

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline and Accountability #7

DISCUSSED BY SCPRC		APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC		PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

Reject applicants for hire or lateral transfer if background investigation (or personnel file) reveals:

- i. Deceit/dishonesty lying during an administrative or criminal investigation.
 1. Lying in police report (e.g., where there is a clear discrepancy between the body camera footage or a citizen's cell phone video and what the officer alleged in the police report).
 2. Lying by omission (e.g., the suspect fell and tripped, when in fact the officer pushed the suspect causing the latter to fall).
 3. Officer's corroboration of a lead officer's (or other officer's) deceit by omission
Basis for above recommendations include, but is not limited to, the following:
 - Rule 12.2(f): Dishonesty rationally related to employment.
 - Rule 12.2(w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service.
- ii. Violence/Battery on Spouse/Co-habitant (Pen. Code, §§ 273.5, 242, 245.)
Basis for above recommendation include, but is not limited to, the following:
 - Rule 12.2(m): conviction of a felony or misdemeanor that adversely affects employee's ability to perform duties of the position.
- iii. Sustained finding of racial animus, including but not limited to hate crimes.
Basis for above recommendation include, but is not limited to, the following:
 - Rule 12.2(w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service.

SCPRC RECOMMENDATION RATIONALE

B. HIRING: The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. (SPD's current policy on background investigations is G.O. 255.10, dated 6-14-2001)

SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
 - Minute Marker: 51:20
- Staff Report: https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887
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This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.

If a person has been convicted of any violent felonious crime, they are ineligible to be a peace officer and would not be hired as such.

Additionally, in California, a conviction for domestic violence would prohibit one from carrying a firearm- hence one would also be prohibited from being a peace officer.

If an applicant has demonstrated or is accused of demonstrating any of these behaviors, the information is brought to the attention of the Background's Sergeant, Personnel Captain, and Chief of Police.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2