

City of
SACRAMENTO

**OFFICE OF
PUBLIC SAFETY
ACCOUNTABILITY**

Annual Report Year 2015



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OFFICE OF PUBLIC SAFETY ACCOUNTABILITY ANNUAL REPORT 2015

INTRODUCTION

The Office of Public Safety Accountability (OPSA) was created in 1998. A blue ribbon commission advised City Council that the most effective way to improve the relationship between the community and the City's Police Department was to implement civilian oversight to the Department's complaint process. OPSA was created to provide this oversight and be a bridge between the City and its diverse communities. The purpose of OPSA is to promote trust, excellence, transparency and accountability in the complaint system.

Led since 2008 by Director Francine Tournour, OPSA provides fair and impartial civilian oversight of the Police and Fire Departments' handling of misconduct complaints against their employees. To accomplish this and to safeguard the public trust, OPSA works closely with community members and its leaders. The OPSA also maintains a necessary, but appropriate, working relationship with the Police and Fire Command staffs, Sacramento Police Officers Association (SPOA), and the Sacramento Area Fire Fighters Local 522.

OPSA COMMUNITY OUTREACH

Outreach to the public continued to be an important aspect of the OPSA's efforts in 2015. Making information available on the City's website, meeting with complainants, key stakeholders, and the general public were major components of the office's outreach. As in previous years, OPSA staff conducted interviews with print and TV media, participated in public forums and on educational panels, and made presentations at local high schools and university classes. Staff gave presentations at the District Attorney's Office and Police academies on the oversight process and the importance of maintaining productive and effective community relations.

In addition to its ongoing commitment to community outreach in 2015, the OPSA also sought to ensure it remains at the forefront of the civilian oversight field. To this end, the Director attended the national conference of the National Association for Civilian Oversight of Law Enforcement, and training regarding Police Legitimacy and Procedural Justice, and a conference on Fair and Impartial Policing.

OPSA'S CONTACT WITH THE POLICE AND FIRE DEPARTMENTS

OPSA's primary contact in the Police Department during the oversight of misconduct complaints in 2015 was the Deputy Chief in charge of Operations. The Department's Internal Affairs Division (IAD) responded promptly to all OPSA requests for information regarding the status of its investigations throughout 2015.

The primary contact in the Fire Department is the Deputy Chief of Administration. The Department's Professional Standards Unit (PSU) investigator promptly responded to all of OPSA's requests for information.

The OPSA has a constructive professional relationship with both the Police and Fire Departments while at all times maintaining its necessary independence. This independence from the Chiefs of each department it oversees is key to the success of the OPSA in providing objective, impartial oversight service to the city and its communities.

PUBLIC ACCESS TO THE CITY'S COMPLAINT PROCESS

Members of the public have two channels to file a misconduct complaint against Police or Fire Department employees. The first method is to file a complaint directly with the OPSA; alternatively, they may file with the Police or Fire Department.

The OPSA maintains its own comprehensive, independent database of all complaints received and monitors the general complaint intake statistics from both Police and Fire. Demographic information about complainants and officers is also collected to help identify issues and provide early warning of potential trends.

2015: SIGNIFICANT DEVELOPMENTS

Sacramento Community Police Commission

In March 2004, the Sacramento City Council established a Community Racial Profiling Commission (CRPC) to serve as an advisory body to the Mayor and City Council regarding traffic stop data collection and analysis regarding racially biased policing. Since completing the traffic stop data study in 2008, the CRPC has experienced diminished participation due to the limited authority allowed beyond traffic stop data analysis.

An Ordinance, adopted in August, 2015, replaced the Community Racial Profiling Commission with the Sacramento Community Police Commission (SCPC). The SCPC has expanded powers and duties with particular focuses on bias-free policing and the strengthening of community-police relations.

The SCPC will provide guidance and recommendations to the Mayor and City Council regarding bias-free policing. The SCPC will review the Sacramento Police Department's (SPD) training programs, workforce diversity, and community engagement, and other evaluation measures, to provide recommendations to strengthen community-police relations. The SCPC will be supported primarily by SPD and the OPSA.

Body Worn Cameras

2015 saw SPD conduct a pilot deployment of Body-Worn Cameras (BWCs). OPSA has reviewed the SPD's draft policy for the deployment and use of BWCs and has provided input regarding that policy. BWCs have great potential to enhance accountability for both officers and citizens during law enforcement encounters, and their introduction in other jurisdictions has been linked to decreases in both uses of force and citizen complaints. The OPSA will continue to monitor the progress of SPD's BWC program and provide input regarding BWC policy.

Complaint Statistics: Police Department

The OPSA received 110 complaint allegations against police officers in 2015. Of those allegations, 32 were handled directly by OPSA without the need to refer them to the Police Department's Internal Affairs Division. 34 of the allegations were formally investigated by the Internal Affairs Division, while 44, after a preliminary investigation, were resolved without a formal investigation. That determination is made after evaluating a number of factors including the nature of the complaint, review of available video, department policies and procedures and the complainants' desire on how the issue is resolved.

It is important to note that of the 110 complaints of the 76 handled by Internal Affairs 27 were internally generated by the Police Department supervisors or managers, which indicates a culture of internal accountability. In addition, OPSA received 26 complaints about employees outside of the City's jurisdiction. OPSA assisted those complainants by redirecting them to the appropriate authority.

Table 1: COMPARISON OF COMPLAINTS AGAINST POLICE OFFICERS IN 2014 & 2015

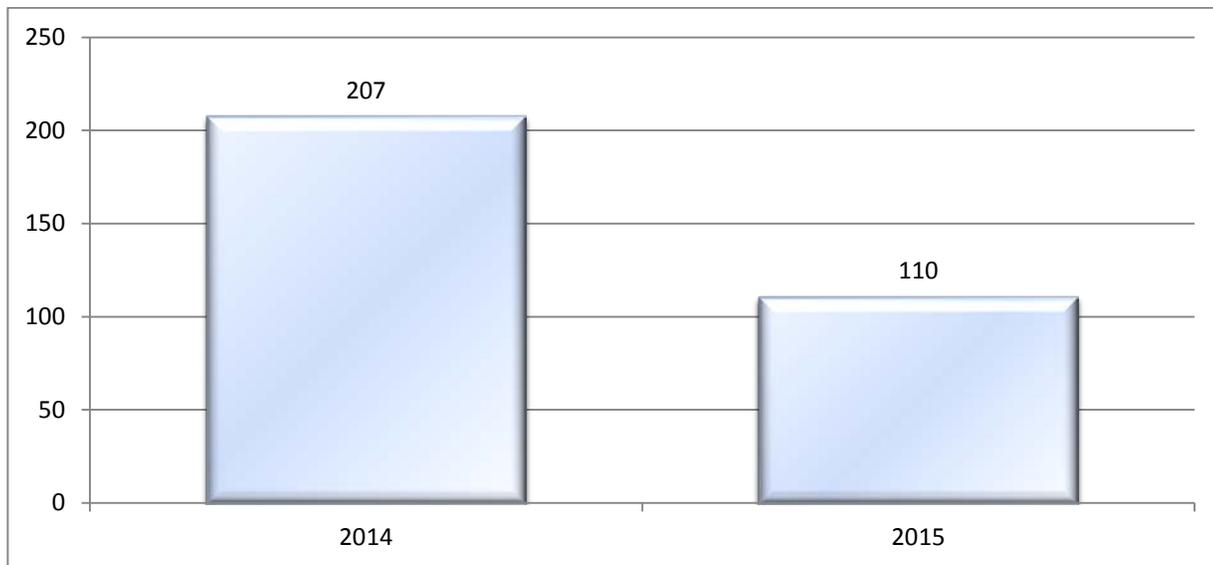


Table 2: NUMBER AND TYPES OF POLICE COMPLAINTS IN 2015

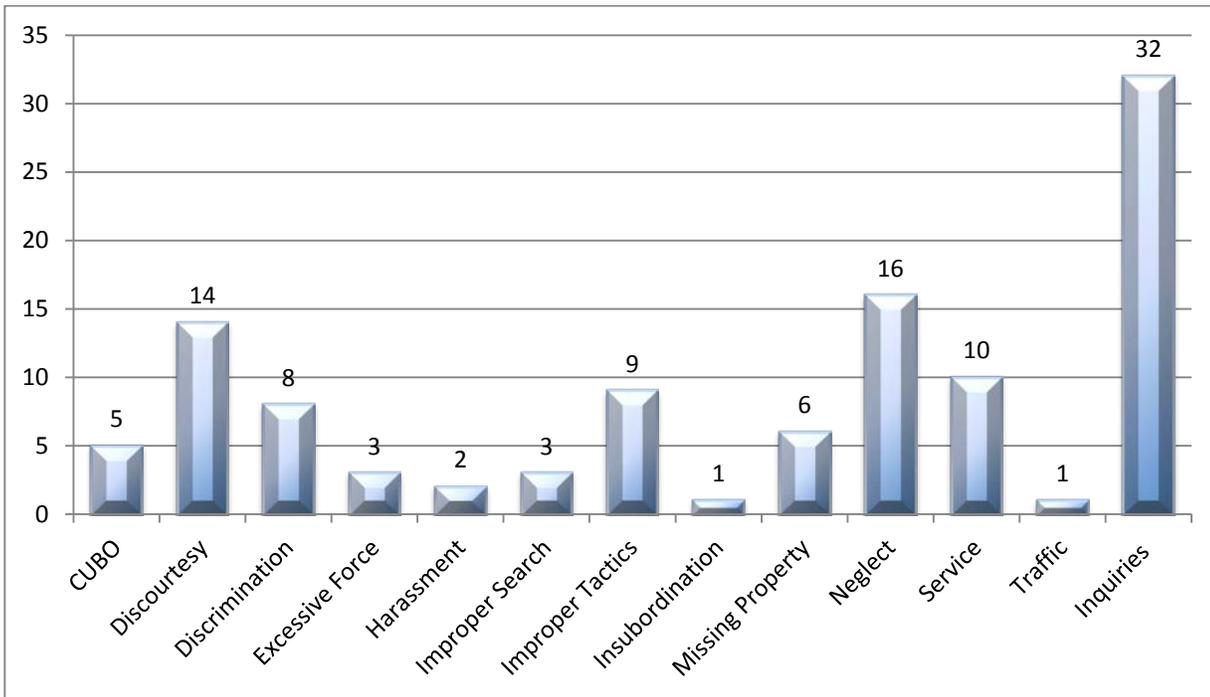


Table 2 identifies the number and types of misconduct complaint allegations that were filed against police officers in 2015.

Table 3: FINAL DISPOSITION OF SPD MISCONDUCT CASES for 2015

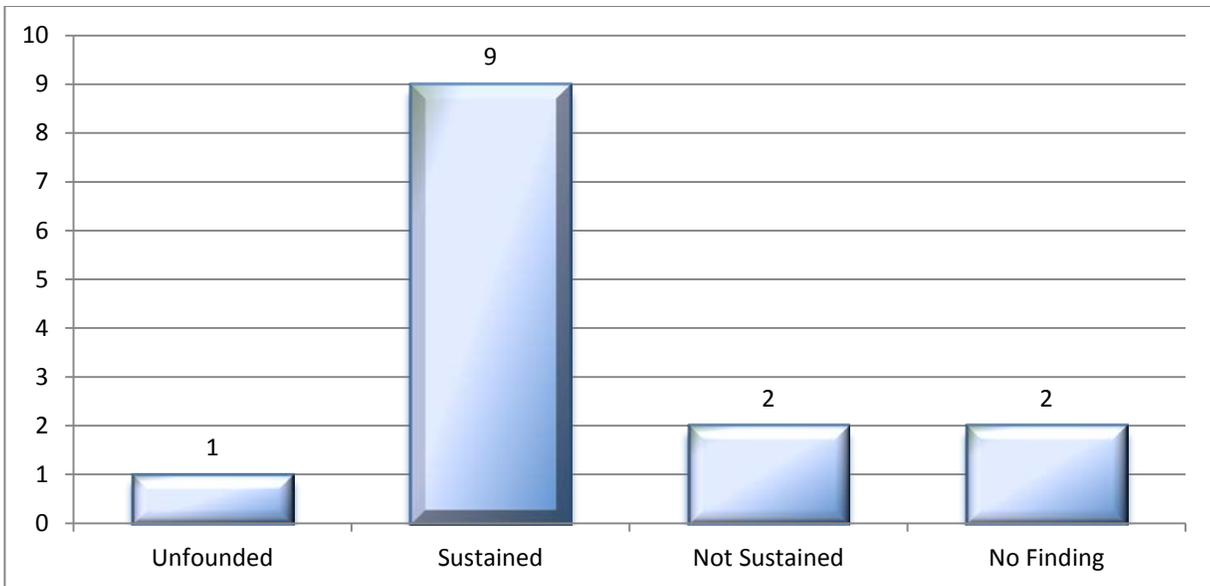


Table 3 shows that in 2015 there were 21 misconduct cases that were formally investigated by IAD and 7 of those cases were still pending a finding at the time of this report. Of the 14 that were completed, 66% resulted in disciplinary action against the officers.

POLICE COMPLAINT ALLEGATIONS

MISCONDUCT – An allegation against an employee involving a violation of any law, department order, rule, regulation, or policy. The following is a list of misconduct classifications and their definitions. More than one classification can be attached to a complaint.

- 1) **CONDUCT UNBECOMING**
Behavior that is malicious or criminal or a failure to follow ordinary and reasonable rules of good conduct and behavior. This includes any misconduct bringing discredit upon the department.
- 2) **DISCOURTESY**
Rude or abusive actions directed toward another person.
- 3) **DISCRIMINATION**
Allegations that the employee's actions or misconduct was due to race, sex, religion, physical disability, ethnicity or sexual orientation of an individual.
- 4) **DISHONESTY**
Theft, misappropriation of funds, property of the City or others, or giving false, or misleading information.
- 5) **EXCESSIVE FORCE**
Covers any force from shoving or pushing to outright brutality.
- 6) **FALSE ARREST**
Most of these deal with the arrest and become legal rather than internal matters. The District Attorney and the courts usually have to make the decision in this level of complaint. Often these complaints turn into civil suits and are investigated as such. If it is determined through legal channels that the complaint may be sustained, the department's Internal Affairs Division shall conduct an internal investigation.
- 7) **FIREARM DISCHARGE**
Anytime a firearm is discharged in violation of Department policy.
- 8) **HARRASSMENT**
Any employee action or conduct including, but not limited to, the making of threats of violence, physical intimidation, verbal abuse, derogatory comments, sexual demands or an act of retaliation because of the sex, race, ancestry, physical handicap, medical condition, marital status, age, sexual preference, or any other protected characteristic of an individual.
- 9) **IMPROPER SEARCH AND SEIZURE**
As in false arrest, this is a legal matter and is handled in the same manner. When the complaint indicates a probability of misconduct, an immediate internal investigation is conducted by internal affairs.
- 10) **IMPROPER TACTICS**
Procedures used by an employee that could be different from approved procedures. Examples could be using other than approved techniques to handcuff suspects, mishandling a call to the point that the employees inflame rather than alleviate the situation and giving inappropriate advice or taking inappropriate action.
- 11) **INSUBORDINATION**
Failure or refusal to follow a lawful written or verbal order of a superior.
- 12) **INTOXICATION**
On duty personnel under the influence of intoxicants.
- 13) **MISSING PROPERTY**
Property missing, which has, at one time, been in the custody or control of a member of the department.
- 14) **NEGLECT OF DUTY**
The failure to perform a required duty.
- 15) **SERVICE**
The failure to provide adequate, timely and required police action.
- 16) **TRAFFIC**
Improper or illegal driving by an employee.

Complaint Statistics: Fire Department

Table 4: COMPARISON OF CASES AGAINST FIRE PERSONNEL FILED IN 2014 & 2015

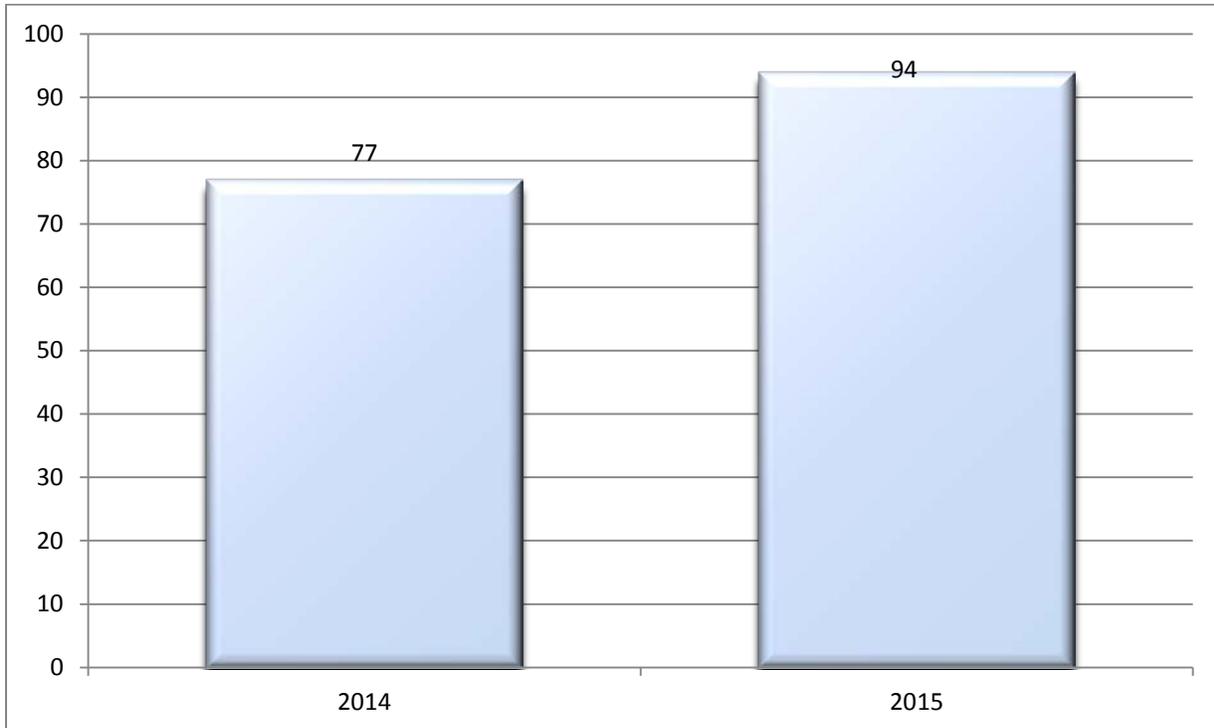


Table 5: NUMBER AND TYPES OF FIRE COMPLAINTS IN 2015

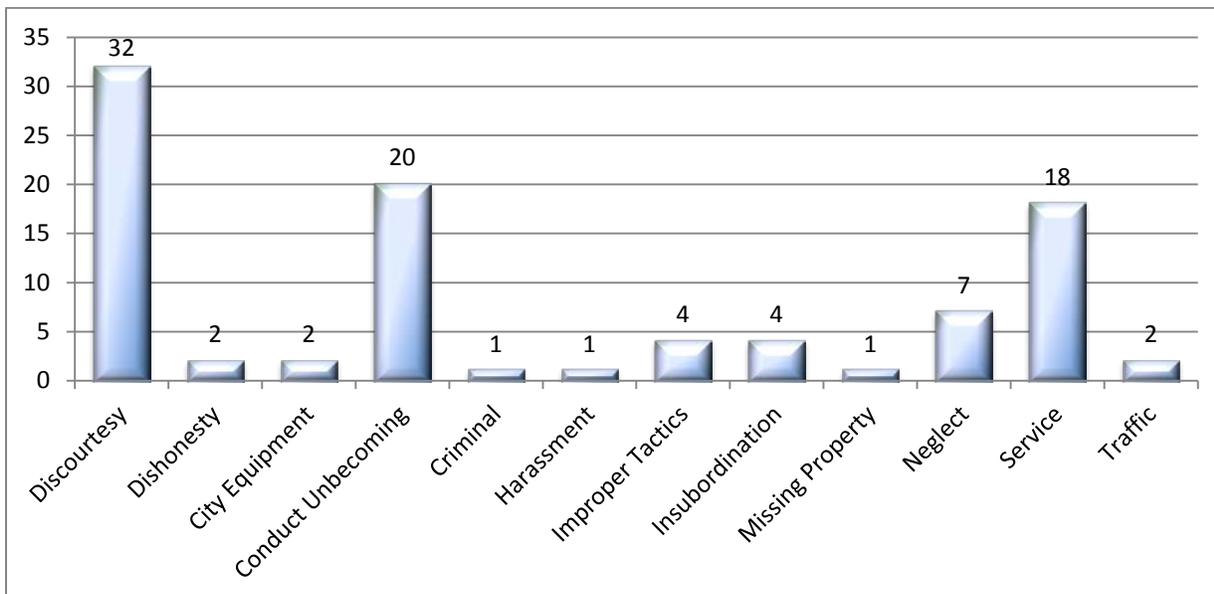


Table 5 identifies the number and types of misconduct complaints filed against Fire

Department employees in 2015.

Table 6: FINAL DISPOSITION OF CASES AGAINST FIRE PERSONNEL

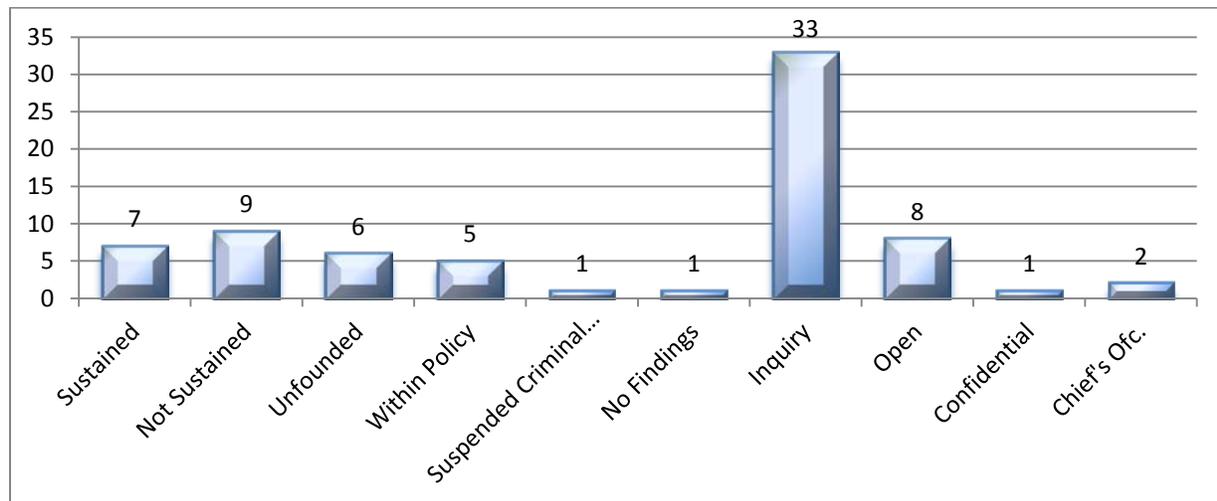


Table 6 shows that of the 28 completed misconduct investigations, 25% of the complaints referred to Fire command staff in 2015 resulted in disciplinary action against employees.

COMPLAINT INQUIRIES

In some cases complaints are filed against Police or Fire personnel because complainants are unhappy about the information they received or lack of information from employees at a scene. Because these types of complaints rarely rise to the threshold of employee misconduct, they are dealt with quickly and informally by the department's command staff. These types of complaints do not get reported to OPSA and consequently are not part of the OPSA's complaint database. There were approximately 342 such inquiries in 2015.

OPSA CASE AUDITS

OPSA audits all Police Internal Affairs investigations of alleged excessive force, discrimination, improper tactics, and discourtesy, as well as selected Fire personnel misconduct investigations. Fire Department complaints do not normally involve force or physical contact. Consequently, OPSA audits these on a case-by-case or priority basis. In addition, the OPSA Director confers with the Chiefs and Deputy Chiefs of Police and Fire on all cases where OPSA disagrees with the finding of a case or requires additional or alternate corrective action be taken against an employee.

CRITICAL INCIDENTS IN 2015

As recent, high-profile events around the country have underscored, critical incidents such as Officer-Involved Shootings (OISs) and Deaths In-Custody (DICs) have the potential to create great concern on the part of the community and to strain police-community relations. In light of the additional scrutiny of law enforcement that communities around the country have called for in the wake of high-profile incidents in places such as Ferguson, MO, and Cleveland, OH, many jurisdictions are now moving to establish some form of civilian oversight. The City of Sacramento, meanwhile, already has an effective and well-established oversight process. OPSA conducts oversight of critical incident investigations to ensure transparency, accountability, and to protect the public trust.

In order to ensure that investigations of these types of events are thorough and impartial, and to promote public confidence in SPD's internal investigative process, OPSA actively monitors all critical incident investigations. OPSA's monitoring role is initiated shortly after a critical incident occurs with a notification to the OPSA Director by SPD Dispatch. Upon being notified, the Director responds to the scene. Once at the scene, the Director is briefed regarding the incident.

The Director then monitors the on-scene investigation as it progresses, ensuring that matters such as attempts to identify witnesses and the preservation and collection of physical evidence are appropriately managed. Following her on-scene monitoring, the Director monitors the interviews of involved and witnessing officers and of other witnesses. In cases where the Director believes additional questioning is warranted, she may request that investigators ask further questions of the interviewee.

Post-incident administrative reviews are also conducted of every critical incident. The purpose of these reviews is to provide SPD command staff the opportunity to evaluate whether the incident was handled in compliance with Department policy. The OPSA's oversight role extends to these reviews, and the Director participates in order to identify areas for improvement and potential issues of community concern or interest.

In 2015, SPD personnel were involved in two OISs. There were no DICs involving Sacramento Police officers in 2015.

OPSA was not notified of any Fire Department high profile incidents in 2015.

DESCRIPTION OF CRITICAL POLICE INCIDENTS 2015

1. On May 21, 2015, at about 6:00 p.m., SPD officers were finishing a call at Cesar Chavez Park. The sergeant in charge was approached by a female bystander who asked if the sergeant could help her with her son. The female said her son had been using drugs for several days and was in a delusional state and had been threatening to kill her and himself. The sergeant directed an officer to talk to the son. The son was standing across the street from the location of the officers. The officer requested the son to come across the street, which he did by crossing into heavily congested traffic lanes.

As the man approached, the officer noticed he had a folding knife in his hands with the blade pointing down. The officer asked the man twice to put down the knife. The man did not respond to the officer. The officer backed up to create more space between him and the man and took out his service weapon. An additional officer approached and the initial officer asked that officer to use his Taser on the man. Prior to that officer being able to deploy his Taser, the man lunged at the first officer. From a distance of approximately 6 feet the officer fired three shots. The man fell to the ground and dropped the knife. Fire personnel were still on scene from the earlier call and immediately provided medical attention.

The subject was transported to a local hospital where he was treated for his injuries. He was later charged with assault.

The administrative review by SPD, overseen by OPSA, of the use of force determined the force was within department policy. A review by the Sacramento County District Attorney's Office determined that the shooting was lawful.

2. On May 15, 2015, two SPD patrol officers responded to a call of domestic violence. When the officers arrived they spoke to the complainant, a neighbor, whom stated there had been screaming and what sounded like fighting between a man and a woman. The officer went to the house and spoke to the female resident. Officers asked if the male was still there and she said "no". She gave the officers permission to check the house for the male.

One officer stayed with the female to get her statement while the other officer checked the house. When the officer checked the bedroom, he could see there was someone lying under a blanket on the bed. The officers asked the person to show his hands. Immediately a man jumped up and rushed toward the officer yelling, "You're going to have to do it. You're going to have to shoot me." As the officer backed up to get away from the man, the two of them entered the living room area. The man grabbed what appeared to be a semi-automatic handgun from a bookshelf with his left hand and

transitioned it to his right hand. The subject manipulated the slide of the weapon and then began to raise the muzzle in the direction of the officer. The officer fired 2 rounds at the subject and the subject fell to the floor. The officers then retreated from the house, taking the female with them. The subject eventually exited the house and was taken into custody, but subsequently died from his injuries.

The administrative review by SPD, overseen by OPSA, of the use of force determined the force was within department policy. A review by the Sacramento County District Attorney's Office determined that the shooting was lawful.

CONCLUSIONS

The statistics included in this Annual Report indicate that further progress was made by the Police Department in 2015 towards the goal of reducing the number of employee misconduct incidents. Complaints against Fire Department employees were higher than the previous year by 22%. OPSA is discussing increase and potential causes with fire management.

As noted earlier in this report, a number of highly-publicized use of force incidents have recently occurred across the country. These incidents have given rise to an unprecedented national conversation about policing, race, the use of force by police officers, and civilian oversight of law enforcement. SPD and OPSA have well-established investigative and oversight protocols, placing Sacramento far ahead of many other comparable cities. Nevertheless, the current level of public interest regarding policing in general, and police use of force in particular, requires that SPD continue to focus on and evaluate its training and policies to ensure it maintains its provision of high-quality law enforcement service to all of Sacramento's diverse communities.