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OFFICE OF PUBLIC SAFETY ACCOUNTABILITY

Committed to Building Public Confidence
Through Accountability

2008 ANNUAL REPORT

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2008 ANNUAL REPORT

August 2009

Honorable Mayor Kevin Johnson and
Sacramento City Council Members

I am pleased to submit to you the Office of Public Safety Accountability (OPSA) 9th annual report.

We all acknowledge the important status that the Police and Fire Departments carry in our community; however, these Departments need to be accountable and transparent if public trust in them is to be maintained. The public needs to be assured that any complaints they file about Police and Fire personnel are investigated fairly and appropriately.

While occasional dissatisfaction among citizens regarding the performance of certain public safety personnel persists, I am pleased to report a decrease in the total number of complaints during the period under review. While a perception remains among some Sacramento residents that a portion of our public safety personnel do not conduct themselves appropriately, the OPSA has been effective in ensuring that Police and Fire management deals with misconduct appropriately. OPSA continues to work closely with the diverse communities in our City and will maintain our role as watchdog for the community.

Respectfully submitted,

Francine Tournour, Director
Office of Public Safety Accountability

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»» Executive Summary

The Annual Report of the Office of Public Safety Accountability (OPSA) is being submitted in accordance with the Resolution approved by City Council in 1999. OPSA was established to provide a fair, thorough and transparent process to address community complaints regarding alleged misconduct by City police officers and firefighters.

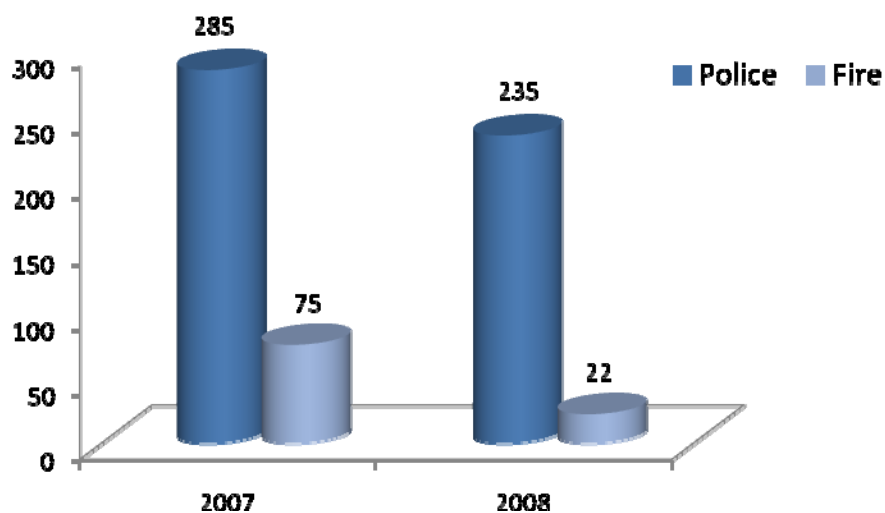
During 2008, the Sacramento Police Department (SPD), Sacramento Fire Department (SFD) and OPSA received a total of 257 complaints of misconduct. This represents a 17.5% decrease for the Police Department and a 70.6% decrease for the Fire Department over the previous year.

Members of the public may file a complaint directly with the SPD or SFD or OPSA. When a complaint is filed, either SPD's Internal Affairs Division (IAD) or SFD's Administrative Services Division opens a file and investigates. OPSA monitors this complaint process and selects files to audit to ensure fairness and that appropriate action is being taken.

In 2008, OPSA referred 19% of the completed investigations back to the SPD for either reinvestigation or reevaluation. In all incidences, either a different case disposition or more appropriate remedial action resulted due to OPSA oversight.

Of the complaints filed against police officers in 2008, OPSA audited 156. At the close of 2008, 33 were pending a final disposition, 43 were resolved during the preliminary investigation, and a formal complaint was not filed. Of the 22 complaints filed against firefighters in 2008, there were no cases pending at the close of the year.

Figure 1: Complaints Filed With SPD, SFD and OPSA



»» Executive Summary

Figure 2: SPD and OPSA Complaint Data Breakdown

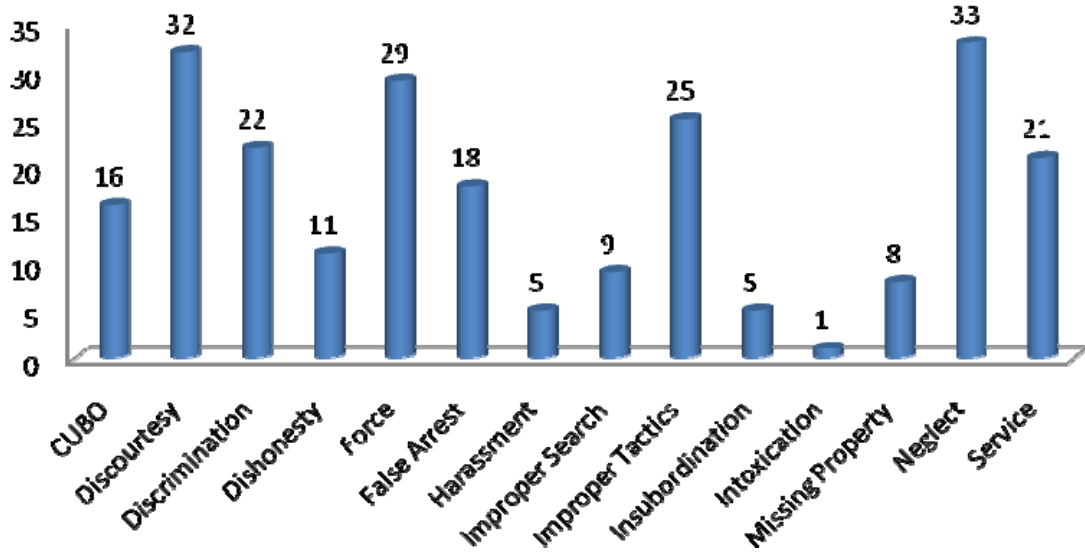
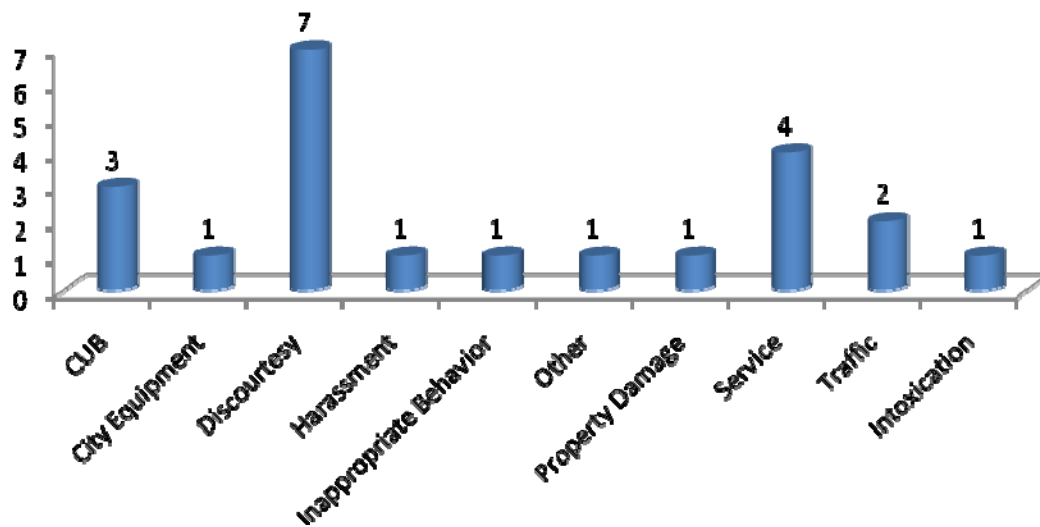


Figure 3: SFD and OPSA Complaint Data Breakdown



»» Executive Summary

Racial Profiling Commission

The OPSA Director has a standing position on the City's Community Racial Profiling Commission. A section has been added to the report outlining a brief history of the Commission and the status of the traffic stop data collection rollout in 2008.

Outreach

Staff participated in over 30 community events, forums and training sessions to inform and educate the community about the public safety complaint process.

Year End Statistics

The OPSA was involved in the processing of 257 complaints in 2008. A section on the SPD, SFD and OPSA year-end statistics has been included along with a description of OPSA's involvement in the complaint process.

SPD Officer Involved Shootings

A primary role and responsibility of the OPSA is as an independent auditor and community liaison in any case of an officer involved shooting. Unlike previous years, there were no officer involved shootings in 2008. However, the report includes examples of SPD and SFD critical incidents in which OPSA was involved.

2008 Issues and Concerns

The OPSA monitors complaints, conducts outreach with the community and is able to detect and track trends as they unfold. As a result of OPSA activities, several issues and concerns have become known. Consequently, the 2008 Annual Report concludes with a number of recommendations for SPD and SFD aimed at improving community relations and further reducing the number of citizen complaints.

Recommendations for Improvements in SPD & SFD Community Relations

Recommendations for SPD are largely focused on implementing strategies and programs to raise the level of officers' sensitivity to community, cultural, social and economic factors, especially given today's economic conditions.

The recommendations for SFD are largely focused on having policies in place and maintaining an effective complaint resolution and monitoring process, and to work closely with OPSA staff in resolving citizens' complaints and concerns.

»» OPSA 2008 Annual Report

Mission Statement

The Mission of the Office of Public Safety Accountability is to enhance relationships between the City of Sacramento's public safety employees and the community by independently accepting, monitoring and investigating complaints of misconduct.

Background

In 1998, a Blue Ribbon Citizens' Committee examined concerns regarding SPD. The Committee recommended significant changes in the processing and intake of police misconduct complaints and the deployment of police vehicles during emergency response or pursuit incidents. The Committee recommended the creation of a new unit headed by a senior level manager reporting directly to the City Manager. In 1999, the City Council established the Office of Police Accountability. In 2004, Council expanded the scope of responsibility to include SFD.

Outreach

Community outreach is an integral part of the OPSA Mission. Use of the City's website, media contacts, educational efforts and community forums are essential to build trust, visibility and recognition to assure all citizens there is independent public safety oversight.

A new outreach effort in 2008 was to focus on contacting youth with the specific aim of helping to educate them on how to best handle an encounter with the police. OPSA attended several workshops in the community and at schools to provide presentations covering youth and police rights and responsibilities during these encounters.

People need to be informed about civilian oversight and how to effectively access the complaint process. Contact information appears at the end of this report for any group interested in receiving outreach materials or arranging a presentation.

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Groups Contacted in 2008:

- Sacramento Black Chamber of Commerce
- Council American-Islamic Relations (CAIR) Sacramento Valley Chapter
- National Association Advancement of Colored People (NAACP)
- Council of Asian Pacific Islanders Together for Advocacy and Leadership (CAPITAL) Foundation
- National Forum for Black Public Administrators
- Sacramento District Attorney Citizen Academy
- Sacramento District Attorney Juvenile Citizen Academy
- Sacramento Greater Urban League
- Human Rights Fair Housing Commission
- Metro Chamber of Commerce
- Nation of Islam
- People Improving Communities Through Organizing (PICO)
- The Sacramento Observer
- Stonewall Democratic Club of Greater Sacramento
- 12 Ways to Success
- Sacramento Lao Family Community
- Kennedy High School
- Grant High School
- McClatchy High School
- Burbank High School
- Leroy Greene Middle School
- Russian American Media
- Community Racial Profiling Commission
- National Association of Civilian Oversight of Law Enforcement (NACOLE)
- Media interviews

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Community Racial Profiling Commission

OPSA has a standing position on the City of Sacramento's Community Racial Profiling Commission. The role of the Commission is to raise awareness concerning the issue of racial profiling and also act as an advisory component to the City Council regarding traffic stop data.

History of the Community Racial Profiling Commission

In July 2000, SPD undertook a comprehensive study of traffic stops to address perceptions of racial profiling. In March 2004, City Council approved the establishment of a formal advisory commission that would provide the City with a means to monitor traffic stop data for possible racial profiling.

History of Data Collection in Sacramento

In February 2000, SPD implemented a plan to collect and analyze demographic information related to traffic stops. Data collection began July 1, 2000. The data was analyzed by an independent research institution.

SPD recognized the importance of responding to the national concern and demonstrated its commitment to unbiased policing. The data collection effort continues to be endorsed by City Council and the community at large.

In March 2006, SPD started a new data collection project. The report was completed and presented to City Council in August 2008. The results indicated that African Americans and Hispanics were stopped at a disproportionate rate by SPD. The results were alarming to both the community and SPD.

During 2008, OPSA has worked with SPD to address these concerns by assisting with the following:

- Rewriting the Biased Based Policing General Order
- Developing the Biased Based Policing training
- Monitoring the Early Warning System
- Implementing the Disproportionate Minority Contact Training Program

OPSA continues to closely monitor the traffic stop data collection.

For access to the results of the traffic stop data analysis project go to:
<http://www.cityofsacramento.org/crpc/>

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Critical Incidents in 2008

The OPSA Director is required to be on the critical incident call-out list. An example of a critical incident would be an officer involved shooting, death in custody or vehicle accident with death/serious injury involving public safety vehicles. The Director responds to the scene of all such incidents and reviews and monitors the interviews.

The purpose of the call-out is to provide an independent evaluation of the handling of the incident and the crucial interviews that follow. OPSA may submit questions to be asked by the investigators during the interview process. During the one-year period covered by this report, there were two officer involved incidents.

SPD Incidents in 2008

Incident 1:

On August 6, at approximately 3:00 p.m., police officers responded to a call on Jibboom Street where an unclothed man was attempting to enter a fenced off area. When police officers arrived on scene, the man was attempting to climb the chain link fence wearing only his shoes.

The officers detained the man and placed him in handcuffs. Shortly after, it became apparent that he was having trouble breathing, and an ambulance was requested.

The man was transported to UC Davis Medical Center, where he was pronounced dead a short time later. The Coroner declared the cause of death to be cardiac arrest due to excited delirium. Schizophrenia was a contributing factor.

The man was a 48 year-old African American Male Adult.

Findings:

The incident was an “in-custody” death, and the evidence indicated that it was not related to use of force; therefore a District Attorney’s report was not submitted.

SPD review of the incident found the officers’ actions were within policy. OPSA audited the case investigation and concurred with the findings.

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Incident 2:

On December 9, at approximately 12:35 p.m., police officers responded to a call on Miramonte Drive concerning a domestic disturbance between a man and a woman.

The man was found to be in violation of an active restraining order, which violated the parameters of his parole. He was arrested for a violation of parole and transported to jail.

While being processed at the nursing station in the jail, it became apparent the man had something in his mouth that he was trying to swallow. Sheriff's Deputies intervened and tried to get him to spit out what was in his mouth. After a few minutes, the man was in medical distress and an ambulance was requested.

He was transported to Sutter General Hospital where he was pronounced dead a short time later. The Coroner declared the death as a result of acute cocaine toxicity or overdose.

The man was a 34 year-old African American Male Adult.

Findings:

The incident was an "in-custody" death, and the evidence indicated that it was not related to use of force; therefore a District Attorney's report was not submitted.

SPD review of the incident found the officers' actions were within policy. OPSA audited the case investigation and concurred with the findings.

Additional Incidents:

There were two officer involved shootings. In both incidents, dogs were the intended target. OPSA did not audit these investigations but did attend "Shoot Reviews" for each incident. The purpose of the review is to allow SPD's Executive Team the opportunity to evaluate what could have been done better during the incident. OPSA discussed areas needing improvement when applicable.

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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 AN EMPLOYEE**
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 towards 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) **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 decisions in this level of complaints. 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) **HARASSMENT**
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.
- 17) **WAGE GARNISHMENT**
Failure to pay just debts.

»» OPSA Statistics

Figure 4: Shows the number of force complaints filed since 2006

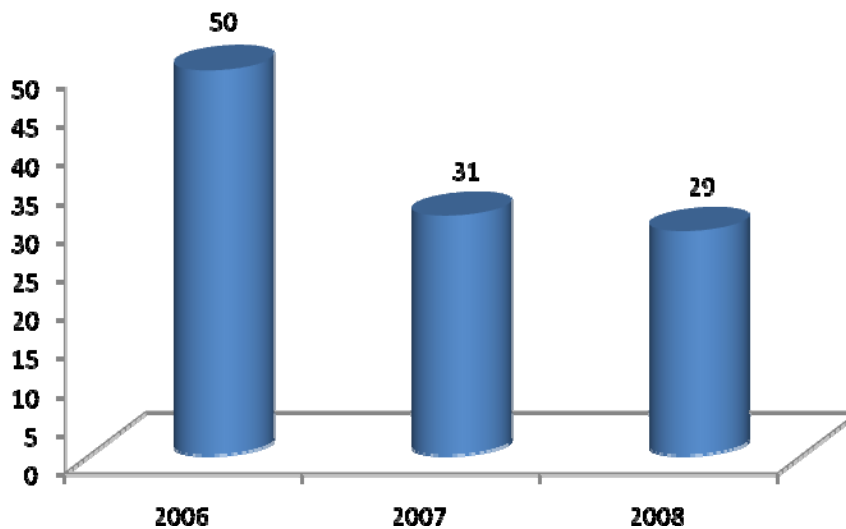


Table 1: Details the total number of complaints received in 2008

COMPLAINTS RECEIVED (INTERNAL AND EXTERNAL)	2007		2008		2008 OPSA Audits
	#	%	#	%	
Conduct Unbecoming an Employee	27	9%	16	7%	5
Discourtesy	54	19%	32	14%	25
Discrimination	8	3%	22	9%	15
Dishonesty	15	5%	11	5%	2
Excessive Force	31	11%	29	12%	29
False Arrest	6	2%	18	8%	15
Firearm Discharge	0	0%	0	0%	0
Harassment	20	7%	5	2%	5
Improper Search and Seizure	11	4%	9	4%	8
Improper Tactics	23	8%	25	11%	18
Insubordination	7	2%	5	2%	0
Intoxication	2	1%	1	0%	0
Missing Property	12	4%	8	3%	0
Neglect of Duty	51	18%	33	14%	17
Service	15	5%	21	9%	16
Traffic	3	1%	0	0%	0
TOTAL COMPLAINTS	285	100%	235	100%	155

»» Disposition Descriptions

Results of misconduct complaints are placed into one or more of the following classification at resolution (disposition).

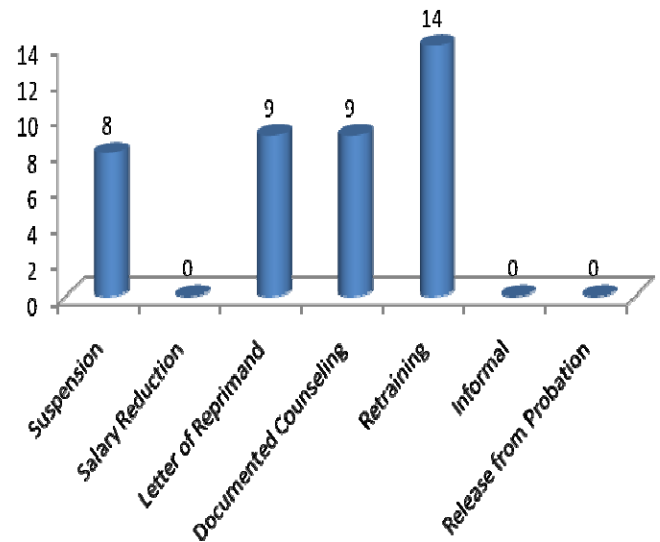
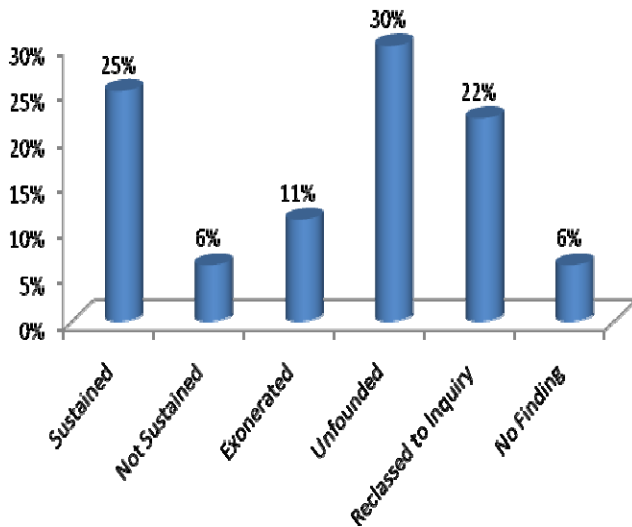
- | | |
|---|--|
| <p>1) UNFOUNDED
The act(s) alleged did not occur, or the employee(s) named were not involved in the act(s), alleged to have occurred. This also includes frivolous complaints, which are found to be totally and completely without merit.</p> <p>2) EXONERATED
The act(s) alleged occurred and were justified.</p> | <p>3) NOT SUSTAINED
Insufficient evidence exists to clearly prove or disprove the allegation.</p> <p>4) SUSTAINED
Sufficient evidence supports the allegation against the employee.</p> <p>5) RECLASSIFIED TO CITIZEN INQUIRY
Preliminary investigation discloses this is not a complaint. The matter will be reclassified as a citizen inquiry and filed under the citizen's name.</p> |
|---|--|

Complaint Disposition

Figure 5: Shows the final disposition of cases investigated in 2008 using SPD statistics.

Figure 6: Shows a breakdown of officer discipline imposed in 2008 using SPD statistics.

Numbers reflect complaints that were completed during 2008, regardless of when the complaints were received.

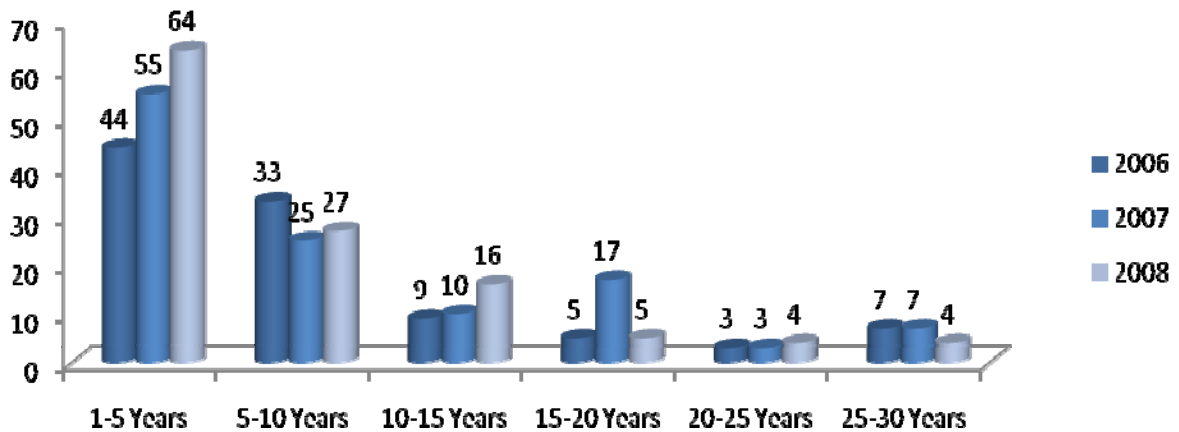


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Officer Experience

In examining trends, OPSA tracks the experience of SPD officers receiving complaints. The majority of contacts between the public and SPD are conducted by patrol officers. Consequently, patrol activities generate the majority of the complaints. Most patrol officers have less than five years experience and have accounted for the majority of complaints.

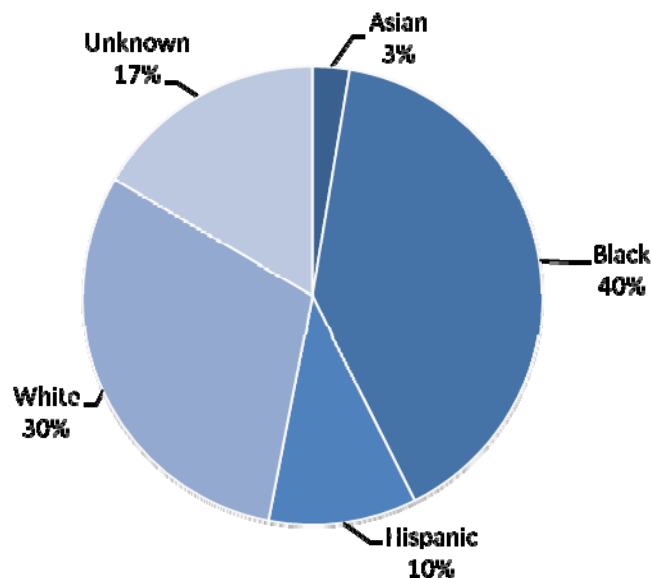
Figure 7: Officer's Experience



Racial Breakdown Complainants

The trend continues to show that the African American community files the majority of police complaints. OPSA staff is working with local community groups like the NAACP and Urban League to address this trend.

Figure 8: Shows the racial breakdown of individuals who filed complaints in 2008



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Examples of OPSA Investigations

In 2008, OPSA audited 156 Internal Affairs investigations. Of those, 31 or 19% were returned for reconsideration. Below are the summaries of those cases and the disposition proposed by SPD, as well as some of the issues raised by OPSA during the audit.

Incident 1

Complainant alleged officers were discourteous and used improper tactics by contacting her landlord regarding a noise complaint.

Internal Affairs protocol required that this case be reclassified, because after complaining, the complainant would not respond to the complaint investigators. OPSA concurred with the reclassification, but the results of the review suggested that the officers used improper tactics. OPSA requested retraining for the officers involved.

SPD concurred.

Incident 2

A third party complainant alleged that the officer who arrested a vandalism suspect used excessive force. The complainant did not see, but heard the arrestee hit his head twice on the lightbar of the police vehicle. After reviewing the witness, officer, and the suspect's statements, it was determined the suspect hit his head when the officer used his body weight to "pin" the suspect against the patrol vehicle in an attempt to keep the suspect from resisting.

SPD initially assigned a final disposition of unfounded for the excessive force allegation. OPSA had concerns with this finding based on the conflicting statements from those involved. Also, OPSA felt the officer used poor judgment regarding the tactics used to gain compliance considering the suspect's level of intoxication.

SPD agreed with the OPSA analysis and changed the force disposition to not-sustained, requiring the officer to undergo a complete retraining in tactics. The not-sustained disposition was appropriate in this case due to insufficient evidence to either prove or disprove the complaint.

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Incident 3

The complainant alleged that officers used excessive force on him when they responded to “a subject with a gun” call. Unbeknownst to the officers, this was part of an ongoing family dispute with a relative who had falsely claimed that the subject had a gun. The investigation showed this was an attempt to have officers respond and harass the complainant, and the subject did not have a gun.

SPD determined that the amount of force used by the officers was justified based on the complainant’s actions. OPSA concurred with those findings, but requested SPD attach a note to the residence, so that any future responding officers would be aware of the history of false gun calls at the house. OPSA also requested that SPD put the relative “on notice” regarding making false reports, especially considering the danger and severity of this type of call.

SPD concurred.

Incident 4

Patrol officers made a U-turn to catch up to the complainant’s vehicle in order to execute a stop for speeding. The complainant immediately parked his car prior to the officers being able to initiate a car stop. The complainant was found to have a non-extraditable warrant from another state. The officers arrested him as a fugitive from justice. The complainant was taken to jail, where booking was refused, and as a consequence, the complainant had to be released. SPD’s initial recommendation was to change the “false arrest” complaint to “improper tactics.”

OPSA reviewed the file and the terms of the warrant. The warrant was very clear, and therefore the complainant should not have been arrested. SPD agreed and kept the initial complaint of “false arrest” and sustained the complaint.

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Incident 5

The complainant alleged that an officer was discourteous and used excessive force against him at a private function at a public park.

The complainant had an argument with one of the vendors at the function and was being very loud about his dissatisfaction. The vendor/sponsor contacted the police officers working the event and asked them to warn the complainant about his behavior. The complainant continued to publicly voice his dissatisfaction, at which point the vendor/sponsor requested that the police officers remove the complainant from the function. An officer physically escorted the complainant from the function after he refused to leave. The officer's use of force was within policy; however, the officer was discourteous to the complainant during the encounter.

SPD initially recommended a "not-sustained" finding for discourtesy. OPSA requested that the finding be changed to "sustained" based on the officer's admission discourteous statements were made to the complainant.

SPD concurred with this recommendation and sustained the discourtesy allegation.

Incident 6

This case was a policy and procedure complaint from a mother whose adult son went missing while under the conservatorship of a governmental agency. SPD located the son, and he was later released by an officer. The officer exhausted all means available to determine where the son was to be placed and under what authority. He was unsuccessful. The officer did a thorough job, but did not have the resources available to him to make an informed decision. The mother complained that the officer had not acted appropriately by releasing her son.

OPSA requested SPD conduct roll call training regarding conservatorships to assist in any future similar situations.

SPD concurred.

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Incident 7

The complainant alleged that the officer was discourteous and had discriminated against her during a traffic stop.

The case was investigated but could not be substantiated because the officer had not activated his microphone during the traffic stop.

OPSA requested that the officer receive counseling regarding not activating his microphone, and also requested retraining.

SPD concurred.

Incident 8

The complainant alleged discourtesy and excessive force by arresting officers toward her adult son.

SPD began their investigation and determined that there was sufficient evidence to sustain the discourtesy portion of the complaint. At that time, the complainant decided she no longer wanted to pursue the complaint formally.

SPD was prepared to reclassify the complaint as an inquiry and close the complaint.

OPSA raised concerns that once SPD becomes aware of a policy violation, they have a duty to address the violation, regardless of the complainant's desire to pursue the matter informally.

SPD concurred and issued a sustained finding for improper tactics.

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Sacramento Fire Department

In 2004, the Fire Department was added to the OPSA's oversight responsibility. At that time, SFD established the Professional Standards and Accountability (PSA) Unit to receive and investigate complaints. The goal was to improve the quality of service provided, to promote a high level of public confidence and to enhance and maintain the professional integrity of SFD and its employees.

The PSA Director was a Battalion Chief who worked directly for the Assistant Chief of Human Resources. The OPSA worked with SFD during this initial set up period to establish protocols for the review of complaints.

In July 2008, due to budgetary reductions, complaint management shifted to the Administrative Services Division under the Deputy Fire Chief of Administrative Services. OPSA provided independent civilian oversight for those SFD complaints that were submitted for review.

SFD High Profile Incident Notification

The "High Profile Incident Notification" protocol for SFD was established and remains in place. The Director responds to all such incidents to review the scene and monitor interviews.

The purpose of the call-out is to provide an independent evaluation of the handling of the incident and the crucial interviews that follow. OPSA may submit questions to be asked by the investigators during the interview process.

During the period covered by this report, there was one "High Profile" incident. Additionally, the OPSA attended one fact-finding interview at the request of the SFD.

Examples of High Profile Incidents:

- 1) Serious misconduct;
- 2) Vehicle accidents with death/serious injury involving SFD Apparatus;
- 3) Fire related death/serious injury of SFD personnel;
- 4) Industrial accident/injury involving personnel where California Occupation Safety & Health Administration (CAL OSHA) response is mandated;
- 5) Harassment issues involving SFD personnel;
- 6) Workplace violence claims against SFD personnel;
- 7) EMS patient care complaints that rise to a level of disciplinary action (behavior related issues as opposed to medical care issues).

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SFD High Profile Incident Notification

The “High Profile Incident Notification” protocol for SFD was established in December 2004. The OPSA Director has the authority to monitor interviews of subject employees, employee witnesses and citizens immediately after such incidents.

During the period covered by this report, the OPSA was notified of one “High Profile Incident” and responded. Additionally, the OPSA attended one fact-finding interview at the request of SFD.

Critical Incident in 2008

On April 12, at approximately 2:03 a.m., police officers were called to investigate a fatal accident involving a 2004 Honda and a SFD truck at 9th and L Streets.

The fire truck was traveling south on 9th Street responding to a structure fire. Red lights and sirens were activated. The Honda was traveling west on L Street. The fire truck and car collided in the intersection of 9th and L Street. The woman driving the Honda and her passenger both died of their injuries. No SFD personnel were injured.

The accident was investigated by the California Highway Patrol and it was determined that the SFD vehicle was traveling 30 to 32 miles per hour and was not at fault for the accident.

The OPSA Director was called out to monitor the scene. OPSA followed the case and was briefed at various intervals.

»» OPSA 2008 Annual Report

Complaint Description – SFD

Complaints Defined:

Any complaint pertaining to SFD policies, rules, procedures or employee conduct. Misconduct complaints include, but are not limited to, allegations of:

- 1) **CRIMINAL OFFENSE**
As statutorily defined.
- 2) **NEGLECT OF DUTY**
The failure to perform a required duty.
- 3) **UNPROFESSIONAL CONDUCT**
Behavior that is malicious or criminal or a failure to follow ordinary and reasonable rules of good conduct and behavior. This includes any misconduct bring discredit upon SFD.
- 4) **DISCOURTESY**
Rude or abusive actions toward another person.
- 5) **DISCRIMINATION**
Allegations that the employee's actions or misconduct was due to the race, sex, religion, physical disability, ethnicity, age, national origin or sexual orientation of any person.
- 6) **HARRASSMENT**
Any 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 a citizen or employee.
- 7) **DISHONESTY**
Theft, misappropriation of funds, property of the City or others, or giving false, or misleading information.
- 8) **EXCESSIVE FORCE**
Includes attempted or actual intimidation as well as physical use of force.
- 9) **IMPROPER TACTICS**
Improper or unapproved procedures and techniques used by an employee, such as giving inappropriate advice or taking inappropriate action.
- 10) **INSUBORDINATION**
Failure or refusal to follow a written or verbal order of a superior.
- 11) **INTOXICATION**
The use of intoxicants by on-duty personnel.
- 12) **WAGE GARNISHMENT**
Failure to pay just debts.
- 13) **SERVICE**
The failure to provide adequate, timely and proper service.
- 14) **TRAFFIC**
Improper or illegal driving by an employee.
- 15) **MISSING PROPERTY**
Missing property that, at one time, was in the custody or control of a member of SFD.
- 16) **CITY EQUIPMENT**
Any misuse of City equipment.

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The following information is regarding SFD complaints. OPSA has the opportunity to monitor SFD as necessary.

Figure 9: Disposition of Cases Investigated in 2008

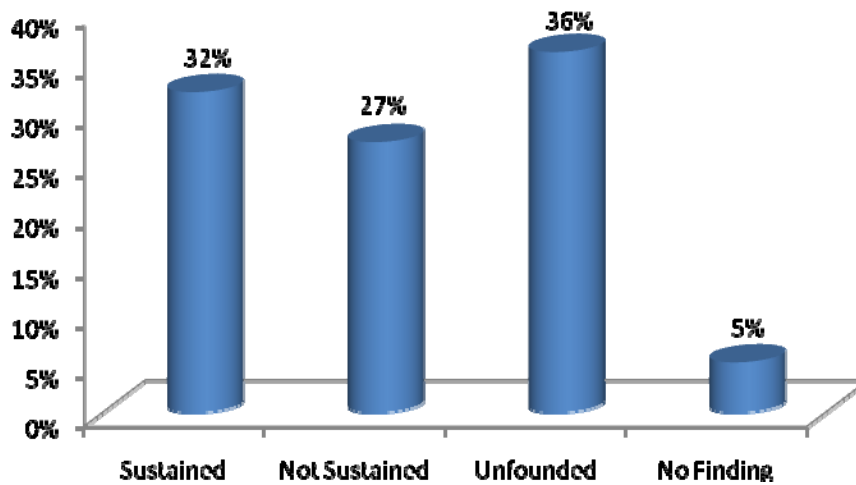


Table 2: Details the total number of complaints received in 2007 and 2008

TYPES OF COMPLAINTS	# OF COMPLAINTS	
	2007	2008
Conduct Unbecoming	0	3
City Equipment	3	1
Discourtesy	16	7
Dishonesty	1	0
Harassment	1	1
Inappropriate Behavior	1	1
Intoxication	1	1
Missing Property	7	0
Neglect of Duty	1	0
Other	16	1
Property Damage	0	1
Service	16	4
Traffic	5	2
Unprofessional Conduct	7	0
TOTAL	75	22

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Issues and Concerns

Auditing and investigating community complaints and extensive interaction with community groups and associations provides OPSA with a unique opportunity to monitor any community concern about our Police and Fire Departments. In general, both Police and Fire continued to be highly regarded by the public in 2008. However there are indications that these Departments need to pay attention to some emerging community concerns and some departmental issues in order to head-off potential problems in the future. Several issues have been identified by the OPSA.

- 1) The current economic downturn has had a negative impact on many communities in our City, but some have been hit harder than others.

A recently emerging perception from complainants is that some Police and Fire employees are beginning to treat poor and lower income people insensitively, or without due respect. This comes across as not appearing to take their complaints seriously or not appearing to follow through on actions. Also, OPSA still receives periodic complaints about ethnic/cultural insensitivity both from citizens and even from staff-to-staff interaction.

Police and Fire budgets were reduced in 2008 due to the City's general fund shortfall. This resulted in fewer resources and more work for Police and Fire personnel. However, maintaining a high level of positive interaction with all of the communities in the City is essential as we move forward, especially in difficult economic times.

- 2) Budget cuts in 2008 also resulted in the Fire Department restructuring its Professional Standards and Accountability (PSA) Unit. Complaint management was shifted to the Administrative Services Division coming under the authority of the Deputy Fire Chief of Administrative Services.

Prior to the reorganization, the Fire Department assured OPSA that complaints against employees would be handled according to procedures in place. However since the restructuring, the number of misconduct cases reported to OPSA has declined over the previous year. Also, contact with OPSA has also been significantly reduced along with apparent transparency and accountability.

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- 3) During outreach and community educational sessions, OPSA staff has been asked why patrol officers do not communicate with the community as often as they could. Community organizations like the National Association for the Advancement of Colored People (NAACP) and the Greater Sacramento Urban League have suggested that patrol officers become more familiar with the people in the communities they serve. Many feel that police officers should take the opportunity, when possible, to interact with the public to help promote a positive image and improve neighborhood safety.

Recommendations

OPSA requests that Police and Fire consider the following recommendations to help improve their relationship with some of the diverse communities in our City and to address some departmental concerns.

- 1) Employee Sensitivity to Socio-Economic and Cultural Issues

Recommendation

OPSA recommends that the Police and Fire Departments should establish a training program to address the perception of insensitivity towards those who are in the low end of the socio-economic scale. Also, officers' level of sensitivity to issues of culture and ethnicity both across the community and within Police and Fire Departments.

- 2) Fire Department Complaint Reporting

Recommendation

OPSA recommends that the Fire Department work with this office to reinstate an effective procedure for reporting all misconduct complaints to OPSA.

- 3) Police/Community Relations

Recommendation

OPSA recommends that SPD encourage patrol officers during their discretionary patrol time to communicate and interact with the community. We would like this communication to go beyond crime investigation or response to calls for service.



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