

## » **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 appointed by the City Manager examined concerns regarding the Sacramento Police Department (SPD). The Committee in its report to the City Manager recommended significant changes in the processing and investigating of community complaints of police misconduct and in the deployment of police vehicles in emergency response or pursuit modes.

The Committee strongly endorsed civilian review of SPD handling of citizen complaints; the Committee further recommended the creation of a new unit headed by a senior level appointee reporting directly to the City Manager. The

Committee believed this would best compliment the system whereby the Police Chief manages SPD, and the City Manager holds the Chief accountable. In 1999, the Mayor and City Council established the Office of Police Accountability.

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

## » **Executive Summary**

---

### **Office of Public Safety Accountability (OPSA)**

The OPSA was established ten years ago by City Council to put in place a fair, thorough and transparent process to address community concerns about the processing and investigation of misconduct complaints against Police and Fire employees.

This report covers complaints of misconduct received by the Sacramento Police (SPD) and Sacramento Fire Departments (SFD) during 2007 calendar year.

OPSA is located within the City Manager's Office to ensure the independence of the office.

### **The SPD Complaint Process and Year End Statistics**

This section is specific to complaints made against SPD officers. It discusses the OPSA's involvement in the complaint process, including intake, classification, monitoring of ongoing cases, and auditing of completed Internal Affairs investigations. Information is also provided about the types and definition of allegations received in 2007. The findings reached by IAD as well as officer discipline are also detailed. Statistics are also provided regarding the demographics of complainants and accused officers.

### **Community Contacts/ Complaints**

The OPSA received a total of forty-four (44) complaints about alleged police misconduct along with 370 inquiries about police activity. Many of these inquiries were handled and resolved by OPSA at an early stage and were therefore not recognized as formal, official complaints.

### **The primary functions of the office are to:**

- Provide an alternate means for people to file complaints about alleged misconduct involving public safety employees.
- Provide an independent audit and review of investigations conducted by SPD Internal Affairs Division (IAD) and SFD Professional Standards Accountability (PSA) resulting from community complaints.
- Enhance the relationship between the community and the City of Sacramento by providing a liaison role between the community and public safety departments.
- Promote public awareness of the complaint process.
- Make recommendations to the City Manager and public safety departments to improve department policies and procedures concerning handling of complaints.
- Monitor and review critical incidents with SPD and high profile incidents with SFD for complaints with City policies and procedures.

## Demographics

This section of the report provides a summary of the demographic data concerning complainants. This information has been broken down by ethnicity and by Council District in which the complaint occurred.

The bulk of the complaints continue to be made by the African American community at 44%.

## The Fire Department

This section of the report gives an overview of all SFD complaints during 2007. It also discusses the PSA final disposition of those complaints. The Fire Department received 75 complaints in 2007.

## » OPSA Outreach

OPSA recognized early on that outreach through the City's Web site, media contacts, educational efforts and community forums was essential to build trust, visibility and recognition to assure all citizens that there is independent public safety oversight. Outreach efforts remain an ongoing and an integral part of OPSA operations.

In 2007, outreach efforts expanded to include 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 provided presentations that covered youth and police rights and responsibilities during such an encounter.

OPSA wants to ensure that the citizens of Sacramento are informed about civilian oversight and how to effectively utilize the complaint process. Contact information for OPSA is detailed at the end of this report for any group interested in receiving outreach materials or arranging a presentation at a school, community meeting or forum.

### Outreach efforts include:

- Membership on the Community Racial Profiling Commission. Responsibilities include:
  - Reviewing racial profiling issues;
  - Reviewing data collection and analyzing processes, procedures and reporting guidelines;
  - Developing effective communication of racial profiling issue with the public;
  - Educating the community regarding OPSA programs and outreach efforts and;
  - Addressing police-community relations issues.
- Education of this information at community forums and meetings.
- Resource for the Mayor, City Council Members and the City Manager.
- Membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE).
- Public presentations and training on interacting with law enforcement officers.
- Presentations on citizens rights and responsibilities.

## Media Relations

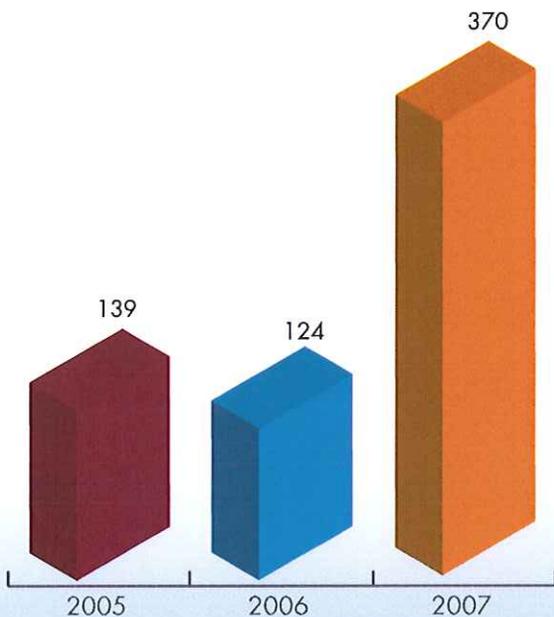
OPSA staff are available to the media to provide public information about the office and provide information on important occurrences (i.e. critical incidents, officer-involved shootings, serious misconduct cases).

The OPSA website continues to be a good source of information about OPSA.

### Citizens who visit the Web site can read about the following:

- The Blue Ribbon Panel Report.
- Purpose, Authority and Procedure Statement for OPSA.
- How to file on-line, commendations or complaints regarding public safety employees.
- Past OPSA annual reports.

**Figure 1:** Public Contact



## » Sacramento Police Department

In order for OPSA to be effective, it is essential to maintain a professional working relationship the Sacramento Police Department (SPD).

### In 2007, OPSA was involved in SPD activities as follows:

- **SPD Police Academy**
  - OPSA staff provided training to SPD police academies for new officers on police oversight process and police/community interaction.
- **SPD Executive Leadership**
  - Regular meetings with the Police Chief and Deputy Chiefs.
- **Individual SPD Officers**
  - OPSA Director is available to meet with individual officers when requested.
- **Sacramento Police Officers Association (SPOA)**
  - Periodic meetings with the President and Board of SPOA.
- **Magnet School**
  - OPSA staff makes presentations to the SPD Magnet high schools. The topic of discussion is the importance of police oversight and accountability.

### Complaint Confidentiality

Police officer's personnel files are confidential and not open to the public. California Penal Code S832.7 deems complaints of police misconduct and complaint investigations to be part of an officer's personnel file.

In accordance with PC S832.7, the OPSA is limited in the amount of information that can be revealed to a complainant or the public about investigated cases. The OPSA takes steps to assure the information in this report will not disclose the identities of the parties involved.

## **SPD Critical Incidents**

The OPSA's Purpose, Authorities and Procedures Statement indicates that the Director or representative will be placed on the "critical incident" call-out list for SPD and shall have the option of responding to the scene of any and all such incidents. The Director or representative also has the authority to monitor interviews of subject employees, employee witnesses and citizens immediately after such incidents.

An SPD communications dispatcher and/or the Captain from IAD will generally contact the Director or representative shortly after a "critical incident" occurs. The primary purpose of the call-out is to provide an independent evaluation of the handling of these critical incidents and the crucial interviews that follow. Interviews of involved officers are conducted at SPD headquarters by a homicide investigator. The OPSA Director or representative, a District Attorney Investigator, SPD IAD and representatives monitors each interview. Those who monitor the interviews are allowed to submit questions to be asked by the homicide investigator.

During the one-year period covered by this report, an OPSA representative received notification of two critical incidents. The OPSA representative responded to both incident investigations.

Professional Standards Unit is also tasked with monitoring the Department's early intervention system. PSU tracks the frequency with which officers receive complaints. OPSA reviews officers complaint histories during the audit process and all early intervention information is made accessible to the OPSA.

## **Incident One: District 5**

On Sunday, August 9, 2007, at approximately 2:45 a.m., patrol officers were working in the area of Broadway and 35th Avenue when they observed a vehicle with expired registration and loud music traveling east bound on Broadway. The car turned south bound on 35th Avenue and the officers initiated a traffic stop. The officers recognized the driver (hereafter referred to as suspect) and knew the suspect was on formal searchable probation. The suspect was taken out of the car, handcuffed, and placed in the rear of the patrol car. There was a sleeping female passenger in the vehicle that was placed uncuffed on the front bumper of the patrol car. One officer sat in the front seat of the patrol car and observed the suspect while the other officer performed a vehicle search.

The suspect informed the officers she had a small amount of rock cocaine on her. The officers requested a female officer come and further search the suspect. Two female officers responded and found the suspect to be in possession of a small amount of rock cocaine. The suspect was arrested for H&S 11350 (Possession of Rock Cocaine).

At 4:00 a.m., the officers transported suspect to jail. The in-car camera (ICC) was on and recording during the stop, search of the suspect's car and transport to the jail. The suspect was responsive the entire drive to the jail. Once the officers arrived at the jail, the suspect began to have seizures. An ambulance was requested immediately. The suspect was transported to the hospital but later died of an acute drug overdose. It is believed that the suspect ingested a large amount of rock cocaine as she was being pulled over by the officers.

Suspect Information: African American Female Adult, 42 years old.

---

### **Findings:**

Due to the incident being an "in-custody" death not due to use of force, a District Attorney's report was not performed.

SPD review of the incident found the officers actions were within policy.

*OPSA agreed with SPD findings.*

### **Incident Two: District 3**

On October 31, 2007, at 11:50 p.m., officers responded to a call of a robbery-in-progress at the Rite Aid store located at 1125 Alhambra Boulevard. While in route, officers were advised that the suspect was holding a pharmacy employee hostage inside of the store.

Officers proceeded to the pharmacy, located in the rear of the store. While doing so, they observed a male employee suffering from a head injury. The first officer located the suspect behind the pharmacy counter. The suspect had his arm around the neck of a store employee, while holding a large knife to the employee's throat.

Already aware the suspect had assaulted one victim, and believing the employee's life was in imminent danger, the officer fired one round at the suspect. The suspect was struck in the face and fell to the ground. Officers provided immediate medical attention to the suspect until medics arrived. Both pharmacy employees and the suspect were transported to an area hospital where they were treated for non-life threatening injuries. No one else was injured during this incident.

Suspect Information: White Male Adult, 24 years old.

#### **Findings:**

The District Attorney's Office found the officer's actions were lawful and justified.

SPD review of the shooting found it to be within policy.

*OPSA agreed with both findings.*

#### **Additional Incidents**

There were four additional officer involved shootings where the OPSA elected not to respond. In all four incidents, dogs were the intended target.

The OPSA did attend a shooting review for each incident. The purpose of the review is to allow SPD Executive Team the opportunity to evaluate what was done well and what could have been done better during the incident. The OPSA discussed areas needing improvement when applicable.

## **» SPD Complaint Process**

This section covers the OPSA involvement in the police complaint process. Complaint intake, investigation monitoring, and investigation auditing, are all functions of the OPSA. This section also contains details about the types of cases received in 2007. Complaint data includes case classification, statistics, findings reached by SPD and officer discipline. The demographics of the complainant and the accused officer will also be presented.

Public complaints of suspected police misconduct can be filed directly with the OPSA or IAD via telephone (916-808-5704), mail (915 I Street, Fifth Floor, Sacramento, CA 95814), in person, facsimile (916-808-7618) or email ([www.cityofsacramento.org/opsa](http://www.cityofsacramento.org/opsa)) Cases received by the OPSA are forwarded to IAD for investigation.

### **Classification of Complaints/Contacts**

**Complaint Defined:** A complaint is an expressed dissatisfaction with a public safety (SPD/SFD) employee. Complaints are specific to department policy, personnel conduct, or an unlawful act. A complaint involves an internal SPD/SFD administrative investigation, which could lead to discipline. The complaint process is separate and distinct from criminal charges, which are filed by the District Attorney's Office and the civil claim process, which is handled by the City Attorney's Office.

#### **The OPSA separates SPD and SFD complaints into three categories:**

- **External Civilian/Citizen-Initiated:** Complaint initiated by a member of the public alleging misconduct by a SPD/SFD employee.
- **Internal Departmental-Initiated:** Complaint initiated by a member of the perspective Department alleging a violation of Department policy or violation of the law by an employee.
- **Policies and Procedures:** After the initial information is gathered, there is a determination that the actions described in the complaint were performed within the guidelines of current policy. At the approval and request of the complainant the information is forwarded to the appropriate supervisor to review to consider potential changes to policy.

## » Complaint Flowchart

