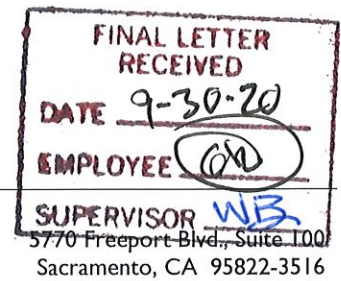


City of
SACRAMENTO
Police Department

DANIEL HAHN
Chief of Police



(916) 808-0800
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www.sacpd.org

August 6, 2020
IAD2019-024

Officer Glenn Barretto
5770 Freeport Blvd., Suite 100
Sacramento, CA 95822

Dear Officer Barretto:

This letter is to inform you that you are hereby suspended without pay for ten (10) hours from your position as a Police Officer and from city service. This action is based on the following facts:

1. On August 8, 2019, Lieutenant Brian Ellis generated an internal investigation related to police incident 19-260015 regarding your failure to immediately report the technique of knee strikes to a supervisor during your attempt to place a handcuffed subject, later identified as David Jones, into the rear of a patrol vehicle.
2. On October 21, 2019, Sergeant Clayton Buchanan participated in a fact-finding interview and relayed the following:
 - On August 8, 2019, Sergeant Buchanan was your shift supervisor and was made aware of an incident that took place at approximately 6:40 pm wherein you assisted with the arrest of David Jones who had fled from other officers.
 - Approximately two hours later, you advised Sergeant Buchanan that you suffered an injury during the incident and were going to a hospital for treatment.
 - Sergeant Buchanan met you at the hospital where you advised him that you had, "used a couple of knees strikes" on Jones as you were detaining him.
3. On October 30, 2019, Lieutenant Brent Kaneyuki participated in a fact-finding interview and relayed the following:
 - He was a use of force instructor at the Sacramento Police Academy for over two (2) years.
 - He was part of a use of force review committee and had personally evaluated no less than 75 use of force incidents.
 - A knee strike is categorized as a personal body impact weapon and is a technique that would require the notification of a supervisor for a use of force investigation.
 - A knee strike is not instructed as a technique for pain compliance, but rather as a defensive technique to be used in order to create distance from a combative individual.
 - There were several occasions during the incident when de-escalation or other appropriate tactics such as the "Max Restraint" system could have been attempted before resorting to knee strikes to Jones.

The Mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City.

- Based upon the totality of the circumstances, Officer Barretto was in violation of the Sacramento Police Department Use of Force General Order 580.02.

4. On February 7, 2020, you participated in a fact-finding interview and admitted the following:

- You were on duty on August 6, 2019, when you responded to assist in apprehending Jones, who had fled from officers near the corner of Howe Ave and Fair Oaks Blvd (page 3 of 52, lines 125-128).
- While attempting to force Jones, who was handcuffed and refusing to sit, into the rear of a patrol vehicle, you utilized no less than nine (9) knee strikes to his upper right thigh (page 8 of 52, lines 312-313).
- You admitted that an injury to your thumb, which you suffered while initially detaining Jones, was interfering with your ability to apply a proper control hold on Jones while trying to get him into the rear seat of the patrol vehicle. After being injured during the initial detention, you did not notify nearby officers or request that another officer replace you as the main custody officer for Jones after he was placed into handcuffs (pages 29 and 30 of 52, lines 1258-1289).
- You admitted to writing in your report of the incident that you used, "four to five" knee strikes on Jones, but when viewing your body worn camera footage of the incident, it was, "nine or ten." You stated the discrepancy was because you did not view your body worn camera footage before writing your report and not completing your report until a week after the incident (page 32 of 52, lines 1371-1400).
- You admitted to using the knee strikes as a distraction technique to get Jones into the rear seat of the patrol car (page 33 of 52, lines 1402-1437).
- You acknowledged that a total of 90 minutes passed before you notified your field supervisor of the use of force incident. You admitted that nothing had prevented you from notifying your supervisor and that it was, "just not in my thought process." You further admitted that taking 90 minutes to notify a supervisor about the use of force incident, "seems like a lot" of time (pages 35-38 of 52, lines 1530-1648).
- You attended training on April 3, 2019, wherein you were provided instruction that knee strikes were not to be used as a distraction technique (page 38 and 39 of 52, lines 1648-1689).
- You have not received any recent training that approved the tactic of a knee strike to force a subject to sit in the back of a patrol car (page 42 of 52, lines 1823-1827).
- On August 6, 2019, you were equipped with and had been trained on the application of the Max Restraint system but did not think it was a viable option at the time (page 42 and 43 of 52, lines 1829-1840).
- You acknowledged that although you felt the knee strike tactic you used was reasonable at the time, by definition it could have been out of policy (page 47 of 52, lines 2054-2058).
- You were aware that you had committed a reportable use of force (page 48 of 52, lines 2101-2103).

Your actions in this matter are in violation of the City of Sacramento Civil Service Board Rules and Regulations 12.2. (c) inefficiency in performance of work which results in performance lower than that which is typically expected of a similar employee in a similar position; (d) inexcusable neglect of duty;

(n) discourteous treatment of any member of the public where, at the time of the incident, such member of the public could reasonable believe that the employee was acting within the scope of City employment; (p) willful disobedience of a lawful rule, order, or direction; and (w) any conduct rationally related to employment which impairs, disrupts, or causes discredit to your employment or the public service.

Your actions in this matter are in violation of the Sacramento Police Departments Manual of Orders which states, in relevant part:

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

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.

SACRAMENTO POLICE DEPARTMENT
GENERAL ORDERS
580.02
USE OF FORCE
05-02-18

PURPOSE

The purpose of this order is to outline procedures for the use and application of force, the medical follow-up that may be necessary when the use of force results in injury, and the reporting and investigation of incidents involving the use of force.

POLICY

It shall be the policy of the Sacramento Police Department that officers value and preserve the sanctity of human life at all times. Officers shall use only that amount of force necessary under the circumstances presented that the officer reasonably believes is required. Officers are expected to use de-escalation techniques when reasonably possible and without increasing the risk of harm to officers or others in an effort to reduce or eliminate the use of force. When using force, officers shall continuously reassess the perceived threat to select the reasonable use of force response.

When making use of force decisions, officers should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances, including, but

not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

PROCEDURE

A. DEFINITIONS

1. **INJURY** – Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the use of force applied. Injury, as defined in this order, does not include the temporary pain associated with the proper application of control holds and/or restraints.

4. **IMPACT WEAPON** – Any weapon/device/technique used to strike a subject or fire an impact projectile at a subject. Examples of impact weapons include, but are not limited to, baton, pugilistic hand strikes, 40 MM launchers, and flexible baton rounds.

6. **REPORTABLE USE OF FORCE** – Any use of force (UOF) that causes injury as defined above; any UOF, whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, carotid restraint, or CED; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the Department (see extraordinary conditions in section B.4.).

9. **DE-ESCALATION** – Employing techniques to stabilize a situation, to decrease the likelihood of the need to use force, and to increase the likelihood of voluntary compliance.

B. GENERAL

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.

5. When reasonable under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate situations. De-escalation techniques include, but are not limited to, gathering information about the incident; assessing risks; gathering resources (personnel and equipment); using time, distance, cover; using crisis intervention techniques; and communicating and coordinating a response.

C. MANDATORY REPORTING PROCEDURE

1. Officers' Responsibilities

b. If officers are in doubt as to whether the UOF is reportable, the officers shall notify their field supervisor, who will then be responsible for making the determination.

c. Any reportable UOF shall require the immediate notification of the officer's field supervisor and the following:

(1) The applicable report(s) (crime, casualty, and/or incident) shall be completed and include a complete description of how and why force was used, as well as a description of injuries that the suspect received or claims to have received.

(2) When an individual is arrested, the booking officer shall notify the jail intake nurse or detox staff nurse of the injury and type of force used.

(3) The City of Sacramento General Liability Loss Report Non-vehicular (RM Red Border Form) shall be completed and forwarded through the chain of command to the Professional Standards Unit (PSU).

Further, continuation of the above acts or other misconduct on your part will subject you to further disciplinary action, up to and including termination.

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,




Dave Peletta, Deputy Chief
Office of Investigations

Approved:



Dawud Brewer
Labor Relations Officer

cc: HR-Labor Relations
PSD



#593 9-30-20

Wendy L. Brown 5040 9/30/20