Title: Creation of an Inspector General Position

Location: Citywide

Recommendation: Pass a Motion authorizing the Office of Public Safety Accountability Director, the City Attorney, and the City Manager to implement City Council direction by creating an Inspector General position in the Office of Public Safety Accountability with full independence and authority to investigate officer-involved shootings and use-of-force incidents that result in serious bodily injury or death.

Contact: Kelly Fong Rivas, Chief of Staff, (916) 808-5300, Office of Mayor Darrell Steinberg

Presenter: Mayor Darrell Steinberg, (916) 808-5300, Office of Mayor Darrell Steinberg

Attachments:
1-Description/Analysis
2-Ordinance 2016-0054 (Relating to the Office of Public Safety Accountability)
Description/Analysis

Issue Detail: In 1999, the Mayor and Sacramento City Council established the Office of Police Accountability for the purpose of monitoring the investigation of community complaints. In July 2004, the City Manager, with City Council approval, increased the Office’s responsibilities to include the Sacramento Fire Department. The Office was renamed the Office of Public Safety Accountability (OPSA). In November 2016, City Council approved an ordinance which provided greater community input and participation by sun-setting the Sacramento Community Police Commission and replacing it with the Sacramento Community Police Review Commission (SCPRC), with staff support provided by OPSA. The ordinance also expanded the role and authority of OPSA by increasing the office’s budget to hire additional staff. Further, the reporting chain was changed so that OPSA is under the direction, control and supervision of the Mayor and City Council, rather than the City Manager. The provisions of the ordinance went into effect in 2017 and resulted in the OPSA’s growth from an office of one FTE to an office of four FTEs.

OPSA’s charter is to provide civilian oversight to the City’s Police Department and Fire Department complaint process and become a liaison between the City and its diverse communities. The goals of OPSA are to promote trust, transparency and accountability in the City’s most critical public service departments.

OPSA has broad oversight authority to evaluate the overall quality of employee performance and the authority to encourage systemic change. The Office specifically tracks and monitors high profile or serious complaint cases to conclusion, reviews completed investigations, and advises the Chiefs of both Public Safety Departments of any deficient investigations. This oversight helps ensure transparency, accountability, and serves to enhance the public’s trust.

OPSA however does not have an independent Inspector General position nor the ability to make public its findings on whether department policies were violated and whether officers should be disciplined or terminated. By creating this position and the ability to publicly present its findings to the City Council, public, and the Sacramento Community Police Review Commission (SCPRC) before the City Manager makes a final determination on officer discipline or termination will increase transparency and accountability. Also, empowering the SCPRC to take the Inspector General’s findings to make their own public recommendation on officer discipline or termination will add additional layers of increased transparency and accountability.

Policy Considerations: The recommendations in this report are consistent with the City’s commitment to identify opportunities for improved transparency and accountability of the police department to build public trust.
Economic Impacts: Not applicable.

Environmental Considerations: The proposed action is an organizational activity that is exempt from environmental review under the CEQA Guidelines section 15387(b)(5).

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: The recommendations of this report reflect a blending of best practices from other cities and feedback from the community to expand the oversight ability of the Office of Public Safety Accountability to increase transparency and accountability of the police department in order to build community trust. The proposed model increases transparency and accountability by making public the independent review findings of the Inspector General before the City Manager makes a final determination on officer discipline or termination.

Additional transparency and accountability can be added by empowering the Sacramento Community Police Review commission to take the Inspector General’s findings to make their own public recommendation on officer discipline or termination.

Financial Considerations: The creation of this new position shall utilize an existing vacant FTE Specialist position within OPSA. It is estimated the reclassification of this position to create the position of an Inspector General will not exceed the current funding allocated to OPSA for this vacant FTE Specialist position.

Local Business Enterprise (LBE): Not applicable.
ORDINANCE NO. 2016-0054

Adopted by the Sacramento City Council

November 29, 2016

AN ORDINANCE ADDING CHAPTER 2.22 TO THE SACRAMENTO CITY CODE, RELATING TO THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 5 of the charter of the City of Sacramento provides that “[t]he city council may establish departments, divisions, offices and positions of employment not established by this Charter or created thereunder and shall have the power to abolish, merge or consolidate same.” Section 70 of the charter further provides that the city council may appoint officers of its own body to serve at the city council’s pleasure. The city council finds that the creation of an office of public safety accountability under the direction of the city council, rather than the city manager, pursuant to the foregoing provisions serves the best interests of the city, by putting the office of public safety accountability in a direct relationship with the citizens’ elected representatives.

An office of public safety accountability director appointed by the city council promotes an effective and more accountable city government. The office can help the city council perform the oversight authority granted in Section 34 of the charter, which provides that “the city council or any duly appointed committee of the members of the council may make investigations into the affairs of the city government and the conduct of any department, office, agency, officer or employee thereof.”

SECTION 2.

Chapter 2.22 is added to the Sacramento City Code to read as follows:

Chapter 2.22

Office of Public Safety Accountability

2.22.010 Office of public safety accountability created.

There is created an office of public safety accountability, to be headed by a director appointed by the city council. The director shall be a city officer under Section 70, subdivision (d), of the charter. The office shall have such staff and budget as the city
2.22.020 Office of public safety accountability director qualifications.

The city council may establish the director’s qualifications by resolution. The director shall set the qualifications for subordinate staff.

2.22.030 Duties and functions of office.

The office shall:

A. Audit all complaint investigations of the police department and fire department, as the director deems necessary.

B. Monitor all complaint investigations conducted by the police department and fire department.

C. Request the police department and fire department perform further investigation in those complaint cases that require additional investigation as determined by the director.

D. Receive all documents, reports, or any other item necessary to monitor or audit a complaint investigation.

E. Assist the city council, or any duly appointed committee of the council, in performing its investigative functions under section 34 of the charter.

F. As needed, request the city council, or any duly appointed committee of the council, to issue subpoenas as provided in section 34 of the charter. The city council may, by resolution, establish the procedures for the request, issuance, and service of those subpoenas.

G. Perform such other inquiries and investigations as prescribed by council resolution.

H. Accept and document complaints directly from citizens as an alternative procedure for citizen complaints concerning public safety personnel, using a complaint form distinct from that used by the police department or fire department. All such complaints shall be promptly forwarded to the respective public safety department for investigation.

I. Provide complainants with timely updates on the status of investigations,
excluding disclosure of any information that is confidential or legally protected.

J. Explain how the complaint process works to all complainants.

K. Monitor or independently investigate any other matter as directed by the city council pursuant to section 34 of the charter.

L. Serve in a public information capacity, including providing public information, excluding disclosure of any information that is confidential or legally protected, on pending investigations as directed by the city council; and making presentations in community forums.

M. Respond to critical incidents involving police or fire personnel and provide a report to city council regarding the details and concerns of those incidents.

2.22.040 Office of public safety accountability reports.

The director shall prepare written reports as directed by council or a duly appointed committee of the council. The council may prescribe by resolution the manner of report preparation and presentation. At a minimum, the director shall prepare quarterly reports consistent with California Penal Code section 832.7(c), relating to the number, kind, and status of all citizen complaints filed against police department personnel for review by the Sacramento community police review commission and the city council.

2.22.050 Access to information.

City departments, offices, and employees shall provide the office of public safety accountability access to all sources of information, property, and personnel relevant to the performance of the office’s duties under this chapter, unless restricted or prohibited by law.

SECTION 3.

This ordinance takes effect on June 1, 2017.
Adopted by the City of Sacramento City Council on November 29, 2016, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: None

Attest:

Shirley Concolino, City Clerk

Passed for Publication: November 22, 2016
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