



OFFICE OF PUBLIC SAFETY ACCOUNTABILITY
Committed to Building Public Confidence Through Accountability

2006

ANNUAL REPORT



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OFFICE OF PUBLIC SAFETY ACCOUNTABILITY

June 2007

Honorable Mayor Heather Fargo and
Sacramento City Council Members

We are pleased to present this report to you and the public. In this report, it is our intention to enhance the tradition of transparency we built into the accountability processes of our Police and Fire Departments.

In May 2006, I was very pleased to return to the Office of Public Safety Accountability (OPSA) as Director. Additionally, the OPSA moved forward with the hiring of Deputy Director Francine Tournour. We are sincerely grateful for the continued support given to the OPSA by you, Mayor Fargo and members of our City Council.

In this annual report, we are able to provide a comparative analysis of data for the Sacramento Police Department (SPD), spanning the past seven years. More detailed trend analysis information is included in this report.

Additionally, the report documents accountability development and activities regarding the Sacramento Fire Department (SFD).

We would like to assure all Sacramentans that the City of Sacramento is committed to providing professional and efficient public safety services. We thank Police Chief Albert Nájera and Sacramento Police Officers Association President Brent Meyer and their staffs for their cooperation and contribution to this report. We also thank Fire Chief Forrest Adams and Sacramento Area Firefighters Local 522 President Brian Rice for their assistance in creating an atmosphere of respect and cooperation between the OPSA and SFD.

We welcome your comments on this report and how we can improve future reports.

Respectfully Submitted,

Don Casimere, Director
Office of Public Safety Accountability

A handwritten signature in black ink that reads "Don Casimere".

Ray Kerridge, City Manager

A handwritten signature in black ink that reads "Ray Kerridge".

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■ 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.

■ STAFF/CONTACT INFORMATION

Don Casimere, Director

Mr. Casimere has over twenty-seven years of experience in police oversight. Prior to becoming the Director, he was the Investigative and Appeals Officer for the Richmond Police Commission, reporting directly to the Mayor and City Council, and Senior Investigator for the Office of Citizen Complaints with the San Francisco Police Department. He also was a Police Officer and Sergeant with the City of Berkeley for twelve years.

Mr. Casimere holds a Master of Public Administration Degree and a Bachelor of Arts Degree in Mass Communications, both from California State University, Hayward. He also holds an Associate of Arts Degree in Police Science from Merritt College in Oakland.

Mr. Casimere is a past president of the International Association of Civilian Oversight of Law Enforcement (IACOLE) and a founding Board Member of the National Association for Civilian Oversight of Law Enforcement (NACOLE).

Mr. Casimere has addressed the United States Commission on Civil Rights in Washington D.C. He has traveled throughout the United States and abroad speaking on police accountability issues.

Staff email:

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OPSA Website:

www.cityofsacramento.org/cityman/T_monitor.html

Francine Tournour

Mrs. Tournour has a Bachelor of Science degree in Criminal Justice from Madonna University in Michigan, and she has over seven years of experience working in the law enforcement field. She was hired as a deputy sheriff with the Contra Costa County Sheriff's Department in 1997. In her six years with that department, she worked detention, patrol, youth services, and performed investigative tasks and community outreach.

Kathy McAllister, Administrative Analyst

Ms. McAllister began her career with the City of Sacramento in 1982, promoting to the City Manager's Office in 1986. Kathy has worked with the Office of Public Safety Accountability since its inception in 1999. Utilizing the City's Career Development Program, Kathy was promoted to Administrative Analyst in 2005.

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■ 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).

■ OPSA OUTREACH

OPSA recognized early on that outreach through its website, media contacts, educational efforts and community forums was essential to build trust, visibility and recognition as a means of assuring all citizens there is independent public safety oversight. Although 2006 was a time of change in leadership for OPSA, outreach efforts remain an ongoing and an integral part of OPSA operations.

OPSA wants to make sure that the community is informed about civilian oversight in Sacramento and how to effectively utilize the complaint process. Please contact OPSA if you are interested in receiving outreach

materials or would like to arrange for a presentation at a school, place of worship, or other community meeting forum.

MEDIA RELATIONS

Professional relationships have been established and maintained with the local print and electronic media. The Director is available to representatives of the media to provide public information about OPSA and provide commentary regarding important occurrences (i.e. critical incidents, officer-involved shootings, serious misconduct cases).

Website www.cityofsacramento.org/citymanT_monitor.html

The OPSA website continues to be a good source of information about OPSA. Citizens who visit the website 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.

Outreach efforts include:

- Source of information for outside jurisdictions.
- Presence on the Community Racial Profiling Commission. Responsibilities include:
 - Discussing and addressing issues surrounding racial profiling;
 - Reviewing data collection and

analyzing processes, procedures and reporting guidelines;

- Developing common language and terms pertinent to the issue;
 - Educating the community regarding department programs and efforts and;
 - Identifying community concerns and other police-community relations issues.
- Area high schools.
 - Involvement in community forums.
 - Resource for the Mayor, City Council Members and the City Manager.
 - National Association for Civilian Oversight of Law Enforcement (NACOLE).
 - International Association for Civilian Oversight of Law Enforcement (IACOPE).

■ OPSA RECOMMENDATIONS

The Director of OPSA may make recommendations to the City Manager, SPD and SFD. In 2006, two recommendations were presented to the City Manager regarding SPD.

1. During 2006, the OPSA Director recommended to the City Manager that OPSA and SPD review and increase OPSA's critical incident notification procedure to include:
 - Standoff or hostage situation;
 - Armed barricaded suspect; and
 - Armed suicidal subject.

A notification procedure was agreed to and the OPSA Director receives notification of such incidents.

2. Following a critical incident on October 2, 2006, OPSA identified and recommended tactical issues that needed to be addressed. Please refer to page 11 of this report. Critical Incident Six: District 4

RELATIONSHIP WITH SPD

In order for OPSA to be effective, it is essential that OPSA enjoy a professional and mutually respected relationship with members of SPD. In 2006, OPSA was involved in SPD in-reach activities as follows:

- **SPD POLICE ACADEMY**

OPSA continues to give presentations at SPD police academies for both new recruits and lateral transfer officers. The purpose of these presentations is to discuss the workings of OPSA specifically and police/community relationships in general.

- **SPD EXECUTIVE LEADERSHIP**

Periodic meetings with the Police Chief and Deputy Chiefs.

- **INDIVIDUAL SPD OFFICERS**

OPSA is available to meet with individual officers when requested.

- **SACRAMENTO POLICE OFFICERS ASSOCIATION (SPOA)**

Periodic meetings with the President of SPOA. The SPOA continues to demonstrate its support of OPSA.

SPD INTERNAL AFFAIRS DIVISION (IAD)

The Captain for IAD is the designated representative of the Police Chief in addressing concerns regarding community complaints and during “critical incident” call-outs. As such, the IAD Captain receives and responds to all requests made by the OPSA Director or his representative for complaint files, police reports and other relevant documentation. All OPSA requests for information pertaining to community complaints have been honored.

SPD PROFESSIONAL STANDARDS UNIT

SPD’s Professional Standards Unit conducts on-going audits of departmental policies and procedures and monitors police services. Staff members also respond to critical incident scenes and monitor interviews with involved individuals after such incidents. The OPSA receives, and may comment on, drafts of proposed new and revised policy directives.

SPD CRITICAL INCIDENTS

The OPSA’s Purpose, Authorities and Procedures Statement indicates that the Director or his 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 his 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 his 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 Professional Standard Unit representatives monitor 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, OPSA received notification of eight critical incidents. OPSA Director or representative responded to the incident scene on six occasions.

INCIDENT ONE: DISTRICT 6

On Sunday, March 5, 2006, at approximately 9 p.m., police received a call for assistance at a residential treatment facility. One of the residents (hereafter referred to as suspect) was smoking crack and walking around the facility armed with a knife. When the police arrived, the suspect barricaded himself in his second floor bedroom. From the hallway, the officers tried to persuade the suspect to come out unarmed.

When the suspect exited the room, he came down the hallway toward the officers with the knife raised and in a combat position. One officer fired his Taser gun at the suspect, having no immediate effect. Almost simultaneously, another officer fired his service weapon four times (all shots struck the suspect). There were no apparent effects of either action by the officers. The suspect continued down the stairs where he was additionally pepper sprayed to try to gain compliance. The suspect eventually collapsed. He was taken to UC Davis Medical Center where he was pronounced dead. No officers were injured in this incident.

Suspect Information: Black Male Adult, 47 years old.

FINDINGS:

District Attorney's report found the officers' actions were lawful and justified.

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

OPSA agreed with both findings.

INCIDENT TWO: DISTRICT 1

On Monday, May 22, 2006, at approximately 1:00 p.m., patrol officers were investigating an armed robbery that had recently occurred in the area of the Natomas Marketplace. An officer saw a car matching the description of the suspect's car, with four occupants. When the officer approached the car, the driver (hereafter referred to as suspect) placed the car in reverse, striking the officer and his patrol car and throwing the officer on the hood of the suspect's car.

The suspect drove his car at a high rate of speed with the officer on the hood. The officer ordered the suspect to stop the car. When the suspect did not stop the car, the officer fired eight rounds through the windshield at the suspect. The officer was thrown from the hood of the car and the car later crashed into a tree. Two of the occupants of the car were arrested for robbery, the other one was released. The suspect died at the scene from his gun shot wounds. The officer was taken to the hospital with moderate injuries to his leg.

Suspect Information:

Hispanic Male Adult, 19 years old.

FINDINGS:

District Attorney's report found the officer's action was lawful and justified.

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

OPSA agreed with both findings.

INCIDENT THREE: DISTRICT 6

On Sunday, May 28, 2006, at approximately 12:07 a.m., police received a call for assistance from security officers at a large housing complex. A resident (hereafter referred to as suspect), was walking around the complex with a handgun.

SPD responded to the scene and confronted the armed suspect. The suspect pointed the barrel of the gun at his head and paced back and forth in front of the apartment building. Upon seeing the officers, the suspect walked into an apartment occupied by several uninvolved residents and fired his gun. The residents fled the apartment unharmed. The suspect re-emerged from the apartment still holding the gun and pointing the barrel at his head. The suspect walked out into the middle of the parking lot and once again began to pace back and forth.

SPD's Special Weapons and Tactics Team (SWAT) responded to the scene. For approximately thirty minutes, the suspect paced back and forth, pointing the barrel of the gun at his head. Officers made numerous commands for the suspect to drop the gun and to surrender. The suspect did not respond to these commands.

After numerous commands to comply, the suspect pointed his gun in the direction of the officers. Officers fired their service weapons at the suspect striking him. The SFD responded, but the suspect was pronounced dead at the scene. No officers were injured in this incident.

Suspect Information: Asian/Pacific Islander Male Adult, 20 years old.

FINDINGS:

District Attorney's report found that the officers' actions were lawful and justified.

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

OPSA agreed with both findings.

INCIDENT FOUR: DISTRICT 4

On Wednesday, June 21, 2006, at approximately 3:04 a.m., police received a call from a man who said he received a text message from his friend (hereafter referred to as suspect). The suspect told the friend he wanted to commit "suicide by cop" and told him where the police could find him.

SPD responded to the area and eventually saw the suspect driving his vehicle. The police (two-officer car) followed the suspect for a short period. The suspect performed a u-turn and drove toward the officers. Both cars stopped, approximately eight to ten feet apart. The officers got out of their car with their guns drawn. The suspect began revving his engine and flashing his high beams. The suspect quickly accelerated and rammed the police car head on.

About the time of impact, the passenger officer (Officer A) fired one round from his shotgun. The driver officer (Officer B) saw his partner on the ground and was not sure whether or not his partner was injured or had fallen. Fearing the suspect intended to cause further injury to the officers with his car, Officer B fired thirteen rounds at the suspect and vehicle as he sought cover. Officer A also fired five rounds at the suspect as he sought cover.

The suspect got out of the car and yelled at the officers to, "Finish me off." Officer B deployed his Taser gun and took the suspect into custody. The suspect was not hit by any of the rounds fired by the officers. He did receive minor injuries from the collision. Officer A received minor injuries from his fall during the altercation. Officer B was not injured.

Suspect Information: White Male Adult, 27 years old

FINDINGS:

District Attorney's report found that the officers' actions were lawful and justified.

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

OPSA agreed with both findings.

INCIDENT FIVE: DISTRICT 2

On Monday, July 17, 2006, at 3:57 a.m., the SPD responded to a call regarding gunshots heard. Upon arrival, officers learned from neighbors that a distraught individual (hereafter referred to as suspect) had fired a firearm outside of his residence. During the initial investigation, officers heard several more gunshots being fired from within the suspect's house. Officers surrounded the residence and made numerous attempts to establish contact with the suspect, however, he never responded.

The SPD's Hostage Negotiations Team and Special Weapons and Tactics Team (SWAT) responded to the scene. Negotiators made contact with the suspect on two separate occasions by phone. Requests by SPD to surrender were ignored by the suspect. The suspect discontinued contact for over three hours.

The standoff continued until about 7:47 a.m. At that time, the suspect stepped out onto his back porch, fired his rifle, and returned inside. Moments later according to officers, the suspect stepped out onto his front porch, leveled his rifle in the direction of the officers. Officers fired. After the gunfire, the suspect returned inside his residence and closed the door.

After the suspect failed to respond to numerous requests to come out, officers forced entry into the residence. The suspect was found deceased, lying on the floor of his residence, with several gunshot wounds to the upper body. No officers were injured in this incident.

Suspect Information: Black Male Adult, 59 years old.

FINDINGS AND OPSA RECOMMENDATION:

District Attorney's report has not been completed at the time of this report.

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

OPSA agreed with SPD's findings.

INCIDENT SIX: DISTRICT 4

On the Monday, October 2, 2006, at approximately 11:27 p.m., the Sacramento Sheriff's Department (SSD) received a call from a Suicide Prevention counselor. The counselor had a suicidal man (hereafter referred to as subject) on the phone who stated he wanted to kill himself. The counselor could hear what sounded like a gun racking in the background. SSD contacted SPD's Communication Division (CD) and forwarded the information they had been given.

Three or four officers arrived on scene. They located the subject inside a camper in the rear of the main house. The officers heard a noise that they were sure was the racking of a shotgun. One officer went on a neighbor's roof with his M-16 rifle while the other officers set a perimeter around the camper. SPD attempted to make contact with the subject via cell phone, with negative results.

After the officer was on the roof, the subject turned the light in the camper off then on, opened the door of the camper, looked up at the officer and yelled, "I see you, I see you up there." The subject reached back into the camper for his shotgun and was shot by the officer on the roof. An arrest team was assembled and the subject was subdued without further incident.

The subject was transported to UC Davis Medical Center for treatment for a single gunshot wound to his leg. Surgery was performed to amputate the lower portion of the subject's right leg. No officers were injured in this incident.

Upon recovery, the subject was taken to Sacramento County Mental Health Treatment Center and placed on a 72-hour mental health hold.

Suspect Information: White Male Adult, 22 years old.

FINDINGS AND OPSA RECOMMENDATION:

District Attorney's report has not been completed at the time of this report.

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

OPSA agreed with SPD findings, however, made recommendations regarding the officer's tactics. SPD addressed those issues.

ADDITIONAL INCIDENTS

There were two additional officer involved shootings where the OPSA elected not to respond. SPD gunfire did not actually hit any person in either incident. The first occurred on October 22, 2006, where officers responded to a possible prowler call. While one of the officers was checking the backyard of the complainant, their dog approached the officer aggressively. The officer fired one shot into the ground to get the dog to stop advancing. After the shot, the dog returned to the residence. No one was injured in this incident.

The next incident occurred on November 4, 2006. An officer responded to a convenience store to take a cold robbery report from a citizen who used the pay phone at that location. When the officer arrived, he could not find the complainant, but noticed an armed robbery in progress inside of the store. The suspects exited the store with guns in hand and immediately began to run from the officer. The officer gave chase and relayed the situation to dispatch. One or both of the suspects fired shots at the officer as they fled. The officer returned fire, shooting twice at the suspects. It is unknown if either of the suspects were hit by the return fire. The suspects were able to avoid apprehension. The officer was not injured in this incident.

FINDINGS:

SPD found these shootings to be within policy.

OPSA agrees with the findings of SPD. OPSA attended the post shooting review of these two incidents.

SPD AUDITED CASES

The OPSA Director or his representative reviews all formal and informal investigations that are performed by IAD as a result of a community member's complaint. The OPSA Director or his representative also reviews all complaints of excessive force, whether initiated by a community member or by SPD. Formal investigations require IAD investigators to interview all applicable and available witnesses, including police officers. They must also examine any and all relevant evidence and gather all pertinent information. The Chief of Police renders a disposition, or finding, for IAD investigations.

The OPSA Director or his representative receives and reviews the original investigative file from SPD, including all attachments to the investigative report. The OPSA Director may make recommendations or request further investigation after his audit.

The OPSA Director or his representative has the authority to review the handling of complaints, inquiries or investigations of any other matter as directed by the City Manager. If the Chief of Police or his representative denies any request or recommendation from the OPSA Director, the Director may direct the request or recommendation to the City Manager for further consideration.

The OPSA audits each case prior to the case being finalized by SPD.

- A description of audited cases is explained in Appendix A: Purpose, Authority and Procedure Statement.
- A description of dispositions is explained in Appendix B: Disposition Descriptions
- A description of allegations is explained in Appendix C: Allegation Descriptions

DURING 2006, OPSA REVIEWED ELEVEN FORMAL INVESTIGATIONS AND FORTY-SEVEN INFORMAL INVESTIGATIONS.

The following is a synopsis of each formal complaint investigated by IAD that has been audited by OPSA.

1. Complaint alleged that an officer used unnecessary force when taking a suspect into custody, and the subsequent failure of the officer to notify a supervisor and document the use of force in the police report.

Complaint Filed: January 2005
 Complaint Audited: February 2006
 IAD Allegation/Finding: Force (Exonerated)
 Neglect (Sustained)
 OPSA Finding: Concur

2. Complaint alleged two officers made inappropriate remarks during the course of an investigation with the complainant. The complainant further alleged that one officer used excessive force.

Complaint Filed: February 2004
 Complaint Audited: March 2006
 IAD Allegation/Finding: Officer #1 CUBO and Discourtesy (Unfounded)
 Officer #2 Force, CUBO and Discourtesy (Unfounded)
 OPSA Finding: Concur

3. Complaint alleged an officer may have intentionally hit complainant in the head with the door of his/her car and was discourteous for not apologizing and offering medical aid.

Complaint Filed: February 2006
 Complaint Audited: May 2006
 IAD Allegation/Finding: Force and Discourtesy (Unfounded)
 OPSA Finding: Concur

4. Complaint alleged that an officer used excessive force. A community member filed the force complaint. SPD identified and investigated tactical issues regarding the incident.

Complaint Filed: March 2005
 Complaint Audited: May 2006
 IAD Allegation/Finding: Improper Tactics (Sustained)
 Force (Exonerated)
 OPSA Finding: Concur

5. Complaint alleged that officers used excessive force during an arrest. This complaint involved four officers.
 - Complaints Filed: May 2005
 - Complaint Audited: May 2006
 - IAD Allegation/Finding: Force (Unfounded) – All officers
 - OPSA Finding: Concur
6. Complaint alleged that an officer harassed complainant by stopping him/her twenty times in a year, and the officer made inappropriate and discriminatory remarks during some of those stops.
 - Complaint Filed: August 2005
 - Complaint Audited: June 2006
 - IAD Allegation/Finding: CUBO, Harassment, Discrimination (Unfounded)
 - OPSA Finding: Concur
7. Complaint alleged that officers used excessive force to gain compliance from a suspect.
 - Complaint Filed: December 2005
 - Complaint Audited: July 2006
 - IAD Allegation/Finding: Force (Unfounded)
 - OPSA Finding: Concur
8. Complaint alleged excessive use of force during an arrest.
 - Complaint Filed: October 2004
 - Complaint Audited: November 2005
 - IA Allegation/Finding: Force (Unfounded)
 - OPSA Finding: Concur
9. Complaint alleged that officers used excessive force while taking a suspect into custody. This complaint involved three officers.
 - Complaint Filed: April 2005
 - Complaint Audited: September 2006
 - IAD Allegation/Finding: Force (Unfounded) – All officers
 - OPSA Finding: Concur
10. Complaint alleged that officers assaulted complainant unreasonably during an arrest. This complaint involved two officers.
 - Complaint Filed: July 2005
 - Complaint Audited: January 2007
 - Both officers
 - IAD Allegation/Finding: Force (Unfounded)
Neglect of Duty (Informal Documented Counseling for not using In-car-camera to record contact)
 - OPSA Finding: Concur

■ SACRAMENTO POLICE DEPARTMENT CONTINUED

11. Complaint alleged officers used excessive force, made a false arrest, and refused to provide a chemical test of the complainant. This complaint involved two officers.

Complaint Filed: February 2006

Complaint Audited: December 2006
Both officers

IAD Finding: Force (Exonerated)
Neglect of Duty and False Arrest (Unfounded)

OPSA Finding: Concur

YEAR END STATISTICS/COMPARISONS - SPD

SPD YEAR END STATISTICS/COMPARISONS

The following statistics are from the OPSA database and reflect information found in OPSA cases filed by community members. In some cases, more than one allegation of misconduct is made against an officer. In these cases, the more serious allegation is the main complaint.

In 2006, OPSA received thirty-nine complaints from the community and sixty-two complaints from IAD. Total complaints: 101

Figure 1 shows the types of complaints filed by community members directly with OPSA.



■ YEAR END STATISTICS/COMPARISONS - SPD CONTINUED

Figure 2 shows the breakdown of complaints filed directly with IAD and referred to OPSA. In 2006, IAD referred sixty-two complaints to OPSA.

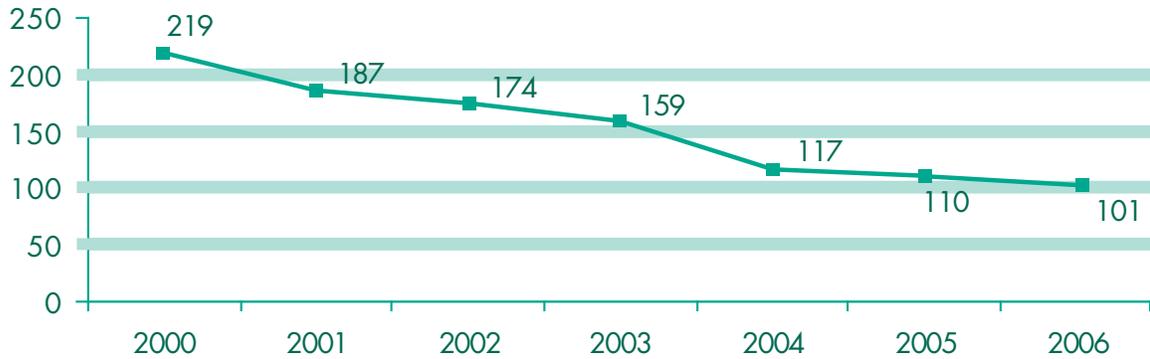
IAD refers its community complaints to OPSA and complaints initiated by SPD pertaining to allegations of force.



■ YEAR END STATISTICS/COMPARISONS - SPD CONTINUED

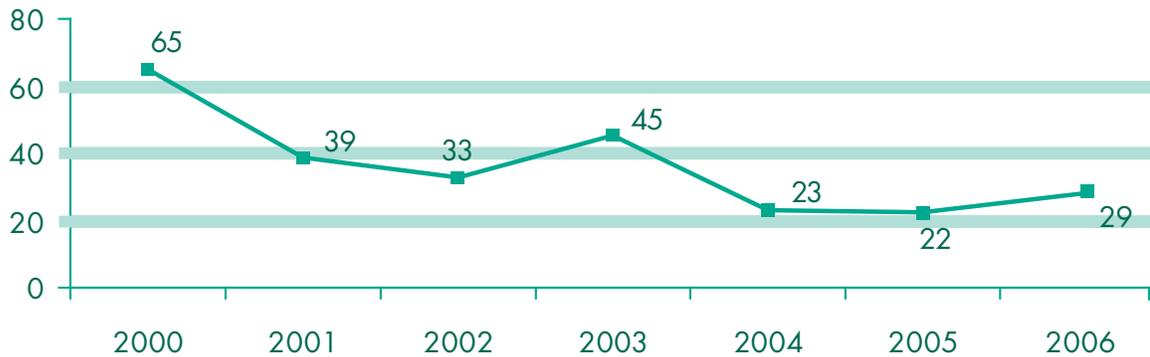
COMPLAINT TRENDS

Figure 3 provides the number of complaints filed since the inception of the OPSA. Total complaints continue to decline.



COMPLAINT TRENDS

Figure 4 provides the number of force complaints filed since 2000.



There were twenty-nine force complaints in 2006. Force complaints comprised 28% of total complaints to 2006. There were twenty-two force complaints in 2005. Force complaints comprised 20% of total complaints for 2005.

YEAR END STATISTICS/COMPARISONS - SPD CONTINUED

SPD OFFICER STATISTICS

In examining trends, OPSA tracks the race, age and experience of SPD officers receiving complaints. The statistics used are from the total number of complaints filed directly with OPSA and those filed with IAD.

Figure 5 confirms as in past years that officers with less than five years of service receive the largest number of complaints. As SPD increases its number of new officers, it is anticipated that the trend will continue.

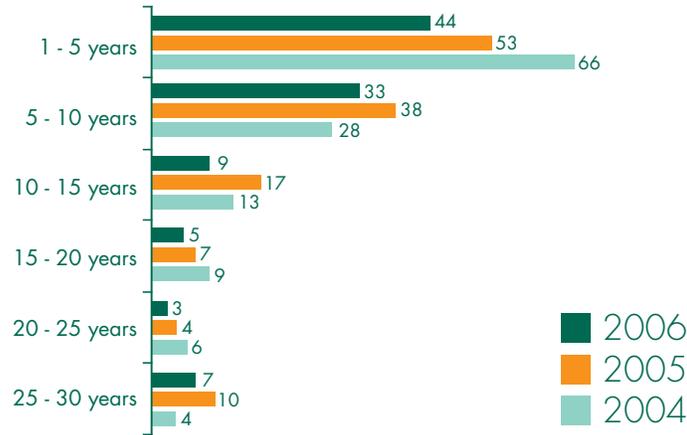


Figure 6 shows the race of officers who have had complaints filed against them. Some officers may have more than one complaint filed against them. This data specifically does not count an officer more than once.

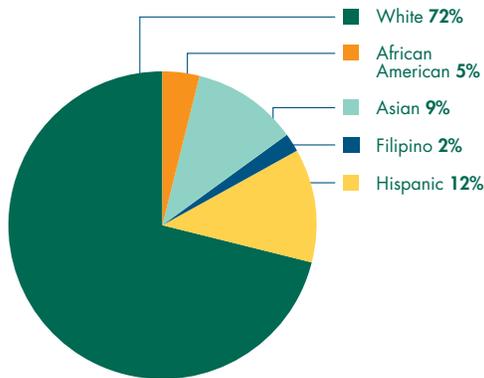
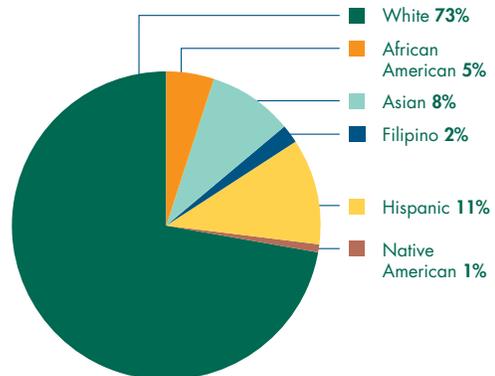


Figure 7 shows the racial breakdown of the SPD police force as of January 1, 2007.

2005 DATA



Although these two graphs do not match exactly, they are closely similar, suggesting that no one particular race has received an inordinate number of complaints.

SPD INTERNAL AFFAIRS STATISTICS

Figure 8 is taken from SPD IAD statistics and shows the breakdown of discipline imposed on sworn officers for complaints generated in 2006. This information is distinguished by community complaints and complaints initiated by the SPD. Eighteen officers were disciplined in 2006.

Discipline of Sworn Officers

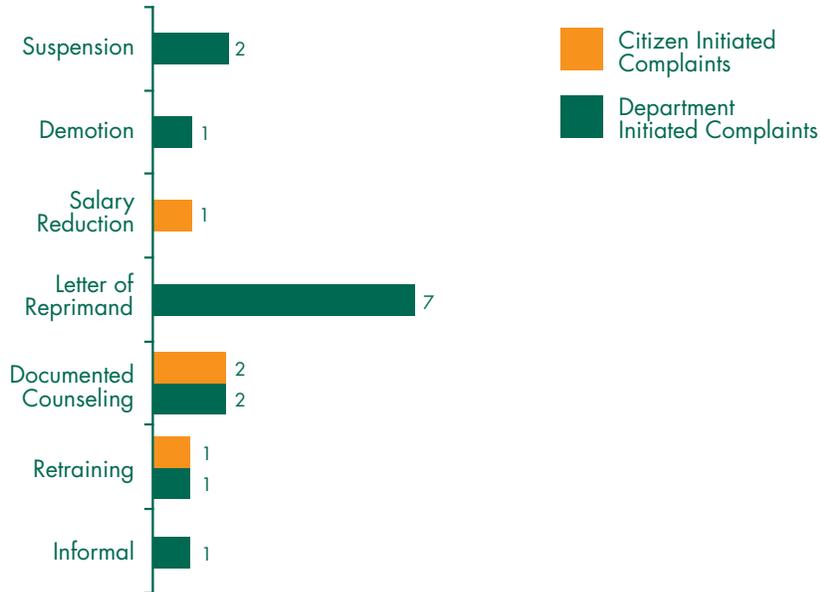


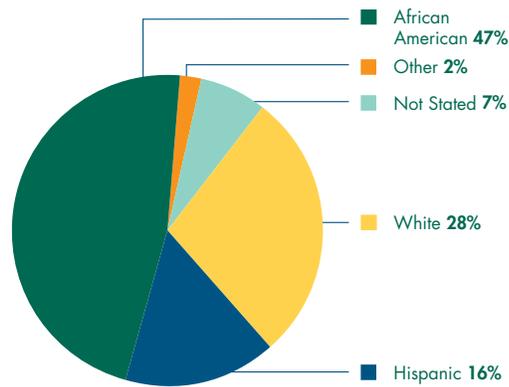
Figure 9 using SPD IAD statistics shows the disposition of cases investigated in 2006. This information is distinguished by community complaints and complaints initiated by SPD.



■ YEAR END STATISTICS/COMPARISONS - SPD CONTINUED

COMPLAINANT STATISTICS

The following chart and table show the racial breakdown of individuals who have filed complaints.

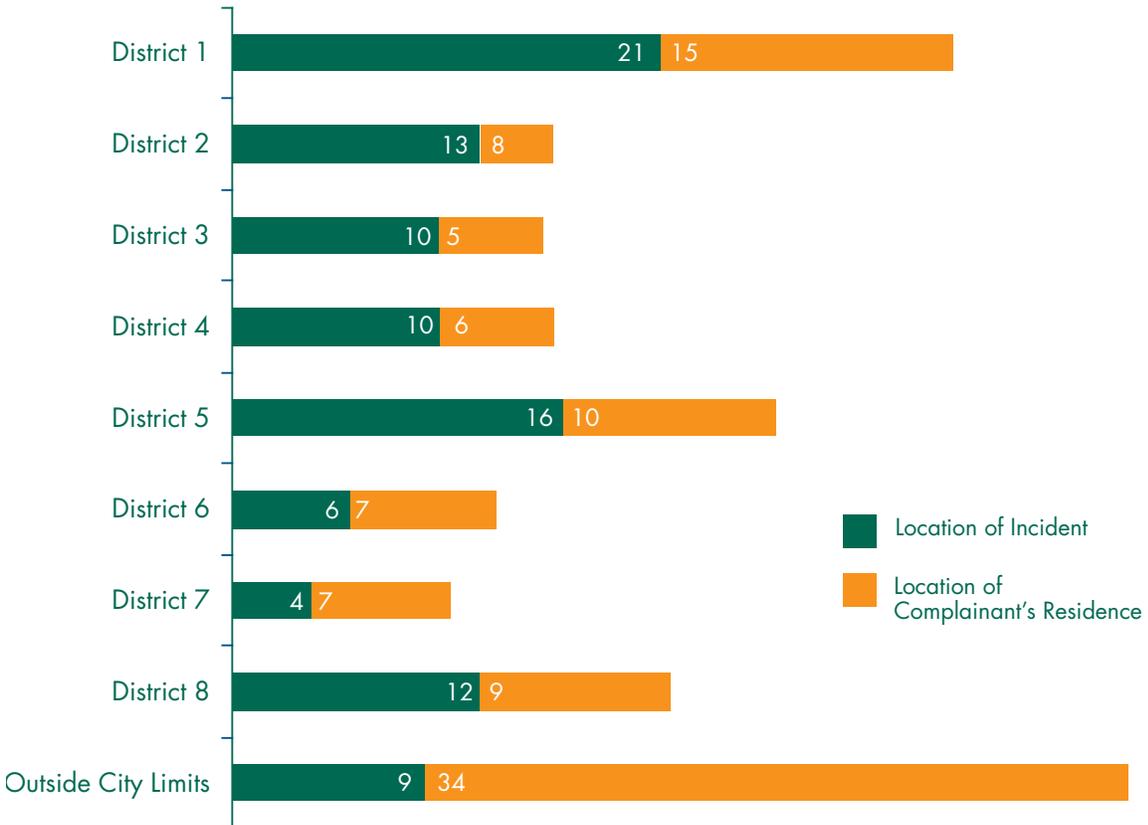


RACE	GENDER	# COMPLAINTS	%
African American	F	23	23%
African American	M	23	23%
Hispanic	F	8	8%
Hispanic	M	8	8%
White	F	15	15%
White	M	12	12%
Other	F	1	1%
Other	M	1	1%
Not Stated	F	5	5%
Not Stated	M	2	2%
Dept. Initiated		3	3%
Total		101	

■ YEAR END STATISTICS/COMPARISONS - SPD CONTINUED

CITY COUNCIL DISTRICT STATISTICS

OPSA tracks the number of complaints occurring in the various council districts and the council district a complainant resides in. This data represents complaints filed with OPSA and complaints SPD IAD referred to OPSA.



There were nine complaints filed regarding incidents that occurred outside the city limits. There are occasions where SPD may conduct police business outside the city limits, i.e., probation searches, traffic stops or other police business. There were thirty-four complaints from community members who live outside of the city limits, used a post office box, or may be homeless or incarcerated.

■ YEAR END STATISTICS/COMPARISONS - SPD CONTINUED

AGENCY COMPARISONS

The following represent how the City of Sacramento compares to other comparable police/ sheriff agencies.

	Sacramento	Oakland	Fresno	Sacramento County
Total Sworn Officers	675	560	835	1,964
Force Complaints - community initiated	26	238 Total	63	16
Force Complaints - department initiated	3		3	9
Officer involved shootings:	8	7	7	9
Fatalities:	4	2	2	6
Injury:	1	2	3	6
No hit:	3	3	2	2
Officer fatalities	0	0	0	Yes
Officer injuries	2	0	1	1

*Data was received from each agency.

■ SACRAMENTO FIRE DEPARTMENT

SFD RELATIONSHIP

Per Sacramento City Council directive, SFD was added to OPSA oversight in 2004. Since that time, OPSA and SFD have established a cooperative working relationship. Regular communication has taken place between OPSA and SFD executive leadership.

The goal of SFD is to improve the quality of service provided, to promote a high-level of public confidence, to enhance and maintain the professional integrity of SFD and its employees. In order to ensure that integrity, SFD established the Professional Standards and Accountability (PSA) Unit. PSA created a manual to provide guidelines and assist its employees with conducting complaint investigations. The PSA Director is a Battalion Chief and works directly for the Assistant Chief of Human Resources. The OPSA has made itself available to SFD and PSA throughout their growth process.

OPSA has been involved in SFD in-reach activities as follows:

- **SFD ACADEMIES**
 - Individual SFD Employees
Upon request, the OPSA Director will meet with individual employees.
- **SFD LOCAL 522**
Periodic meetings continue to take place with the President of Local 522. Local 522 continues to demonstrate its support of the OPSA.
- **SFD EXECUTIVE LEADERSHIP**
Periodic meetings continue to be held with the Fire Chief and executive leadership. In addition, OPSA periodically meets with and converses with the Assistant Chiefs and Battalion Chiefs to discuss their roles in supervising and leading line personnel.
- **TRAINING OPPORTUNITIES**
OPSA occasionally meets with SFD supervisory/command personnel to discuss strategies to improve accountability and to enhance relationships between the community and SFD (i.e., ethics training).

SFD PSA

OPSA meets quarterly with PSA staff to discuss SFD accountability issues.

THE BATTALION CHIEF FOR PSA

The Battalion Chief for PSA is the designated representative of the Fire Chief in addressing concerns regarding community complaints and during “high profile incident notifications.” All requests for information pertaining to complaints have been honored.

SFD HIGH PROFILE INCIDENT NOTIFICATION

The “High Profile Incident Notification” protocol for SFD was established in December 2004. The OPSA Director or his representative shall have the authority to monitor interviews of subject employees, employee witnesses and citizens immediately after such incidents. During the period covered by this report, OPSA was not notified of any High Profile Incidents.

- Examples of High Profile Incidents are explained in Appendix B: Purpose, Authority and Procedure Statement.

SFD AUDITED CASES

As with SPD, the OPSA Director or his representative shall have the authority to receive and review all documents of a PSA investigation regarding personnel. The Director or his representative also has the authority to review the handling of complaints, inquiries or investigations of any other matter as directed by the City Manager. During 2006, OPSA conducted five audits.

1. The SFD received information about a website containing inappropriate material where a female “escort”, soliciting for services, was posing wearing SFD turnout gear.
Complaint Filed: September 2005
Complaint Audited: July 2006
PSA Allegation/Finding: Conduct Unbecoming (Sustained)
OPSA Finding: Concur
2. Complaint alleged an employee accessed a citizen’s personal identifying information that was in the possession of SFD. The employee subsequently made contact with the individual.
Complaint Filed: April 2006
Complaint Audited: April 2007
PSA Allegation/Finding: Conduct Unbecoming (Sustained)
OPSA Finding: Concur
3. Complaint alleged after EMS personnel responded to an incident scene of an accident, a number of personal items and cash were missing.
Complaint Filed: March 2006
Complaint Audited: April 2007
PSA Allegation/Finding: Missing Property (Unfounded)
OPSA Finding: Concur

■ SACRAMENTO FIRE DEPARTMENT CONTINUED

4. Complaint alleged EMS medic crew made discourteous remarks to a patient. This complaint involved three employees.

Complaint Filed: June 2006

Complaint Audited: April 2007

All employees

PSA Allegation/Finding: Discourtesy (Sustained)
Service (Within Policy)

OPSA Finding: Concur

5. Complaint alleged EMS medic crew did not provide proper care resulting in injury to complainant.

Complaint Filed: December 2005

Complaint Audited: April 2007

PSA Allegation/Finding: Within Policy

OPSA Finding: Concur

- A description of audited cases is explained in Appendix A: Purpose, Authority and Procedure Statement.
- A description of dispositions is explained in Appendix E: Disposition Descriptions.
- A description of allegations is explained in Appendix C: Complaints Defined.

■ YEAR END STATISTICS/COMPARISON - SFD

This data is for SFD. The information in this section is informative and not interpretive. This is the first full year of complaint data that has been received from SFD. Due to the fact that their office is new, the OPSA is growing accustomed to the manner in which complaints are categorized, investigated and the final disposition of those cases. The working relationship and level of understanding continues to grow between our offices to improve data collection efforts. In 2006, OPSA accepted two complaints from community members. OPSA referred those complaints to SFD to investigate.

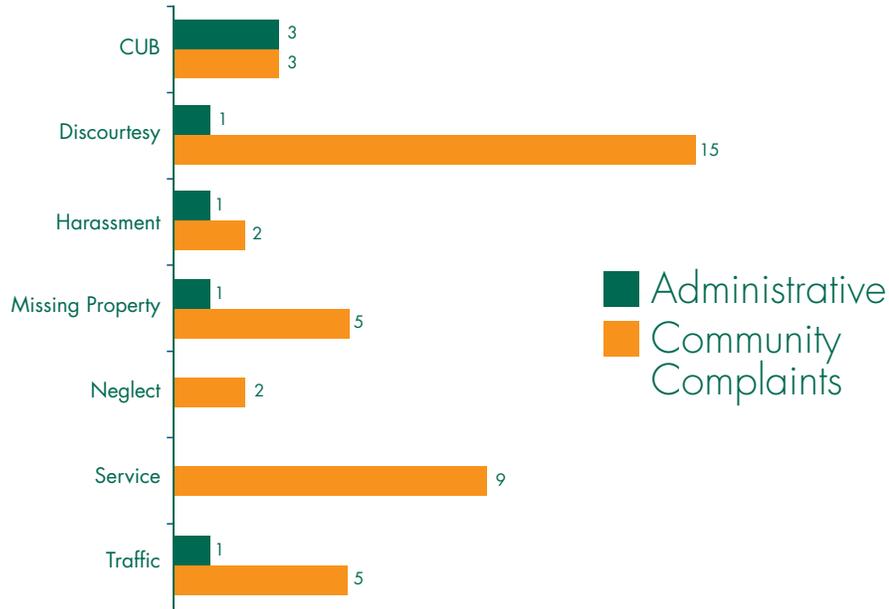
SFD complaints, community initiated or departmental are referred to OPSA for review. OPSA may ask to monitor and/or audit any complaint.

Figure 1 shows complaints filed directly with the OPSA.



YEAR END STATISTICS/COMPARISON - SFD CONTINUED

Figure 2 shows the breakdown of the complaints filed with PSA and referred to OPSA. In 2006, SFD referred forty-one complaints from community members and five SFD administrative/internal complaints.



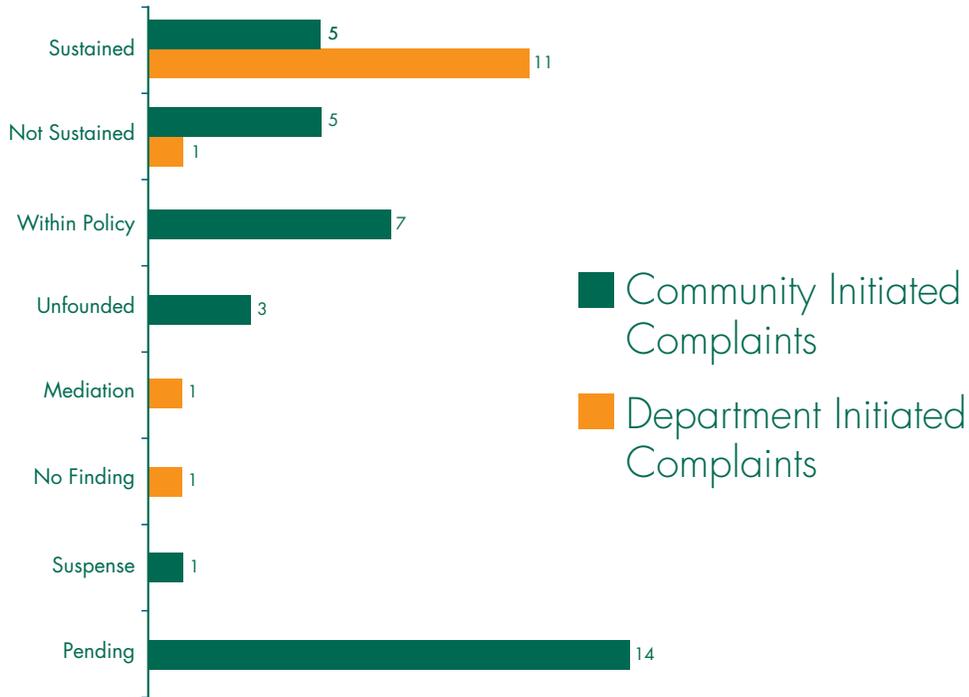
SFD INTERNAL AFFAIRS STATISTICS

Figure 3 using SFD statistics present a breakdown of discipline imposed on personnel in 2006. This is distinguished between community complaints and SFD administrative/internal complaints. Discipline of Personnel



YEAR END STATISTICS/COMPARISON - SFD CONTINUED

Figure 4 using SFD statistics this graph shows the disposition of cases that were investigated in 2006. This also is distinguished between community complaints and SFD administrative/internal complaints.

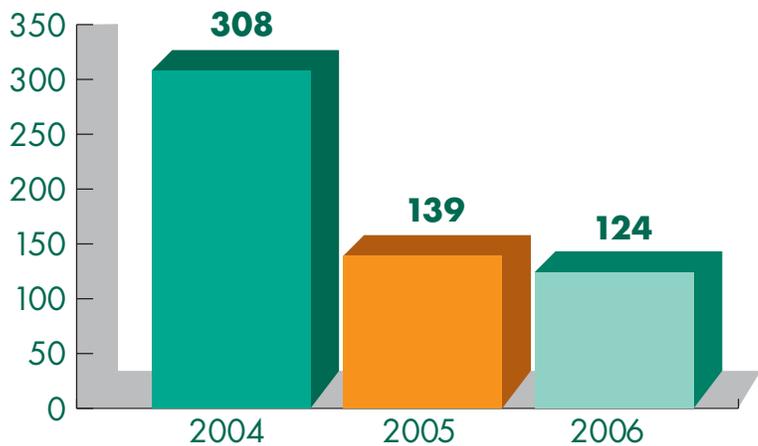


OPSA CONTACTS

OPSA tracks the number of contacts staff has with community members who call to get advice, file a complaint, or ask about the complaint process.

OPSA receives many calls and letters that do not always lead to complaints being filed. Some phone calls received are from individuals that have a complaint against a public safety agency other than the City of Sacramento.

This number gives an indication of the amount of interest the public has in OPSA. There was a decrease in the daily activity of OPSA in 2006 due to OPSA staffing issues.



■ APPENDIX A: PURPOSE, AUTHORITY AND PROCEDURES

STATEMENT

I. PURPOSE

The purpose of this statement is to set forth the authority of the Director of the Office of Public Safety Accountability and to establish the procedures to be utilized in performing the duties of the position. The position has been established for the purpose of monitoring the investigations of citizen complaints concerning misconduct by employees of the Sacramento Police Department and the Sacramento Fire Department. The Director has broad oversight powers that include the evaluation of the overall quality of performance by public safety employees and the authority to encourage systemic change. In addition, the Director will specifically track and monitor high profile or serious complaint cases to conclusion, review completed investigations, and advise the City Manager of any deficient investigations.

II. AUTHORITY AND RESPONSIBILITIES OF THE DIRECTOR

Under the direction, control and supervision of the City Manager, the Director shall have the following authority and responsibility as related to the Sacramento Police Department and Fire Department:

- A. Monitor all investigations conducted by the Sacramento Police Department concerning allegations of unnecessary or excessive force.
- B. Monitor all investigations of citizen complaints alleging other categories of misconduct, as the Director deems necessary.
- C. Request further investigation in those cases, which require additional investigation as determined by the Director.
- D. Receive all documents, reports or any other item necessary to monitor an investigation of citizen complaints and force investigations.
- E. Produce an annual report to the City Manager in which the Director will compile statistical information, including number of complaints filed, the number sustained and action taken. The Director will provide in the annual report an analysis of trends and patterns. The Director will make recommendations for improvements in the complaint process, training needs of public safety personnel or other measures the Director believes will improve the overall citizen complaint process, including recommendations for systemic changes.
- F. Accept and document complaints directly from citizens as an alternative procedure for receiving citizen complaints concerning public safety personnel. A separate complaint form from that utilized by the Sacramento Police Department or Fire Department shall be created and utilized by the Director. All such complaints shall be forwarded to the respective public safety department for investigation as soon as possible.
- G. Interview and/or reinterview complainants and citizen witnesses as needed.
- H. Provide complainants with timely updates on the status of investigations, excluding the disclosure of any information, that is confidential or legally protected.
- I. Serve as a liaison to complainants who would otherwise be unfamiliar with or intimidated by the complaint/investigative process.
- J. Monitor and/or independently investigate any other matters as directed by the City Manager.
- K. Serve in a public information capacity, which will include providing public information on pending investigations, as directed by the City Manager and making presentations in various community forums, excluding the disclosure of any information that is confidential or legally protected.
- L. If the Chief of Police or Fire Chief or their designated representative denies any request from the Director, the Director may direct his request to the City Manager for further consideration.

■ APPENDIX A: PURPOSE, AUTHORITY AND PROCEDURES CONTINUED

III. PROCEDURES - RECEIVING AND MONITORING COMPLAINTS, INTERVIEWS

- A. The Director or his representative shall be available to accept complaints by members of the community against Sacramento public safety personnel. The Director, or his representative, shall receive complaints from citizens in person, in writing, or over the telephone, and shall follow similar procedures for accepting complaints as followed by the Sacramento Police Department and Fire Department including:
1. All complaints must be received by the Director within one (1) year of the incident giving rise to the complaint. No complaint shall be accepted by the Director if it is not filed within one (1) year after the date of the incident giving rise to the complaint.
 2. The complaint form for Police employees shall substantially comply with the requirements of California Penal Code section 148.6, subdivision (a)(2).
 3. The Director or representative shall, as soon as possible, notify the Sacramento Police Department or Fire Department upon receipt of a complaint against an employee of the Sacramento Police Department or Fire Department. The Police Chief or Fire Chief or their designated representative shall process the complaint pursuant to the procedures set forth in the Citizen Complaint Manual.
- B. The Director shall monitor all Sacramento Police Department investigations concerning complaints alleging excessive or unnecessary force by police employees while the investigation is in progress. The Director shall have authority to monitor investigations of all other citizen complaints while the investigation is in progress as the Director deems necessary. The procedures for facilitating the monitoring of investigations are as follows:
1. The Police Chief or Fire Chief or their designated representative shall notify the Director in writing of all complaints from whatever source received by personnel of the Sacramento Police Department or Fire Department. This notice shall include the identity of the individuals designated to represent the Police Chief or Fire Chief throughout the complaint process, (hereafter “designated representative”). The Director shall give prior written notice to the Police Chief or Fire Chief, through the designated representative, of his intent to monitor an investigation. Upon such notice, the Director shall have authority to monitor all aspects of the investigation.
 2. The Police Chief or Fire Chief or their designated representative shall, as soon as possible, provide all documents, reports, or other items requested by the Director, relating to the matter under investigation.
 3. The Director may be present when interviews of employees, citizen complainants and/or witnesses are conducted by the Sacramento Police or Fire Department. The Director may submit questions during the interview. Questions submitted by the Director shall be asked by the interviewer in accordance with state and federal law. Subsequent to an initial interview, if the Director believes that additional questions need to be asked in order to gather relevant information that was not elicited during the initial interview, the Director may request, through the Police Chief or Fire Chief or their designated representative, that employees, citizen complainants and/or witnesses be re-interviewed. The Director may be present during any subsequent interviews.
 4. The Director shall be placed on the Critical Incident call-up list for the Police Department and the High Profile Incident Notification call-up list for the Fire Department, and will be notified when

APPENDIX A: PURPOSE, AUTHORITY AND PROCEDURES CONTINUED

critical incidents occur. The Director will have the option of responding to any and all such incidents. The Director shall have the authority to monitor interviews of subject employees, employee witnesses and citizens immediately after such incidents.

In the case of the Sacramento Fire Department, the following are examples of High Profile Incidents:

- 4.1 Serious misconduct
 - 4.2 Vehicle accidents with death/serious injury involving Fire Apparatus
 - 4.3 Fire related death/serious injury of Fire Department Personnel
 - 4.4 Industrial accident/injury involving personnel where California Occupational Safety & Health Administration (CAL OSHA) response is mandated
 - 4.5 Harassment issues involving Fire Department personnel
 - 4.6 Workplace violence claims against Fire personnel
 - 4.7 EMS patient care complaints that rise to a level of disciplinary action (behavior related issues as opposed to medical care issues)
 5. If the Police Chief or Fire Chief or their designated representative denies any request from the Director, the Director may submit his request to the City Manager for further consideration.
- C. The Director may interview or re-interview complainants and citizen witnesses as the Director deems necessary.
- D. In all other matters where the City Manager directs monitoring by the Director, the procedures set forth in Section III shall apply.

IV. AUDITS

The Director shall review all completed investigations of excessive or unnecessary force by Police officers. The Director shall have the authority to review all in-progress and completed investigations into citizen complaints regarding the Sacramento Fire Department. The Director, as the designated representative of the City Manager, shall have the authority to review the handling of complaints, inquiries or investigations of any other matter as directed by the City Manager. The procedures in matters under review by the Director are as follows:

- A. The Police Chief or his/her designated representative shall forward to the Director a copy of all records concerning investigations of excessive or unnecessary force against Sacramento Police officers no later than 10 working days after the investigation is completed. These records shall include the disposition of the complaints.
- B. The Police Chief or his/her designated representative shall make available upon request by the Director all records that reflect a complaint or inquiry, including, but not limited to, incident reports, supplemental attachments to a call history, incident logs, case summary reports or complaints classified as frivolous, unfounded or exonerated within the meaning of Penal Code section 832.5.
- C. The Director shall review the file and, thereafter may request that the Police Chief or Fire Chief or their designated representative conduct further investigations. The Director shall identify and substantiate the reasons for requesting additional investigation to the Police Chief, Fire Chief or through the designated representative.
 1. If the Director believes that relevant questions were not asked during an interview, and/or that relevant information was not gathered, the Director may request that the Police Chief, Fire Chief or their designated representative re-conduct such interview(s) with public safety employees, citizen complainants and/or witnesses who were previously interviewed.

■ APPENDIX A: PURPOSE, AUTHORITY AND PROCEDURES CONTINUED

2. If the Director believes that interviews of public safety employees, citizen complainants and/or witnesses should have been conducted but were not, the Director may request that the Police Chief or Fire Chief or their designated representative conduct such interviews.
 3. When interviews are conducted, the Director is authorized to be present. The Director may submit questions during the interview and the interviewer shall ask questions submitted by the Director in accordance with state and federal law.
- D. If the Police Chief, Fire Chief or their designated representative denies any request from the Director, the Director may submit his request to the City Manager for further consideration.

V. ANNUAL REPORT

- A. The Director shall prepare an annual report. The Director's annual report shall include, but is not limited to, the following:
1. A statistical analysis documenting the number of complaints by category, the number of complaints sustained and the actions taken.
 2. An analysis of trends and patterns.
 3. Specific recommendations for change.
- B. The Director's report shall not contain any information concerning the discipline of any particular employee, nor make reference to or identify any particular employee, nor shall the report comment upon or make any recommendation concerning potential civil or criminal liability of specific employees, or citizens. Whenever the disclosure of information may possibly reveal the identity of a particular employee, the information shall be sanitized so that accurate statistical data may be conveyed

while simultaneously protecting the employee's identity. However, if the circumstances are such that the disclosure of any information will necessarily reveal the identity of a particular employee, the information shall be excluded from the annual report.

- C. The report shall be forwarded to the City Manager for dissemination to the Mayor, City Council, City Attorney, Police Chief, Fire Chief, Labor Relations Director and the City Clerk for filing as a public record.

VI. CONFIDENTIALITY OF RECORDS

Any personnel records, citizen complaints against city personnel employed by the Police Department or Fire Department and information obtained from these records, including records in Internal Affairs files, which are in possession of the Director or staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. All original files provided by the Police Chief, Fire Chief or their designated representative to the Director shall be returned to the respective department within ninety (90) days after case closure and submission for final review. The Director, and his representative, is responsible for the confidentiality, security and safekeeping of all Sacramento Police Department and Fire Department files in the Director's possession.

Investigative reports prepared by the OPSA may only be submitted to the City Manager and City Attorney when litigation is pending or highly probable.

VII. COOPERATION AND COORDINATION

The Director shall report directly to the City Manager. However, the Director shall meet periodically with the Police Chief and Fire Chief and their respective Internal Affairs Commanders regarding recommendations to improve the Sacramento Police and Fire Departments investigative processes within the framework of applicable law and labor agreements.

■ APPENDIX A: PURPOSE, AUTHORITY AND PROCEDURES CONTINUED

VIII. PUBLIC RELATIONS

- A. The Director and/or his representative shall publicly comment on pending complaints and investigations as directed by the City Manager. Public comments shall conform to State law regarding the confidentiality of public safety personnel records and shall exclude the disclosure of any information regarding protected aspects of investigations.
- B. An important aspect of the Director's responsibility shall be devoted to providing public information, including printed literature, radio and television and public presentations at community meetings. Communications should be sensitive to our diverse community and written material presented in a multilingual format.
- C. The Director shall not disclose information that is confidential or legally protected.

■ APPENDIX B: DISPOSITION DESCRIPTIONS - SPD

COMPLAINT DISPOSITION

CLASSIFICATIONS

Misconduct complaints shall be placed into one or more of the following classifications for final disposition:

- A. UNFOUNDED
The act (s) alleged did not occur, or the employee (s) named were not involved in the act (s), which were alleged to have occurred. This also includes frivolous complaints, which are found to be totally and completely without merit or for the sole purpose of harassing an employee.
- B. EXONERATED
The act(s) alleged occurred and were justified.
- C. NOT SUSTAINED
Insufficient evidence exists to clearly prove or disprove the allegation.
- D. SUSTAINED
Sufficient evidence supports the allegation (s) against the employee.
- E. 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.

■ APPENDIX C: ALLEGATION DESCRIPTIONS - SPD

COMPLAINT ALLEGATION

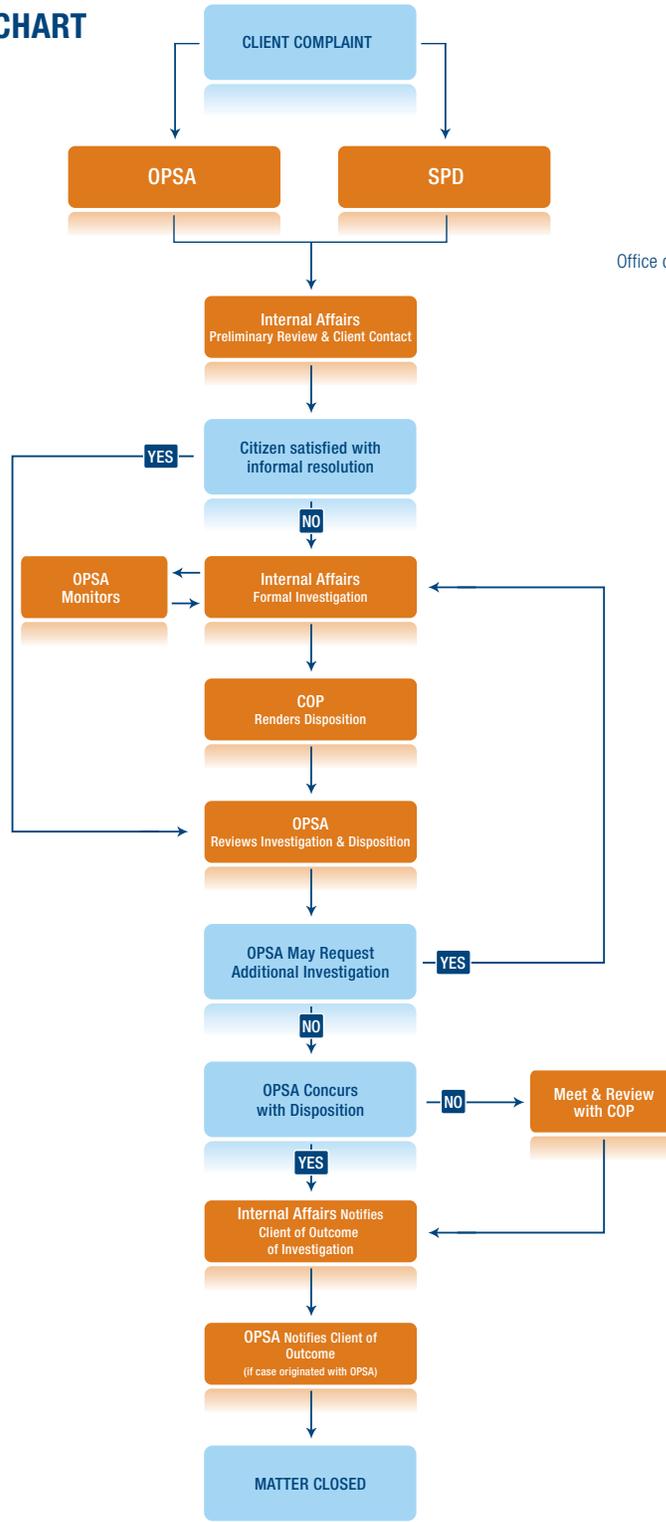
ALLEGATION

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.

- A. 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.
- B. DISCOURTESY
Rude or abusive actions directed towards another person.
- C. DISCRIMINATION
Allegations that the employee's actions or misconduct was due to race, sex, religion, physical disability, ethnicity or sexual orientation of an individual.
- D. DISHONESTY
Theft, misappropriation of funds, property of the City or others, or giving false, or misleading information.
- E. FORCE
Covers any force from shoving or pushing to outright brutality.
- F. 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.
- G. FIREARM DISCHARGE
Anytime a firearm is discharged in violation of Department policy.
- H. 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.
- I. IMPROPER SEARCH and SEIZURE
As with 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 IAD.
- J. 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.
- K. INSUBORDINATION
Failure or refusal to follow a lawful written or verbal order of a superior.
- L. INTOXICATION
On duty personnel under the influence of intoxicants.
- M. MISSING PROPERTY
Property missing which has, at one time, been in the custody or control of a member of the Department.
- N. NEGLIGENCE OF DUTY
The failure to perform a required duty.
- O. SERVICE
The failure to provide adequate, timely, and required police action.
- P. TRAFFIC
Improper or illegal driving by an employee.
- Q. WAGE GARNISHMENT
Failure to pay just debts.

APPENDIX D: COMPLAINT FLOW CHART - SPD

COMPLAINT FLOWCHART



Office of Public Safety Accountability (OPSA)
Sacramento Police Department (SPD)
Chief of Police (COP)

OPSA, 915 I Street, Fifth Floor, Sacramento, CA 95814 – 916.808.5704

■ APPENDIX E: DISPOSITION DESCRIPTIONS - SFD

COMPLAINT DISPOSITION

CLASSIFICATIONS

Misconduct complaints shall be placed into one or more of the following classifications for final disposition:

- A. **SUSTAINED**
Sufficient evidence supports the allegation against the employee.
- B. **NOT SUSTAINED**
Insufficient evidence exists to clearly prove or disprove the allegation.
- C. **UNFOUNDED**
The act(s) alleged did not occur, or the employee(s) named was not involved in the alleged incident. This also includes frivolous complaints, which are complaints found to be without merit or for the sole purpose of harassing an employee.
- D. **WITHIN POLICY**
The act(s) alleged occurred, but the employee acted reasonably and within SFD policy and procedures.
- E. **UNCOOPERATIVE**
The preliminary investigation cannot be completed due to the complainant's refusal to cooperate.
- F. **CITIZEN INQUIRY**
The preliminary investigation determines that there is no complaint, but merely an inquiry regarding policies and procedures.
- G. **MEDIATION**
The complaint was referred to mediation.

■ APPENDIX F: COMPLAINTS DEFINED – SFD

COMPLAINTS DEFINED:

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

- A. **A CRIMINAL OFFENSE**
As statutorily defined.
- B. **NEGLECT OF DUTY**
The failure to perform a required duty.
- C. **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 SFD.
- D. **DISCOURTESY**
Rude or abusive actions directed toward another person.
- E. **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.
- F. **HARASSMENT**
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.
- G. **DISHONESTY**
Theft, misappropriation of funds or property of the City or others, or giving false, or misleading information.
- H. **EXCESSIVE FORCE**
Includes attempted or actual intimidation as well as physical use of force.
- I. **IMPROPER TACTICS**
Improper or unapproved procedures and techniques used by an employee, such as giving inappropriate advice or taking in appropriate action.

■ APPENDIX F: COMPLAINTS DEFINED – SFD CONTINUED

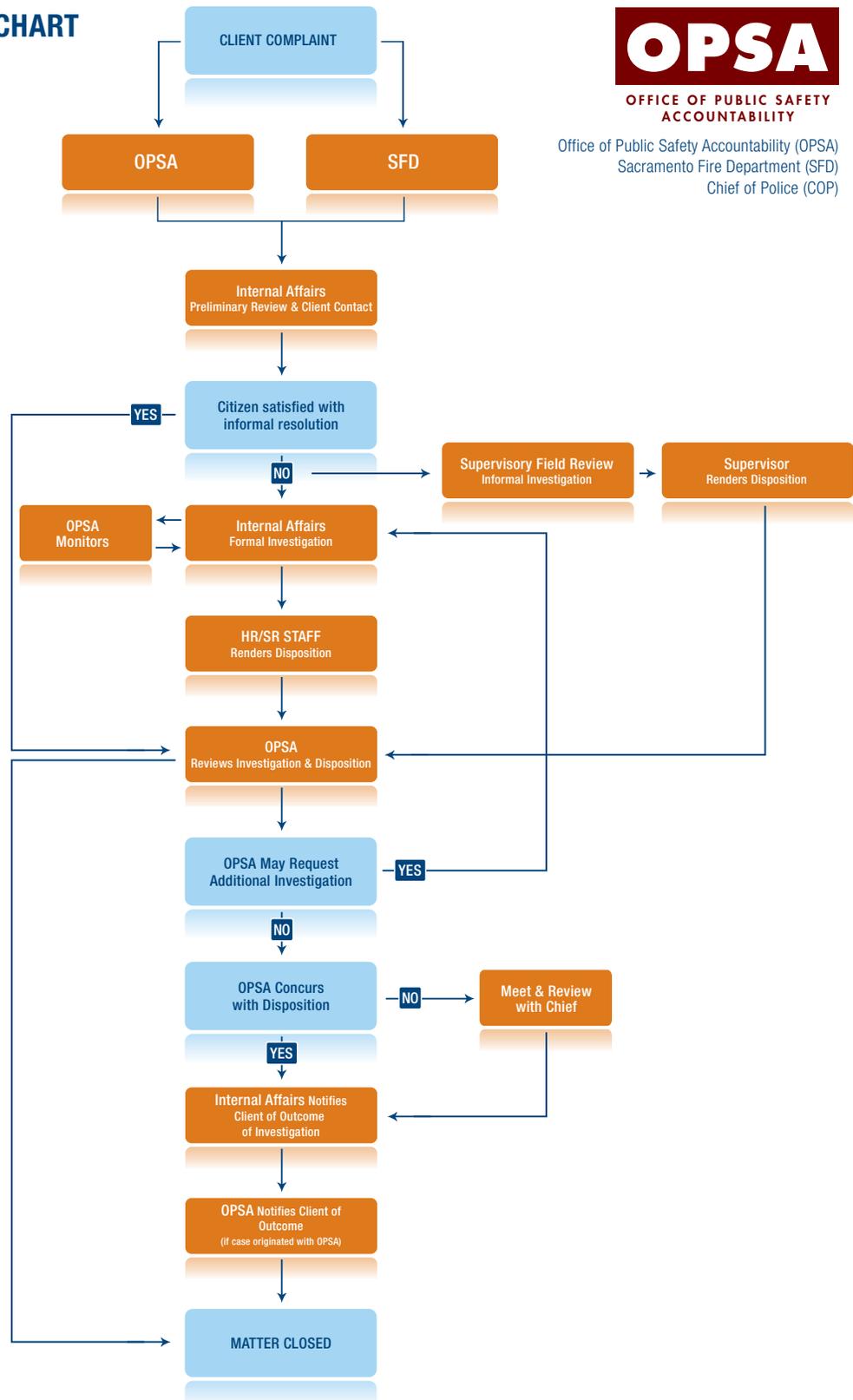
- J. INSUBORDINATION
Failure or refusal to follow a written or verbal order of a superior.
- K. INTOXICATION
The use of intoxicants by on-duty personnel.
- L. WAGE GARNISHMENT
Failure to pay just debts.
- M. SERVICE
The failure to provide adequate, timely and proper service.
- N. TRAFFIC
Improper or illegal driving by an employee
- O. MISSING PROPERTY
Missing property that, at one time, was in the custody or control of a member of the SFD.
- P. CITY EQUIPMENT
Any misuse of City equipment.

APPENDIX G: COMPLAINT FLOW CHART - SFD

COMPLAINT FLOWCHART



Office of Public Safety Accountability (OPSA)
Sacramento Fire Department (SFD)
Chief of Police (COP)



OPSA, 915 I Street, Fifth Floor, Sacramento, CA 95814 – 916.808.5704

