

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #6

DISCUSSED BY SCPRC	
RECEIVED BY SPD	02/08/2021
RETURNED TO SCPRC	

APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

IG's investigation report to the SCPRC should include, if requested, access to information available to the public pursuant to SB 1421 (Chapter 988, Statutes of 2018). In 2018, the California State Legislature passed and Governor Brown signed SB 1421, which provides the public access, through the California Public Records Act, to police records related to : 1) incidents involving the discharge of a firearm or electronic control weapons by an officer; 2) incidents involving strikes of impact weapons or projectiles to the head or neck area; 3) incidents of deadly force or serious bodily injury by an officer; 4) incidents of sustained sexual assault by an officer; or 5) incidents relating to sustained findings of dishonesty by a peace officer.

SCPRC RECOMMENDATION RATIONALE

In 2016 OPSA was restructured, given additional powers, and placed "under the direction of the city council, rather than the city manager, pursuant to the foregoing provisions serves the best interests of the city, by putting the office of public safety accountability in a direct relationship with the citizens' elected representatives (Ord. 2016-0054)."

Some of the additional powers granted to OPSA are outlined in Section 2.22.030 of the Sacramento City Code, which among other things states, "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."

Earlier this summer the City Council approved the Mayor's plan to create an Inspector General position at OPSA with full independence and authority to investigate officer-involved shootings and use-of-force incidents that result in serious bodily injury or death. It is through the OPSA authority that the new IG will be able to subpoena a witness.

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: 41:04
- Staff Report: https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887
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SPD unable to implement, requires further input from other city departments and offices.

It should be noted, since SB16 and SB1421 were enacted, SPD uploads for community dissemination of:

- Incidents of public interest
- Officer-involved shootings
- In-custody deaths
- Discharge of a firearm
- Use of force incidents resulting in death or great bodily injury
- Sustained findings of unreasonable or excessive force
- Sustained findings of an officer failing to intervene during unreasonable or excessive force
- Sustained findings of officer sexual assault involving a member of the public
- Sustained findings of dishonesty
- Sustained findings of bias

- Sustained findings of unlawful arrest or search

Incidents of Public Interest:

<https://www.cityofsacramento.gov/police/police-transparency/incidents-of-public-interest>

Release of Police Officer Personnel Records (PC 832.7b):

<https://www.cityofsacramento.gov/police/police-transparency/release-of-police-officer-personnel-records--pc-832-7-b->

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OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A