



OFFICE OF PUBLIC SAFETY ACCOUNTABILITY

Committed to Building Public Confidence
Through Accountability

2010 ANNUAL REPORT

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2010 ANNUAL REPORT

March 22, 2011

Gustavo F. Vina
City Manager

This is the annual report of the Office of Public Safety Accountability and covers the period from January 1, 2010 to December 31, 2010. The report includes an Executive Summary of our accomplishments and activities.

The overall number of misconduct complaints for both the Police and Fire Departments dropped slightly from 2009 levels. Whereas this is encouraging it must also be noted that the number of officer involved shootings rose in 2010 as did the number of violent attacks on our police officers. This rise in incidents is a cause of concern for both OPSA and the Police and we will continue to work closely with the department and the community to try and reduce these incidents in the future.

The City of Sacramento is committed to providing the most efficient and effective public safety services. We thank Police Chief Rick Braziel, Fire Chief Ray Jones, Sacramento Police Officers Association President Brent Meyer, Sacramento Area Fire Fighters Local 522 Vice President Jaymes Butler and their respective executive staff for their help and assistance in this report.

Respectfully submitted,



Francine Tournour, Director
Office of Public Safety Accountability

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»» Executive Summary

OPSA Background

A Blue Ribbon Committee was established in 1998 to provide input and recommendations about issues and concerns of alleged misconduct in the Police Department. The committee recommended the creation of an office external to the Police Department to monitor and audit complaints against department employees. The committee's recommendations were accepted by Council and the Office of Police Accountability was established.

The scope of the office was expanded in 2004 to provide similar oversight of the Fire Department. The name was changed to the Office of Public Safety Accountability at that time.

Community Outreach

Outreach to the community continued to be an important function for the OPSA in 2010. Staff participated in many educational forums, seminars and worked with professional organizations to inform the community about public safety accountability.

It was also important to engage the community in a dialogue on what to expect from Police and Fire personnel in potentially critical or sensitive situations.

Relationship with Sacramento Police and Fire Departments

The OPSA Director continued to regularly meet and confer with the Police and Fire Chiefs and their command staffs. Regular meetings were also held with the Sacramento Police Officers Association President and Board Members, and the Vice President of the Sacramento Area Fire Fighters Local 522. The purpose of these meetings was to address issues of concern or interest regarding interactions between department personnel and the public.

Relationships between OPSA staff, the Police and Fire command staffs and the employees' unions continued to be beneficial and productive in resolving issues throughout the year.

OPSA staff continued to attend roll calls, ride-a-longs, and also meet with individual Police and Fire employees as needed, or requested.

Community Racial Profiling Commission

The Commission met a total of eight times in 2010 to address issues of racial profiling. The OPSA Director has a standing position on the Commission. The Police Department continued to collect data on traffic stops throughout the year, and 10 complaints alleging police discrimination were reported during the period of this report.

»» Executive Summary

“Critical” and “High Profile” Incidents Table: 1 Police

OPSA is notified of all ‘Critical’ or ‘High Profile’ incidents involving the Police and Fire Departments. In order to ensure transparency and public accountability, the Director responds to the scene of each incident and monitors the progress of the investigation. OPSA observes the interview of Police and Fire personnel as well as any witnesses to the incident.

Officer involved shootings are “Critical Incidents” for the Police Department. In 2010, there were 5 Police shootings involving a suspect. (Shootings involving animals have not been included.) Alarming trends noted in 2010 were an increase in the arrests for resisting police officers combined with more violent attacks on officers. An 18% increase over the last three years has been observed and could be a contributing factor in the increase of officer involved shootings.

The number of “High Profile” incidents in the Fire Department was equal to last year. There was one high profile incident and two investigations where the OPSA Director participated in the fact finding interviews with Fire personnel.

Public Complaints in 2010

OPSA continued to monitor the Police and Fire Department’s general complaint intake. OPSA also maintained its independent database to track information about alleged misconduct. Demographic data of complainants and officers was also collected to help monitor and identify potential trends.

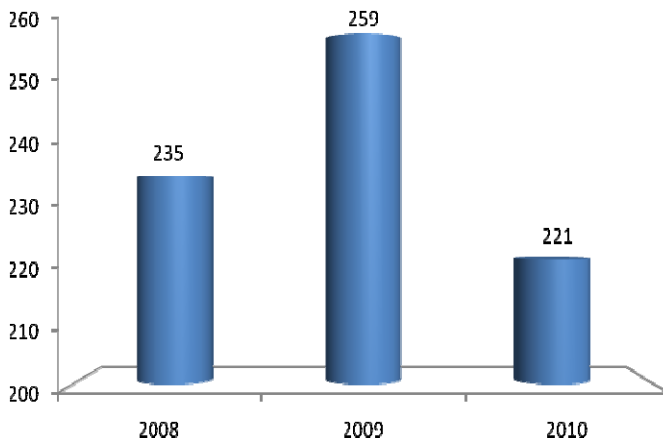
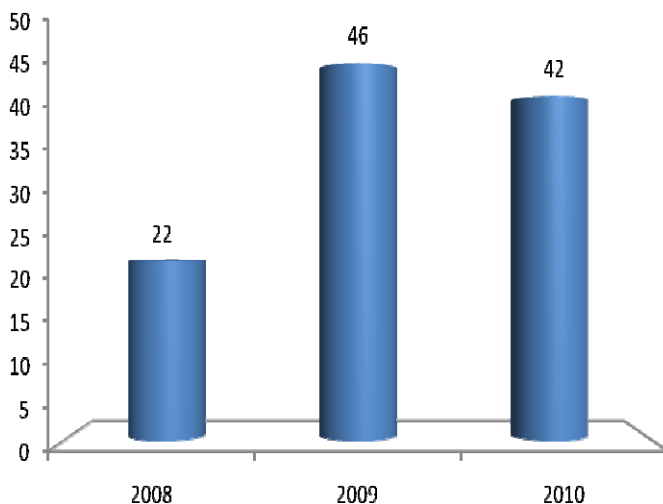


Table: 2 Fire



As can be seen in the above tables, general complaints against both Police and Fire Departments maintained substantially the same level as in 2009.

In addition to the complaints listed above, OPSA received 40 citizen inquiries about police activities, and over 30 complaints about agencies outside of OPSA’s jurisdiction. In those instances staff directed the complainant to the appropriate authority in that jurisdiction.

»» Executive Summary

Case Audits

OPSA audits all complaints of excessive force, discrimination, and discourtesy investigated by the Internal Affairs Division of the Police Department. The OPSA monitors all Fire complaints received and audits complaints on a case by case basis.

The OPSA Director reviews all of the original investigative files and attachments as well as the final case dispositions made by the Chief of Police and/or Fire Chief.

The Director confers with the Deputy Chief of Police and the Assistant Chief of Fire on the findings of those investigations.

The office also monitors a range of other complaint types including: Conduct Unbecoming, Dishonesty, False Arrest, Harassment, Improper Search, Improper Tactics, Insubordination, Intoxication, Missing Property, Neglect, Service, and Traffic.

This section includes feedback on recommendations for improvement outlined in the 2009 report.

Recommendations

OPSA is mindful of current Police and Fire Department budget limitations and their ability to implement recommendations for improvement that would require additional funding. Consequently, OPSA has included recommendations for improvement that could be accomplished within current budgets and policies.

These include:

Police:

In Car Camera Usage – Updating the current system to increase officer confidence and usage.

The OPSA recommends the Police Department review and update their current strip search policy to make it easily understandable to officers in the field.

Fire:

Improve communication and transparency with OPSA to improve OPSA's ability to provide proper oversight.

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Background

A Blue Ribbon Committee was formed in 1998 to make recommendations on the oversight of complaints about the City's Police Department.

The committee examined citizen oversight/review mechanisms in several different municipalities, and recommended a "monitor/auditor" style as being the most appropriate for the City of Sacramento. The committee believed that this form would ensure an adequate check and balance, while also providing an impartial and effective way to oversee the handling of complaints.

The committee additionally recommended giving the City Manager the authority to extend the Office of Police Accountability's scope and review responsibilities. In 2004, the City Manager, with the approval of the Mayor and City Council, expanded the Office's duties to include the Sacramento Fire Department. In recognition of its new responsibilities, its name was changed to the Office of Public Safety Accountability (OPSA).

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 to ensure transparency and accountability.

Community Outreach

OPSA continued its outreach efforts in 2010. The purpose of the outreach was to educate community groups and the general public about Police and Fire oversight, and teach them how to access the system. OPSA's outreach efforts in 2010 included presentations to several of the groups listed below. A particular focus of the presentations in 2010 was to the high school youth in impacted areas of the City, as well as presentations to minority groups.

- Burbank High School
- Central City Community Partnership Meeting
- Chicano Consortium
- Community Racial Profiling Commission
- Council on American-Islamic Relations (CAIR) Sacramento Valley Chapter
- Council of Asian Pacific Islanders Together for Advocacy and Leadership (CAPITAL) Foundation
- Downtown Sacramento Partnership

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- Grant High School
- Greater Sacramento Area Task Force on Hate Crime
- Greater Sacramento Urban League
- Human Rights Fair Housing Commission
- Kennedy High School
- La Familia
- Martin Luther King Celebration Dinner and Candlelight Vigil
- McClatchy High School
- Media interviews
- Metro Chamber of Commerce
- National Association for the Advancement of Colored People (NAACP)
 - Centennial Freedom Fund Gala
 - Annual Prayer Breakfast
 - Monthly Meetings with Sacramento Chapter
- National Association of Civilian Oversight of Law Enforcement (NACOLE)
- Nation of Islam
- People Improving Communities Through Organizing (PICO)
- Power of Know Conference (Facilitator)
- Russian American Media
- Sacramento Black Chamber of Commerce
- Sacramento County District Attorney's Citizen Academy
- Sacramento County District Attorney's Youth Academy
- Stonewall Democratic Club of Greater Sacramento
- The Sacramento Observer
- 12 Ways to Success
- Low Riders Car Club Outreach Meeting with Police Department
- Sacramento Police Department Lieutenant's Panel
- Sacramento County Inspector General
- Sacramento Police Officers Association (SPOA)
- Sacramento Area Firefighters Local 522

The City's website was also helpful in assisting OPSA in providing information about oversight to the general public.

OPSA staff was consulted by a number of outside government and non-government organizations in 2010 to learn about Sacramento's oversight process, procedures and internal communication with public safety departments. OPSA was able to assist these agencies with information about our oversight program. These included:

- Bay Area Rapid Transit
- Ontario Ombudsman Office
- City and County of Denver, Auditor's Office
- City of Fresno

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Community Racial Profiling Commission (CRPC)

The OPSA Director has a standing position on the CRPC. The commission met a total of 8 times during 2010. The main focus of its work during the year was on monitoring traffic stop data, helping to educate the public, and raising awareness on issues of racial profiling. The Commissioners have become engaged in the Police Department's recruiting effort.

A total of 10 complaints were received in 2010 alleging police discrimination. OPSA monitored these as they progressed through the Police Department's complaint process.

Relationship with Sacramento Police and Fire Departments

Although completely independent of both Police and Fire Departments, it is essential that OPSA maintains a professional and mutually respectful working relationship with command and line-level employees. In order to maintain these essential relationships, OPSA staff participated in a number of activities with Police and Fire during 2010.

Ride-a-Longs

OPSA participated in several ride-a-longs with Police from the Kinney, Rooney and 300 Richards substations, as well as numerous ride-a-longs with Fire Department personnel.

Police Academies

The OPSA Director gave a presentation at the Police academy for both new recruits and lateral transfer officers. The purpose of the presentation was to discuss the duties of the OPSA and the importance of police/community relationships in general.

Meetings with Public Safety Unions

OPSA met with the Sacramento Police Officers Association and Sacramento Area Fire Fighters Local 522 Board of Directors. The unions recognize the importance of public safety oversight and continued to support the OPSA.

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Police Department's Internal Affairs Division

OPSA met regularly with Internal Affairs staff throughout 2010 to monitor and audit cases and resolve issues of concern.

As the designated representative of the Police Chief charged with addressing citizen complaints, the Internal Affairs' Lieutenant responded to all request made by the OPSA Director for complaint files, police reports and other relevant documentation.

Fire Department's Administrative Services

In 2009, the Fire Department's Professional Standards and Accountability Unit, was eliminated. Complaint management was shifted to the Administrative Services Division under the Deputy Fire Chief of Administrative Services.

OPSA worked closely with the Deputy Fire Chief in 2010 to help ensure the Fire Department had an independent and thorough process for handling public complaints about the department.

Due to staffing challenges within the Fire Department, OPSA did not receive all the Fire complaints and information in a timely or acceptable manner for proper oversight to be carried out in some cases. These concerns were brought to the attention of the City Manager and the Fire Chief and are now being corrected.

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The following lists the range of Police misconduct complaints monitored by OPSA.

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 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) **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 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.

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Complaint Statistical Comparisons for 2010

In 2010 there were 221 complaints of police misconduct, a decline from 259 in 2009. The following two tables describe 1) The number of complaints in each category and 2) Comparisons with previous years.

Table 3: Police Complaint Data

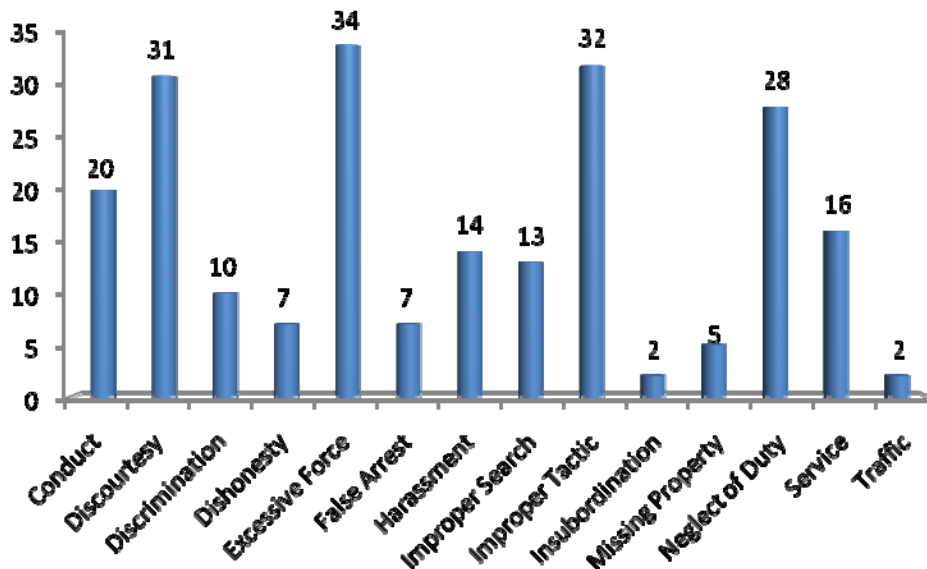


Table 4: Police Complaints 2008 – 2010

COMPLAINTS RECEIVED (INTERNAL AND EXTERNAL)	2008		2009		2010	
	#	%	#	%	#	%
Conduct Unbecoming an Employee	16	7%	41	16%	20	9%
Discourtesy	32	14%	27	10%	31	14%
Discrimination	22	9%	13	5%	10	5%
Dishonesty	11	5%	1	0%	7	3%
Excessive Force	29	12%	36	14%	34	15%
False Arrest	18	8%	4	2%	7	3%
Firearm Discharge	0	0%	0	0%	0	0%
Harassment	5	2%	6	2%	14	6%
Improper Search and Seizure	9	4%	37	14%	13	6%
Improper Tactics	25	11%	25	10%	32	14%
Insubordination	5	2%	4	2%	2	1%
Intoxication	1	0%	0	0%	0	0%
Missing Property	8	3%	12	5%	5	2%
Neglect of Duty	33	14%	41	16%	28	13%
Service	21	9%	9	3%	16	7%
Traffic		0%	3	1%	2	1%

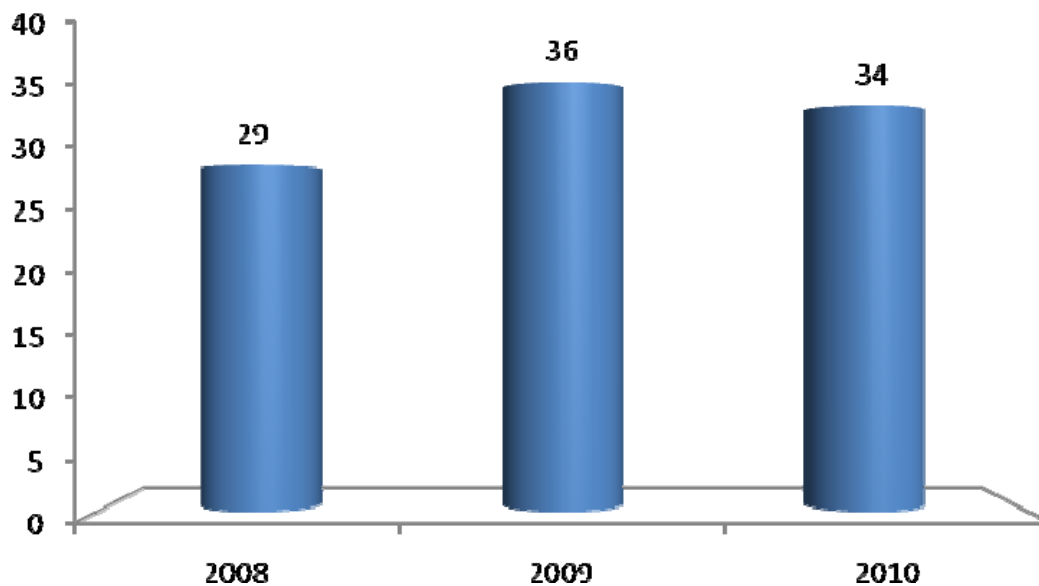
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Note to Tables:

- 1) These data represent the total number of “complaints” received at OPSA and the Police Department Internal Affairs Division. Not all complaints received by the OPSA rise to the level of a “formal” complaint for the Police Department. When they are not “formal” they are considered an “inquiry”.
- 2) The Police Department received 400 such informal inquires about officer activities in 2010.

Table 5: Police Excessive Force Complaints Since 2008

Complaints of excessive force by the Police Department are usually the most dramatic and can create the most public concern. The following table shows that the number of excessive force complaints in 2010 was at about the same level as 2009.

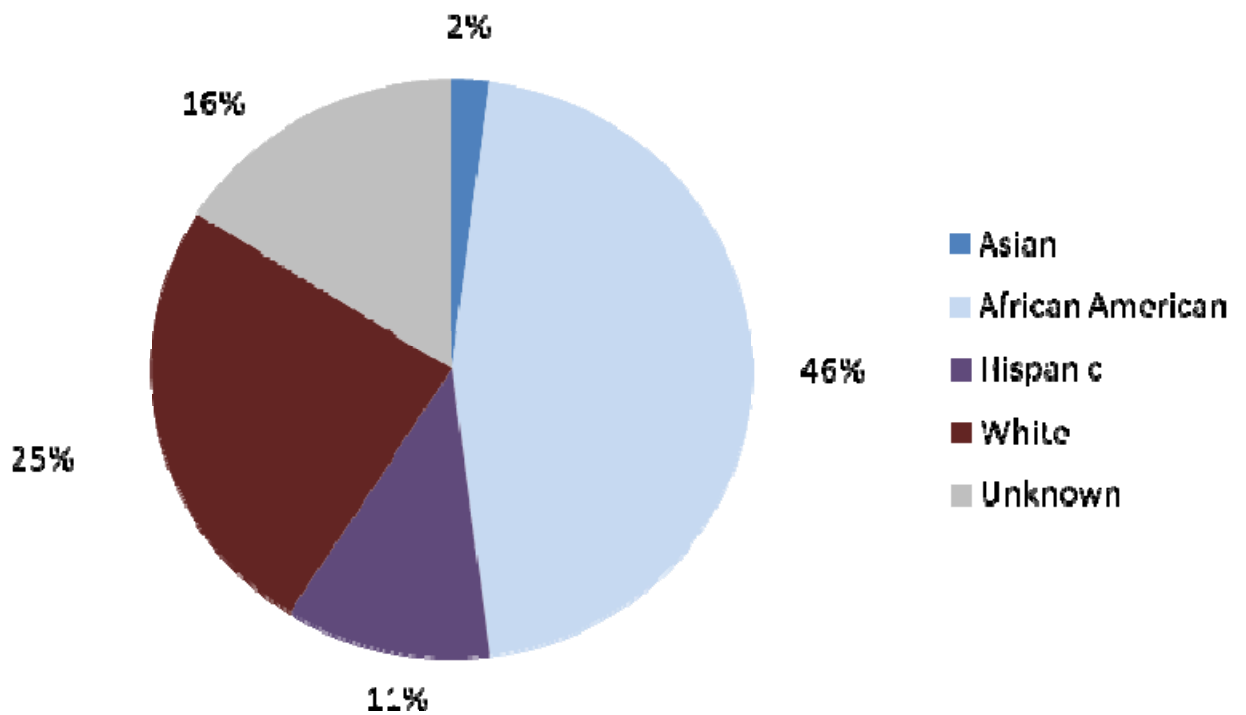


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Racial Breakdown of Complainants

In 2010, the minority communities in the City filed the majority of complaints against the Police Department. This trend continues from previous years. OPSA continued to work with minority community leaders and the Police Department in 2010 to find ways to identify the issues involved and possible solutions and strategies to address this trend.

Table 6: Police Racial Breakdown of Complaints



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The following lists the range of Fire misconduct complaints monitored by OPSA.

Any complaint pertaining to SFD policies, rules, procedures or employee conduct.

- 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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In 2010, there were 42 complaints of Fire personnel misconduct, a decline from 46 in 2009. The following tables describe 1) The number of Fire complaints in each category and 2) Comparison with previous years.

Table 7: Fire Complaint Data

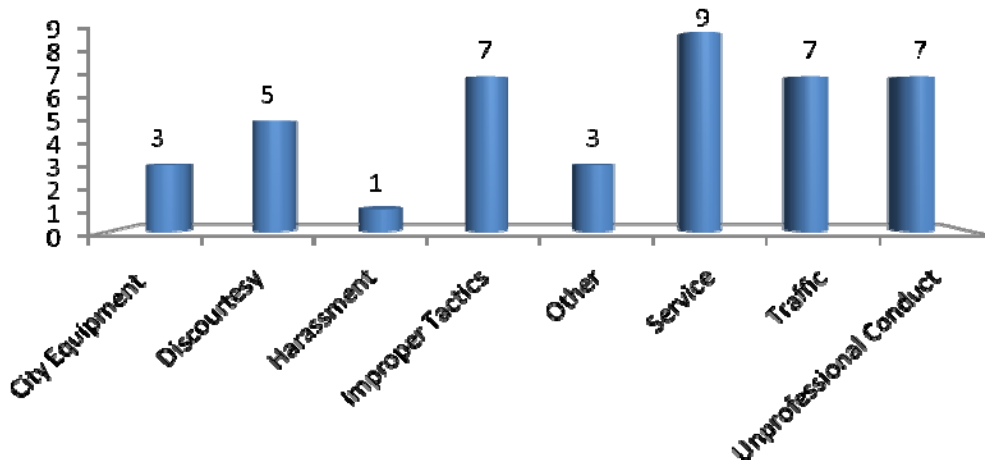


Table 8: Fire Complaints 2008-2010

COMPLAINTS RECEIVED (INTERNAL AND EXTERNAL)	2008		2009		2010	
	#	%	#	%	#	%
City Equipment	1	5%	0	0%	3	7%
Criminal	0	0%	1	2%	0	0%
Discourtesy	7	32%	7	15%	5	12%
Dishonesty	0	0%	0	0%	0	0%
Harassment	1	5%	0	0%	1	2%
Improper Tactics	0	0%	0	0%	7	17%
Intoxication	1	5%	0	0%	0	0%
Missing Property	0	0%	2	4%	0	0%
Neglect of Duty	0	0%	1	2%	0	0%
Other	1	5%	5	11%	3	7%
Property Damage	1	5%	0	0%	0	0%
Service	4	18%	19	41%	9	21%
Traffic	2	9%	2	4%	7	17%
Unprofessional Conduct	4	18%	9	20%	7	17%
TOTAL COMPLAINTS	22	100%	46	100%	42	100%

Note: OPSA monitors each official complaint by the Fire Department.

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OPSA also monitors the outcome of misconduct cases for Police and Fire employees.

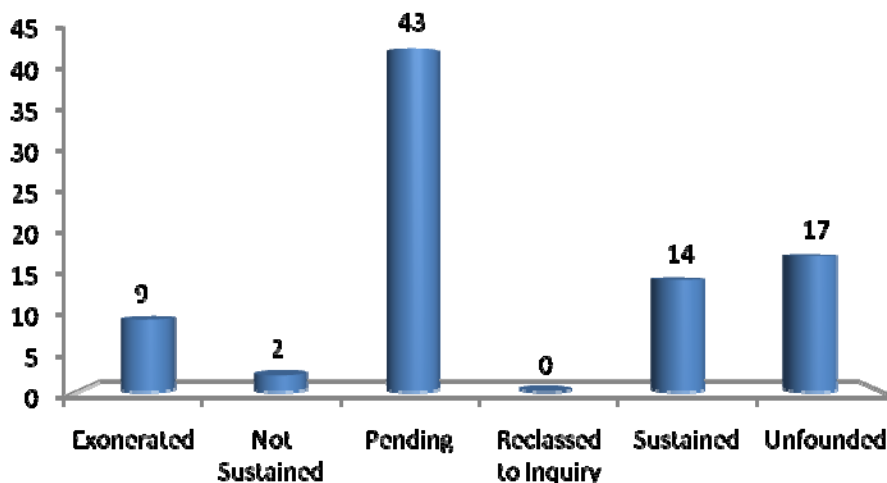
Each allegation of misconduct is placed into one or more of the following classifications at the end of the investigation (disposition).

- | | |
|--|--|
| 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. | 3) NOT SUSTAINED
Insufficient evidence exists to clearly prove or disprove the allegation. |
| 2) EXONERATED
The act(s) alleged occurred and were justified. | 4) SUSTAINED
Sufficient evidence supports the allegation against the employee. |
| | 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. |

Police Complaint Disposition

The figures below reflect cases that were completed during 2010. One case may have multiple complaints. These are the final dispositions of the complaints that were completed at time of reporting.

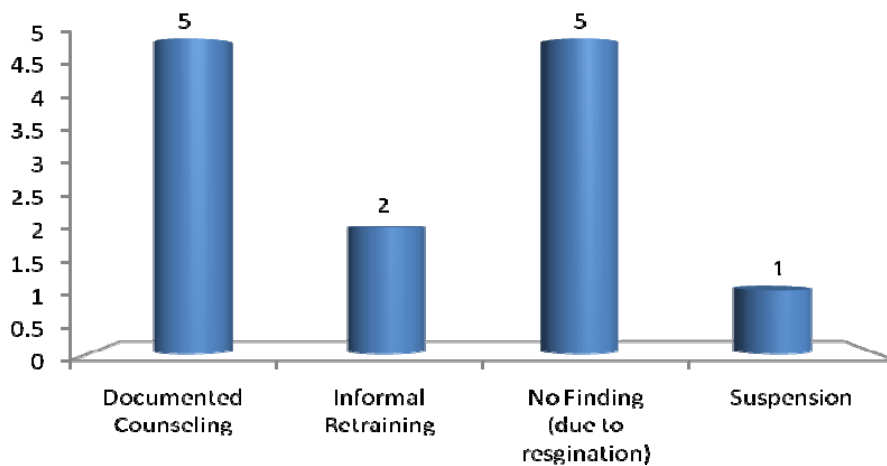
Table 9: Police Final Disposition of 2010 Cases



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OPSA also monitors the outcome of misconduct cases for Police and Fire Employees.

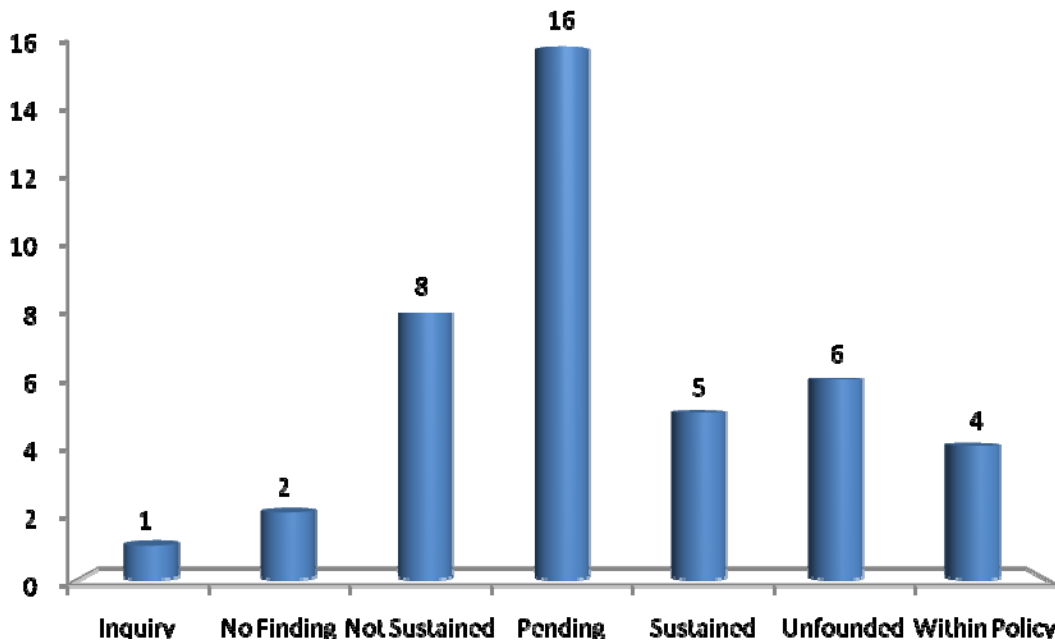
Table 10: Police Discipline



Fire Complaint Disposition

The figure below reflects cases that were completed during 2010. One case may have multiple complaints. These are the final dispositions of the complaints that were completed at time of reporting.

Table 11: Fire Final Disposition of 2010 Cases



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“High Profile” and “Critical” Incidents

OPSA has a crucial role to play when “Critical” or “High Profile” incidents occur. OPSA is there to ensure transparency and public accountability when these sensitive incidents are investigated by the departments. OPSA staff is called out to the scene of each incident and monitors the interviews of Police and Fire personnel and public witnesses. The OPSA Director is authorized to ask clarifying questions of witnesses.

Officer involved shootings are the most dramatic incidents and can arouse the greatest public concern if not investigated impartially and thoroughly. Whereas in 2009, there were only 2 officer involved shootings in the City, both involving animals, in 2010 there were 5 incidents involving suspects and an additional 4 involving the shooting of vicious animals.

Statistics provided by the Police Department indicate an alarming trend on the rise. In the last 3 years the number of incidents where suspects have resisted/assaulted officers has risen over 18%. This may be a factor in the increase of officer involved shootings in 2010.

OPSA also responds to in custody deaths. However, in 2010, there were no in custody deaths in the City.

Administrative reviews of each officer involved shooting were conducted. The purpose of the review is to provide the Police Department’s management team the opportunity to critically evaluate the incident to ensure it was in compliance with department policy. OPSA attended each review and discussed areas needing improvement when applicable.

Fire “High Profile” Incidents 2010

During the course of 2010, the Fire Department reported 3 “High Profile” incidents to OPSA. OPSA participated in fact finding interviews with Fire personnel in 2 of those cases. Those cases include:

- 1) Home explosion in Oak Park that caused 4 firefighters to be hospitalized.
- 2) Complaint where a toddler was not transported to a medical facility based on the decision of on scene Fire personnel. The child was transferred later by a different crew and eventually needed surgery.
- 3) Complaint where Fire personnel refused to provide proper and adequate care to a sick patient being transported to a medical facility.

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Police “Critical Incidents” in 2010

Incident 1

On March 15, 2010, officers responded to the 2000 block of O’Neil Way regarding a home invasion in progress. A male Asian in his 30’s used a ruse to gain entry into the house with the intention of robbing the occupants. The occupants were a 17 year old female and a 5 year old male. The suspect produced a gun and tied up both victims. The female victim not only was able to call 9-1-1 reporting the crime, but also left the phone line open as the armed suspect searched through the house. Upon arrival, officers detained a 23-year old male Asian as he was walking away from the home. The subject was later found to be an accomplice in the home invasion.

A sergeant and four officers took position in front of the house. To prevent the suspect from escaping through the backyard, an officer and his K9 partner covered the back of the house. The suspect soon emerged into the backyard. The suspect and the officer exchanged gun fire which resulted in the K9 being shot and seriously wounded by the suspect. The suspect retreated back into the house and then ran out through the front door still armed with a handgun. The suspect failed to follow the officers’ commands to drop the weapon and was shot by four officers positioned at the front of the house. The suspect died at the scene. The victims were found still tied up inside the house but were not injured.

Findings: The officers’ actions were within policy and lawful.

Incident 2

On May 17, 2010, officers responded to the 3100 block of Martin Luther King Jr. Boulevard regarding a report of a man brandishing a crossbow and threatening to shoot someone. Responding officers did not locate the suspect and took a brandishing and threats police report. Shortly after 6:00 p.m., a second call came in indicating the suspect had returned and was at the location.

Officers responded and located the suspect inside a detached garage to the rear of the house. The suspect was immediately confrontational with officers. He brandished a crossbow and a sledge hammer at the officers in a threatening manner. Officers attempted to subdue the suspect by using a Conducted Energy Device (Taser), but it had no effect on him. The suspect then grabbed a nail gun and fired it at the officers. Fearing for their safety, two of the officers drew their handguns and fired at the suspect.

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The suspect retreated back into the garage and barricaded himself. The suspect did not respond to verbal commands by officers to come out of the garage. At that point, it was unknown if the suspect had been shot by the officers. The SWAT team and negotiators responded to assist with the barricaded suspect.

Negotiators attempted to make verbal contact with the suspect with negative results. SWAT officers deployed a remote camera and located the suspect lying on the ground with one hand underneath his body. Officers directed the suspect to show his hands; however, he refused to comply. Fearing that he may have a weapon, a K-9 was deployed. The K-9 bit the suspect forcing him to reveal his hand which enabled officers to safely take him into custody.

The suspect, a 32-year old Fijian man, suffered multiple gunshot wounds. He was transported to UC Davis Medical Center for treatment.

Findings: The officers' actions were within policy and lawful.

Incident 3

On June 10, 2010, SPD SWAT officers assisted the Sacramento County Sheriff's Department (SSD) SWAT with an armed hostage situation in the 2400 block of Arden Way.

The barricaded suspect, a Hispanic adult male, was wanted for armed robbery and attempted murder of a Concord police officer.

The suspect was holding a 16 month old child hostage and had fired several shots at members of the SSD SWAT team. The standing order by SSD incident command was to shoot the suspect if the opportunity presented itself. An SPD SWAT officer fired one round, striking the suspect in the shoulder. However, the standoff continued for a total of 56 hours. The suspect was ultimately shot and killed by SSD SWAT officers.

Findings: Police Department and District Attorney's findings are pending.

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Incident 4

On June 26, 2010, officers responded to the 3700 block of Lumley Way for a domestic disturbance between a husband and wife. The suspect was throwing items in the house, threatening his wife, and fired his gun at the ceiling. As officers arrived, they contacted family members escaping the house and were told the suspect was armed with a gun and was threatening to kill those still in the house. Officers went to the house and saw a male matching the suspect's description, standing at the door with a gun in his hand. The suspect was ordered to drop the gun but did not comply. Instead, the suspect turned to walk back inside. The suspect was shot before he could hurt others still inside. The suspect collapsed just inside the doorway where he was immediately taken into custody by responding officers. The nine other occupants of the house were not injured.

The suspect, a male Black adult in his 30's, was transported to an area hospital with non –life threatening injuries.

Findings: The officer's actions were within policy and lawful.

Incident 5

On October 28, 2010, officers saw a man that matched the description of someone who had held a knife to the throat of a 17-year old the night before at an elementary school. The suspect was walking south on Truxel Road, not far from the location of the assault. The suspect was contacted by five officers at the corner of Truxel Road and Terracina Drive. The suspect appeared to have armed himself with a utility type knife. Police repeatedly ordered the suspect to drop the weapon, but he refused. The suspect stated that he was not going back to prison and was not going to drop the weapon. An officer deployed a Conducted Energy Device (Taser), which was ineffective. The suspect, still armed with the weapon, charged at the officers. Officers were in fear for their safety and each of them fired their weapons. The suspect died at the scene.

Detectives and Crime Scene Investigators responded to the scene. Investigators determined that the object held by the suspect was an improvised stabbing device.

Police identified the suspect as a 42-year old male White. Once the suspect was identified, it was determined that he had an outstanding \$1,000,000 warrant for a previous assault with a knife.

Findings: The Police Department found the officers' actions to be within policy. The District Attorney's findings have not been released at time of reporting.

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Case Audits

OPSA monitors all critical incidents and audits all complaints of excessive force, discourtesy, and discrimination. OPSA also reviews all of the original investigative files and attachments. Occasionally, the OPSA disagrees with the findings of a case or may raise concerns regarding the actions of the accused officer and request additional training.

In those instances the Director of OPSA meets with the Deputy Chief and discusses areas of concern for reconsideration. Below are selected summaries from cases where OPSA raised concerns due to information obtained during the audit.

Incident 1

The complainant suffers from delusions and has a history of mental illness. She recently had an incident where the police were asked to check on her welfare in her home. Officers entered the home with a key that was provided by a relative. The complainant became very irate and the officers left after realizing the complainant was not in any physical or mental duress. A few weeks later the complainant saw an officer in her neighborhood and confronted him. This confrontation was due in part to her unstable mental state. The officer attempted to stop the complainant from driving off by reaching into her car to remove the complainant's keys. Prior to him being able to do so, the complainant drove away. She was later arrested for resisting arrest.

The OPSA concluded the officer's actions of sticking his hands in the complainant's window put the officer in a compromised position that could have had dangerous consequences for all involved parties. This was the second time OPSA had audited a case where an officer reached or attempted to reach through the window of a car to remove the keys. OPSA requested the Police Department review the potential safety concerns of this action with patrol officers.

Incident 2

The complainant was on searchable parole and officers believed she may have been concealing illegal narcotics on her person. The officers performed a strip search of the complainant, but did not perform the search properly, due to lack of training. Prior to this incident police strip search training only consisted of written policy to be read and understood. The only practical experience was learned in the field or through observation at the jail.

OPSA worked with Professional Standards and the Academy training staffs to not only revise the existing strip search policy, but also to include practical training in the curriculum.

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Incident 3

The complainant was attempting to pick up his son after school and stopped in a “No Parking” zone. The officer motioned for the complainant to move his vehicle. When the complainant did not move immediately, the officer decided to write him a citation. As the officer walked back to his car to get his citation book, the complainant drove off and did not stop when the officer put his hand up. The officer eventually pulled the complainant over. As the officer talked to the complainant it was obvious that he was upset about the complainant not stopping. The complainant felt the officer was discourteous.

The complainant stated he never saw the officer waving at him or requesting him to stop. Once the officer initiated the traffic stop, the complainant pulled over. There was a language barrier between the officer and the complainant.

The OPSA reviewed the In Car Camera footage. The officer did not say anything rude, therefore there was not a violation of department policy; however, his demeanor was curt. The OPSA requested the officer’s supervisor review the tape with the involved officer and discuss how his behavior could have been viewed as discourteous.

Incident 4

The complainant was having a civil dispute with a neighbor when the police were asked to respond to resolve it. The neighbors that called for assistance had a restraining order that prevented the other neighbors from sweeping yard trimmings in front of their house.

When officers arrived they located the offending party at his home. When they asked him to come outside, he attempted to shut the door. The officers interpreted his actions as an attempt to flee and forcibly entered the house taking the complainant into custody after a physical struggle.

The Department immediately recognized the entry by the officers in this circumstance was a violation of policy and took corrective action. OPSA agreed with the corrective action, but requested further training be provided to all officers at roll call. The Department published a Roll Call Training Bulletin on the topic.

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Incident 5

The complainant was making a purchase at a local gas station when she called the Police claiming the store clerk pointed a gun at her.

The Police arrived and spoke to the victim and the store clerk. Due to the lack of independent witnesses and the inaccessibility of the store's surveillance video, the complainant's claims could not be substantiated. The officer then ordered the complainant to leave the property or be subject to arrest for trespassing. The complainant was subsequently arrested for trespassing. The officer did not go back to the store later to view the video and prove or disprove the complainant's original claim of having a gun pointed at her. The OPSA, therefore, concluded the officer was neglectful and the allegation sustained.

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2009 Recommendations Update

Last year, OPSA made several recommendations to Police and Fire to improve their relationships with some of the diverse communities in our City and to address departmental concerns.

2009 Recommendation	STATUS
Police Department in conjunction with OPSA conducted a random audit of the ICC system to determine whether it's functioning properly and reliably.	Completed (See Update)
Police Department in conjunction with OPSA and City Attorney reviewed laws concerning search and seizure and use of force to ensure Police policies are consistent with current legal standards.	Completed (See Update)
OPSA recommended that designated Fire staff be made available to conduct adequate investigation of misconduct complaints.	In Progress

2009 Recommendations Update– Police

- In-Car Camera

The OPSA assisted the Police Department's Professional Standards Section in conducting an audit of the In-Car Camera system. The findings of the audit revealed that officers have lost confidence in the antiquated VHS system. As a 10 year old system, it is no longer robust and reliable. Incidents that should have been recorded were not, and due to the aging infrastructure of the system, it could not be determined whether it was an operator error or a system malfunction.

- Training

As a result of auditing specific citizen complaints, OPSA recognized a pattern of police conduct that was potentially partially responsible for the complaints. OPSA worked with Department staff to create four different "roll call training bulletins" and insured that the topics were not only covered at roll call but also at annual in-service training.

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2010 Recommendations – Police

In 2011, the Department anticipates purchasing a new state of the art digital In-Car Camera system. OPSA will work closely with the Department's Information and Technology section and Professional Standards staff during the testing and selections process.

OPSA has become aware through auditing cases that the Police Department's strip search policy is unclear and has been misinterpreted by officers. The lack of clarity may be the cause of complaints being generated in this area.

The OPSA recommends the Police Department review and update their current strip search policy to make it easily understandable to officers in the field. This will help reduce complaints surrounding strip searches.

2010 Recommendations - Fire

Needed improvements in the handling of misconduct complaints in the Fire Department were the subject of one of OPSA's recommendations in the 2009 Annual Report. Unfortunately, these needed improvements did not occur in 2010.

After repeated unsuccessful offers by OPSA to help with needed changes, the issues were forwarded to the City Manager for assistance. The City Manager has now issued instructions to Fire Department command to work with OPSA to make these changes. OPSA recommends the following improvements:

- Set up an effective records management process using the existing IA Pro computer program to track complaints.
- Implement investigation protocols/methodologies to be followed by staff when investigating complaints.
- Implement effective notification and communication protocols with OPSA to ensure adequate oversight.



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