by Chief Hahn at Officer O'Sullivan's funeral about working with a "black group." [REDACTED] wife informed him that Sacramento Police Officer [REDACTED] told you to "knock it off" or "chill" in response to your alleged remarks. Sergeant [REDACTED] denied hearing these alleged remarks made by you.

Sergeant [REDACTED] stated he was likely in the front of his property, escorting another officer out who was leaving and that his wife indicated you were in their backyard at the time you made these allegedly remarks. [REDACTED] stated approximately 1-2 weeks later, you and him spoke on the phone where you

stated, "I made some inappropriate remarks in your backyard and I know your wife was present, and I want to apologize for that."

3. On August 16, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [REDACTED] who stated that while at the above gathering at Sergeant [REDACTED] residence, she heard you say the word "nigger" once but could not give context in how it was said. [REDACTED] stated that Sacramento Police Officer [REDACTED] told you, "Hey you can't say that" in response to your remarks. [REDACTED] stated that your above remarks prompted her and [REDACTED] to leave the gathering.
4. On August 16, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [REDACTED] who stated that while at the above gathering at Sergeant [REDACTED] residence, he heard you say the word "nigger" "more than once" and that you used the word "fucking" either before or after your use of the word "nigger". [REDACTED] stated you had said this in a matter of 10 to 15 seconds in one or two sentences and [REDACTED] could not give further detail of the context in how you stated this. [REDACTED] stated in response to your remarks, he told you "enough" and "quiet down".
5. On August 21, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [REDACTED] who stated while at the above gathering at Sergeant [REDACTED] residence, he did not hear you make any of the remarks as described above. [REDACTED] stated the following work week after the gathering at [REDACTED] residence on June 29, 2019, Sacramento Police Officer [REDACTED] told him that he heard you "throw around the n-word", meaning that you used the word nigger while speaking at the party at [REDACTED] residence. [REDACTED] estimated that approximately a week after his conversation with [REDACTED] Sacramento Police Officers [REDACTED] [REDACTED] [REDACTED] and himself privately met with you at the Sacramento Police North Command Kinney station (3550 Marysville Boulevard) roll call room where they discussed with you about the "...language that he (you) used at – at Sarge's house" and that [REDACTED] stated, "...you were starting to drop the n-word," referring to you using the word nigger while speaking. [REDACTED] stated that you responded that you didn't remember this and attributed this to your level of intoxication.
6. On August 22, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [REDACTED] who stated while at the above gathering at Sergeant [REDACTED] residence, he heard you say the word "nigger" "four to five times" and that you associated that word with Sacramento Police Chief Hahn and that you stated, the "people of Del Paso Heights are a bunch of niggers," as Del Paso Heights is a community of Sacramento which has a large representation of people who are African American. [REDACTED] stated that Sacramento Police Officer [REDACTED] told you to "take it back" in response to your remarks.

Thrall stated that you said, "...something along the lines of like they were Japanese or – or something" in reference to you making any remarks about [REDACTED] neighbors.

Following the above gathering at [REDACTED] residence, [REDACTED] confirmed being part of a private meeting with you, Sacramento Police Officers [REDACTED] [REDACTED] and [REDACTED] in the roll call room at the Kinney station where you were confronted on your use of the "n-word" at [REDACTED] residence and that you responded by saying, "[y]ou know, I was – I was really intoxicated."

7. On August 23, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer Travis [REDACTED] who stated while at the above gathering at Sergeant [REDACTED] residence, he did not hear you make any of the remarks as described above. The following work week after the gathering at [REDACTED] residence, [REDACTED] stated that Sacramento Police Officer [REDACTED] had informed him that you "went off the rails" and that you were "dropping n-bombs" at [REDACTED] residence after [REDACTED] left party. Following this, [REDACTED] confirmed being part of a private meeting with you, Sacramento Police Officers [REDACTED] [REDACTED] and [REDACTED] in the roll call room at the Kinney station where they discussed negative attitude issues you had been having at work and you were asked, "What happened at the party?" [REDACTED] stated that your response to this was you were "drunk" and that it "was no big deal."

8. On August 23, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [REDACTED] who stated while at the above gathering at Sergeant [REDACTED] residence, he did not hear you make any of the remarks as described above. Following the gathering at [REDACTED] residence, [REDACTED] confirmed being part of a private meeting with you, Sacramento Police Officers [REDACTED] and [REDACTED] in the roll call room at the Kinney station. [REDACTED] stated, "It was either [REDACTED] or [REDACTED] who brought up the barbeque and said that he (Tersteege) had said some inappropriate and offensive stuff and had upset some people there and that he had dropped the n-bomb" and "[y]ou had used the n-bomb during the barbecue." [REDACTED] stated he could not remember if you had remembered or not remembered saying this during this meeting.
9. On November 13, 2019, Internal Affairs Division (IAD) Sergeant Ryan Bullard interviewed [REDACTED] [REDACTED] stated while at the gathering at Sergeant [REDACTED] and her residence on June 29, 2019, she heard you make remarks that she described as "not appropriate" and as "racial remarks." [REDACTED] specified these remarks as "the n-word" and that you said it "probably more than once" but could not recall what or who you were talking about. [REDACTED] stated she heard Sacramento Police Officer [REDACTED] tell you, "[h]ey knock that off" and "[d]on't say that" in response to your remarks. [REDACTED] stated you said something about her neighbors and that someone at the gathering said to you, "[t]hat's not a language."
10. Everyone that was present at the above gathering at [REDACTED] residence on June 29, 2019 and who was interviewed by Internal Affairs Division (IAD) Investigators consistently described you as drinking heavily and being highly intoxicated at this event.
11. On December 19, 2019, Internal Affairs Division (IAD) Investigators interviewed you. You stated you had no personal issues with anyone from your patrol team that attended this event with you at Sergeant [REDACTED] residence on June 29, 2019. You stated you drank approximately two mixed alcoholic beverages on the way to [REDACTED] residence on June 29, 2019, as your wife drove you there.

You stated you finished a bottle of "Jameson" whiskey while at [REDACTED] residence and began pouring and drinking from a bottle of "Jack Daniels" whiskey to the point where your wife took the bottle away from you and she told you "to stop drinking." You described yourself as being "blacked out drunk," which is normally referred to when someone so intoxicated that they are unable to remember their actions or events while in such a state, and that the last thing you remembered from that night was pouring yourself a drink from the "Jack Daniels" bottle.

When asked what your opinion was at that time of Sacramento Police Chief Hahn and his handling of Sacramento Police Officer O'Sullivan's murder, you stated you felt Hahn handled it "poorly" and that you "felt abandoned." You further stated you took issue with Chief Hahn saying Officer O'Sullivan was "really good with the black community" at O'Sullivan's funeral and you didn't "understand why someone's funeral or a fallen officer's funeral needed to be a political stand."

When asked if you said the word "nigger" at this event, you replied, "I don't recall at all." When asked if you referred to Sacramento Police Chief Hahn as a "nigger" at this event, you replied, "I do not recall." When asked if you referred to the people or citizens of Del Paso Heights or North Sacramento as "niggers" at this event, you replied, "I do not recall." When asked if you recalled anyone at this event tell you to not say that word or quiet down, you replied, "I do not recall." When asked if you made any remarks about [REDACTED] neighbors being Asian or some other ethnic group where it could be interpreted as derogatory, you replied, "I do not recall." When asked if you felt you violated General Order 210.04 – General and Professional Conduct (see below) in reference to your remarks from June 29, 2019, you stated, "...I was coping with using alcohol after a traumatic event. I don't know if I said this. But if I had and I had – if I had said it? Then yes, I violated this general order" and "[i]t's completely embarrassing that somebody would even say that I said this but if I had, it's a direct violation of this general order."

As a Police Officer you are responsible to treat all people with dignity and respect, regardless of their race or cultural identity, which you have been trained on throughout your career as a police officer. However, your actions showed a disregard for social and cultural awareness and sensitivity which is needed in your position of as a Police Officer. Your actions constitute cause for disciplinary action pursuant to the Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (o) discourteous treatment of any other City employee in a situation where an employment relationship exists at the time of the incident; (p) willful disobedience of a lawful rule, order, or direction; (u) violation of any of the provisions of the City Charter of the City relating to conduct of City employees; (w) any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service.

In addition, your actions were a violation of the City of Sacramento's Equal Employment Opportunity policy which states, in part:

[..] Conduct that may, under certain circumstances, constitute harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, displaying indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or City equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to City policy and to the City's commitment to a discrimination free work environment. Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

Further, your actions in this matter are in violation of the Sacramento Police Department Manual of Orders which states, in relevant part:

GENERAL ORDERS
G. O. 210.04
GENERAL AND PROFESSIONAL CONDUCT
07-12-17

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.
2. Employees shall:
 - a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
 - b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.

- e. Not speak slightingly or express humiliating discourtesies or derogatory comments or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.

A copy of this letter will be placed in your personnel file.

Sincerely,




Katherine Lester
Chief of Police

APPROVED:



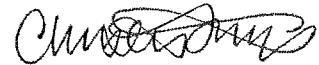
Steve Oliveira, Deputy Chief
Office of Operations

APPROVED:


Aaron A. Donato (Feb 9, 2022 17:45 PST)

Aaron Donato
Labor Relations Manager

APPROVED:



Christen Snyder
Labor Relations Officer

cc: Human Resources, Labor Relations

Report Number: Compl2019-001

Please note that the records provided in this release do not include records or portions of records that are exempt from disclosure pursuant to applicable law. Without limiting other arguments against disclosure that may exist, the following records or portions of records are specifically prohibited or exempted from disclosure:

Records or information that constitutes the personal data or information of an officer or their family members (Cal. Pen. Code §§ 832.7(b)(5) and (b)(6)(A));

Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person (Cal. Pen. Code § 832.7(b)(6)(D));

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 7922.000);

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 Sec. 1)

Sacramento Police Department
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